

SUBSTITUTE FOR
HOUSE BILL NO. 5187

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 11a (MCL 400.11a), as amended by 1990 PA 122.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11a. (1) ~~A~~EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SUBSECTION, A person who is employed, licensed, registered, or
3 certified to provide health care, educational, social welfare,
4 mental health, ~~or~~ other human services; an employee of an agency
5 licensed to provide health care, educational, social welfare,
6 mental health, or other human services; a law enforcement officer;
7 or an employee of the office of the county medical examiner who
8 suspects or has reasonable cause to believe that an adult has been

1 abused, neglected, ~~or~~-exploited, **OR FINANCIALLY EXPLOITED** shall
2 make immediately, by telephone or otherwise, an oral report to the
3 county department ~~of social services~~ of the county in which the
4 abuse, neglect, or exploitation is suspected of having or believed
5 to have occurred. After making the oral report, the reporting
6 person may file a written report with the county department. A
7 person described in this subsection who is also required to make a
8 report ~~pursuant to~~ **UNDER** section 21771 of the public health code,
9 ~~Act No. 368 of the Public Acts of 1978, as amended, being section~~
10 ~~333.21771 of the Michigan Compiled Laws 1978 PA 368, MCL 333.21771,~~
11 and who makes that report is not required to make a duplicate
12 report to the county department ~~of social services~~ under this
13 section.

14 (2) A report made by a physician or other licensed health
15 professional ~~pursuant to~~ **UNDER** subsection (1) shall not be
16 considered a violation of any legally recognized privileged
17 communication or a violation of article 15 of the public health
18 code, ~~Act No. 368 of the Public Acts of 1978, being sections~~
19 ~~333.16101 to 333.18838 of the Michigan Compiled Laws 1978 PA 368,~~
20 **MCL 333.16101 TO 333.18838.**

21 (3) In addition to those persons required to make an oral
22 report under subsection (1), any person who suspects that an adult
23 has been abused, neglected, ~~or~~-exploited, **OR FINANCIALLY EXPLOITED**
24 may make a report to the county department ~~of social services~~ of
25 the county in which the abuse, neglect, or exploitation is
26 suspected of having occurred.

27 (4) A report made under this section shall contain the name of

1 the adult and a description of the abuse, neglect, or exploitation.
2 If possible, the report shall contain the adult's age and the names
3 and addresses of the adult's guardian or next of kin, and of the
4 persons with whom the adult resides, including their relationship
5 to the adult. The report shall contain other information available
6 to the reporting person that may establish the cause of the abuse,
7 neglect, or exploitation and the manner in which the abuse,
8 neglect, or exploitation occurred or is occurring. The county
9 department shall reduce to writing the information provided in an
10 oral report received ~~pursuant to~~ **UNDER** this section.

11 (5) The county department shall report to a police agency any
12 criminal activity that it believes to be occurring, upon receipt of
13 the oral report.

14 (6) This section shall not be construed as limiting the
15 responsibilities of the police agency of a local unit of government
16 to enforce the laws of this state or as precluding the police
17 agency from reporting and investigating, as appropriate, alleged
18 criminal conduct.

19 **(7) A FINANCIAL INSTITUTION SHALL PROVIDE TO ITS EMPLOYEES WHO**
20 **PERFORM FINANCIAL SERVICES TRAINING ON HOW TO IDENTIFY SUSPECTED**
21 **FINANCIAL EXPLOITATION. THE TRAINING SHALL INCLUDE, BUT IS NOT**
22 **LIMITED TO, WHERE AND HOW TO REPORT SUSPECTED FINANCIAL**
23 **EXPLOITATION, IDENTIFYING UNUSUAL BANKING OR FINANCIAL ACTIVITY**
24 **THAT MAY BE FINANCIAL EXPLOITATION, AND IDENTIFYING BEHAVIOR**
25 **EXHIBITED BY A VULNERABLE ADULT THAT MAY INDICATE HE OR SHE IS THE**
26 **VICTIM OF FINANCIAL EXPLOITATION.**

27 (8) IN ADDITION TO IMMUNITY PROVIDED UNDER SECTION 11C, A

1 PERSON ACTING IN GOOD FAITH WHO MAKES A REPORT OR WHO ASSISTS IN
2 THE IMPLEMENTATION OF THIS SECTION AS IT RELATES TO FINANCIAL
3 EXPLOITATION IS IMMUNE FROM CIVIL LIABILITY THAT MIGHT OTHERWISE BE
4 INCURRED BY MAKING THE REPORT OR BY ASSISTING IN THE MAKING OF THE
5 REPORT. A PERSON MAKING A REPORT OR ASSISTING IN THE IMPLEMENTATION
6 OF THIS SECTION AS IT RELATES TO FINANCIAL EXPLOITATION IS PRESUMED
7 TO HAVE ACTED IN GOOD FAITH. THE IMMUNITY FROM CIVIL LIABILITY AS
8 IT RELATES TO FINANCIAL EXPLOITATION EXTENDS ONLY TO AN ACT
9 PERFORMED UNDER THIS SECTION AND DOES NOT EXTEND TO A NEGLIGENT ACT
10 THAT CAUSES PERSONAL INJURY OR DEATH.