



Ohio Legislative Service Commission

Justin Pinsker

Fiscal Note & Local Impact Statement

Bill: H.B. 493 of the 131st G.A. (LSC 131 2180-4) **Date:** May 23, 2016
Status: In House Community and Family Advancement **Sponsor:** Reps. Sears and Ryan

Local Impact Statement Procedure Required: No

Contents: To make changes to the child abuse and neglect reporting law

State Fiscal Highlights

- The bill permits a single child abuse or neglect report to be made by a health care professional in cases in which more than one professional has provided services to a child. As a result, there might be a minimal decrease in administrative costs to state government agencies employing these health care professionals.

Local Fiscal Highlights

- The bill permits a single child abuse or neglect report to be made by a health care professional in cases in which more than one professional has provided services to a child. As a result, there might be a minimal decrease in administrative costs to local government agencies employing these health care professionals.

Detailed Fiscal Analysis

The bill makes changes to Ohio's child abuse and neglect reporting law. These changes focus primarily on reporting and other related actions by health care professionals.

Single reporting by health care professionals

The bill provides that if two or more health care professionals, after providing health care services to a child, determine or suspect a child has been or is being abused or neglected, the professionals may designate one of them to report the abuse or neglect. This single report would meet the mandatory reporting requirement. There might be a minimal decrease in administrative costs to state and local government agencies employing these health care professionals if only one report is necessary.

Information in follow-up reports

The bill provides that any written, follow-up report requested by a public children services agency (PCSA) or municipal or county peace officer may include any medical examinations, tests, or procedures regarding the child reported to be abused or neglected or the child's siblings or other children. Under current law, the written report must include the names and addresses of the child and child's parents or the person having custody of the child, if known; the child's age and nature of the child's injuries, abuse, or neglect; and any other information that would be helpful in establishing the cause of the injury, abuse, or neglect. The bill requires that any additional reports of medical examinations, tests, or procedures by a mandatory reporter that become available after initial reports were provided must be provided to the PCSA upon its request. The Ohio Children's Hospital Association anticipates that this provision will have no fiscal impact.

Medical examinations, tests, procedures, and other actions

The bill provides that a mandatory reporter, after making a report, if medically necessary for diagnosing or treating injuries that are suspected to have occurred as a result of abuse or neglect, may perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child. The bill also requires the results of such tests to be included in the child abuse report required by the professional. Under current law, a mandatory reporter may only do the following: (1) take or order color photographs of areas of visible trauma on the child and (2) if medically indicated, cause to be performed radiological examinations on the child.

The bill adds that a health care professional may conduct medical examinations, tests, or procedures on the siblings of, or other children who reside in the same home as, a child who is the subject of a mandatory report. These examinations may be conducted if the professional determines that they are medically necessary to diagnose or treat the siblings or other children in order to determine whether mandatory reports are required for the siblings or other children. The results of these examinations, tests, or procedures may be included in a report about the child who is the subject of the mandatory report.

The bill adds that a health care professional that provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child who is the subject of a mandatory report may take any steps reasonably necessary to release or discharge the child to an appropriate environment. The bill provides that a health care professional's ability to discharge a child who is the subject of a mandatory report does not alter the responsibilities of any person under Ohio's laws for filing a complaint involving a child in juvenile court or taking a child into custody.

According to the Ohio Children's Hospital Association, these provisions are codifying current best practice standards. As such, there should be no fiscal impact associated with these provisions.

Immunity from civil or criminal liability

The bill provides that any person, health care professional, hospital, institution, school, health department, or agency is immune from civil or criminal liability for injury, death, or loss to person or property in certain situations regarding mandatory reporting outlined under the bill. The bill excludes health care providers from the bill's immunity provisions if the provider, when participating in medical examinations, tests, or procedures regarding a child abuse or neglect report, deviates from the standard of care applicable to the provider's profession.

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill provides that any written, follow-up report requested by a public children services agency (PCSA) or municipal or county peace officer may include any medical examinations, tests, or procedures regarding the child reported to be abused or neglected or the child's siblings or other children. The substitute bill (LSC 131 2180-4) also requires that any additional reports of medical examinations, tests, or procedures by a mandatory reporter that become available after initial reports were provided must be provided to the PCSA upon its request. The substitute bill provides that the bill's provision governing a health care professional's ability to discharge a child who is the subject of a mandatory report does not alter the responsibilities of any person under Ohio's laws for filing a complaint involving a child in juvenile court or taking a child into custody. The substitute bill also excludes health care providers from the bill's immunity provisions if the provider, when participating in medical examinations, tests, or procedures regarding a child abuse or neglect report, deviates from the standard of care applicable to the provider's profession. These provisions should not have any fiscal effect.