# REQUIREMENTS FOR REPORTING ABUSE AND NEGLECT

## Section 723, Public Act 258 of 1974
- As amended (Mental Health Code-Recipient Abuse)

## Public Act 238 of 1975
- (Child Protection Law)

## Public Act 519 of 1982
- (Adult Protective Services Law)

## Section 723, Public Act 258 of 1974
- As amended (Mental Health Code-Criminal Abuse)

### WHERE is the report made?
- To the MDHHS, CMHSP, or Hospital OFFICE OF RECIPENT RIGHTS
- A list of local rights offices can be found at: http://tinyurl.com/orroffices

### WHAT must be reported?
- Sexual, Physical, Emotional or Verbal Abuse, Neglect, Serious Injury, Death, Retaliation or Harassment
- Sexual, Physical or Mental Abuse, Neglect, Sexual Exploitation
- Sexual, Physical or Mental Abuse, Neglect, Maltreatment, Exploitation

### WHO is required to report?
- All employees, contract employees, or volunteers of Michigan Department of Health and Human Services, Community Health Services Programs, Licensed Private Psychiatric Hospitals or Units
- Physicians, nurses, coroners, medical examiners, dentists, licensed emergency care personnel, audiologists, psychologists, social workers, school administrators, teachers, counselors, law enforcement officers, and child care providers.
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### WHAT is the CRITERIA for reporting?
- You must report if you: Suspect a recipient has been abused or neglected or any allegations of abuse or neglect made by a recipient.
- You must report if you: Have reasonable cause to suspect a child has been abused, neglected, or sexually exploited.
- You must report if you: Have reasonable cause to suspect or believe an adult has been abused, neglected, exploited or maltreated.

### WHEN must the report be made and in what format?
- A verbal report must be made immediately. A written report on an incident report form must be made before the end of your shift.
- A verbal report must be made immediately. A written report on DHS form 3200 must be made within 72 hours.
- A verbal report must be made immediately. A written report at the discretion of the reporting person.
- A verbal report must be made immediately. A written report must be made within 72 hours of oral report (330.1723)

### TO WHOM are reports made?
- To your immediate supervisor and to the Recipient Rights Office at your agency or hospital
- Report to Protective Services Reporting Hotline 855-444-3911
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- The law enforcement agency for the county or city in which the alleged violation occurred or the State Police. A copy of the written report goes to the chief administrator of the agency responsible for the recipient.

### If there is more than one person with knowledge must all of them make a report?
- No necessarily. Reporting should comply with the policies and procedures set up by each agency.
- Someone who has knowledge must report or cause a report to be made. In the case of a school, hospital or agency, one report is adequate.
- Everyone who has knowledge of a violation or an alleged violation must make a report. MDHHS has typically accepted one report from agencies.

### Is there a penalty for failure to report?
- Disciplinary action may be taken and you may be held civilly liable.
- You may be held civilly liable. Failure to report is also a criminal misdemeanor.
- You may be held civilly liable and have to pay a $500 fine.

### Is it necessary to report to more than one agency?
- Yes
- Yes
- Yes

### Are there other agencies to which a report can be made?
- The Bureau of Community and Health Systems (LARA) is responsible for investigating abuse and neglect in Nursing Homes, Hospitals and Home Health Care. Call the NURSING HOME ABUSE HOTLINE 1-800-882-6006
- The Michigan Attorney General’s Office has an Abuse Investigation Unit which may also investigate abuse in Nursing Homes. Call the ATTORNEY GENERAL 24 hour HEALTH CARE FRAUD HOTLINE 1-800-24-ABUSE/ 1-800-242-2873
- The LARA AFC/HFA Licensing Division is responsible for investigating abuse or neglect in a licensed foster care home. Call The Bureau of Community and Health Systems (LARA) COMPLAINT INTAKE UNIT 1-866-856-0126

DCH-0727 rev. 6/2016