

# HOUSE BILL NO. 4530

June 03, 2025, Introduced by Reps. Pohutsky, Rheingans, Dievendorf, Weiss, Rigas, Hope, McFall, Price, Breen, Steckloff, Bierlein, Kunse, Byrnes, Mentzer, Mueller, Young, Arbit and Scott and referred to Committee on Families and Veterans.

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 748a (MCL 330.1748a), as added by 1998 PA 497.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 748a. (1) If there is a compelling need for mental health  
2 records or information to determine whether child abuse or child  
3 neglect ~~has occurred or to take action to protect a minor where~~  
4 ~~there~~ **who** may be ~~a~~ **at** substantial risk of harm, a ~~family~~  
5 ~~independence agency~~ **department** caseworker or administrator directly

involved in the child abuse or **child** neglect investigation shall notify a mental health professional that **the department initiated** a child abuse or **child** neglect investigation ~~has been initiated~~ involving ~~a person~~ **an individual** who ~~has received~~ services from the mental health professional and shall request, in writing, mental health records and information that are pertinent to ~~that~~ **the child abuse or child neglect** investigation. Upon ~~receipt of this~~ **receiving a** notification and request **under this subsection**, the mental health professional shall review all mental health records and information in the mental health professional's possession to determine if there are mental health records or information that ~~is~~ **are** pertinent to ~~that~~ **the child abuse or child neglect** investigation. ~~Within 14~~ **Not later than 7** days after ~~receipt of~~ **receiving** a request ~~made~~ under this subsection, the mental health professional shall release ~~those~~ **the** pertinent mental health records and information to the **department** caseworker or administrator directly involved in the child abuse or **child** neglect investigation.

(2) The following privileges do not apply to mental health records or information ~~to which access is given~~ **released** under this section:

(a) The physician-patient privilege created in section 2157 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2157.

(b) The dentist-patient privilege created in section 16648 of the public health code, 1978 PA 368, MCL 333.16648.

(c) The licensed professional counselor-client and limited licensed counselor-client privilege created in section 18117 of the public health code, 1978 PA 368, MCL 333.18117.

(d) The psychologist-patient privilege created in section

1 18237 of the public health code, 1978 PA 368, MCL 333.18237.

2 (e) Any other health professional-patient privilege created **in**  
3 or recognized by law.

4 (3) To the extent not protected by the immunity conferred by  
5 1964 PA 170, MCL 691.1401 to ~~691.1415~~, **691.1419**, an individual who,  
6 in good faith, ~~gives access to~~ **releases** mental health records or  
7 information under this section is immune from civil or  
8 administrative liability arising from that conduct, unless the  
9 conduct was gross negligence or willful and wanton misconduct.

10 (4) A duty under this act relating to child abuse and **child**  
11 neglect does not alter a duty imposed under another statute,  
12 including, **but not limited to**, the child protection law, 1975 PA  
13 238, MCL 722.621 to 722.638, regarding the reporting or  
14 investigation of child abuse or **child** neglect.

15 Enacting section 1. This amendatory act does not take effect  
16 unless House Bill No. 4531 (request no. H00534'25) of the 103rd  
17 Legislature is enacted into law.