



**House
Legislative
Analysis
Section**

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SOCIAL WORKERS: DUTY TO WARN

House Bill 4446 as introduced
First Analysis (4-4-89)

Sponsor: Rep. David M. Gubow
Committee: Mental Health

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THE APPARENT PROBLEM:

House Bill 4237, which was reported out of the House Committee on Mental Health, would require psychiatrists, psychologists, and social workers to disclose confidential information in certain "duty to warn" instances. A companion bill, House Bill 4238, amended the Revised Judicature Act to allow psychiatrists to comply with the proposed duty to warn, and similar legislation is needed to allow social workers to comply with the provisions of House Bill 4237.

THE CONTENT OF THE BILL:

The bill would amend the Occupational Code to exempt certified social workers, social workers, and social work technicians from the social worker-client confidentiality requirements of the code when necessary in order to comply with the duty to warn that would be established by House Bill 4237, to which the bill is tie-barred. (See House Legislative Analysis Section analysis of House Bills 4237 and 4238, dated 3-20-89.)

MCL 339.1610

FISCAL IMPLICATIONS:

Fiscal information is not available. (3-22-89)

ARGUMENTS:

For:

House Bill 4237, if passed, would require social workers to disclose confidential information under certain circumstances (basically, when a client "communicated" to a social worker a serious threat of physical harm against an identifiable third party). In order to allow social workers to carry out this duty to warn, however, the Occupational Code will have to be amended to allow social workers to disclose confidential information in these cases.

POSITIONS:

The Department of Mental Health supports the bill. (3-22-89)

The National Association of Social Workers-Michigan Chapter does not yet have a position on the bill. (3-22-89)

The Michigan Protection and Advocacy Service for Developmentally Disabled Citizens, Inc. does not support the bill. (3-31-89)

H.B. 4446 (4-4-89)