

AMENDMENTS TO HOUSE BILL NO. 436

Sponsor: SENATOR WARD

Printer's No. 2723

1 Amend Bill, page 1, line 6, by inserting after "providing "
2 for persons required to report suspected child abuse; providing
3 for privileged communications; and further providing

4 Amend Bill, page 13, lines 18 and 19, by striking out all of
5 said lines and inserting

6 Section 1. Section 6311(a) and (b) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 6311. Persons required to report suspected child abuse.

9 [(a) General rule.--A person who, in the course of
10 employment, occupation or practice of a profession, comes into
11 contact with children shall report or cause a report to be made
12 in accordance with section 6313 (relating to reporting
13 procedure) when the person has reasonable cause to suspect, on
14 the basis of medical, professional or other training and
15 experience, that a child under the care, supervision, guidance
16 or training of that person or of an agency, institution,
17 organization or other entity with which that person is
18 affiliated is a victim of child abuse, including child abuse by
19 an individual who is not a perpetrator. Except with respect to
20 confidential communications made to a member of the clergy which
21 are protected under 42 Pa.C.S. § 5943 (relating to confidential
22 communications to clergymen), and except with respect to
23 confidential communications made to an attorney which are
24 protected by 42 Pa.C.S. § 5916 (relating to confidential
25 communications to attorney) or 5928 (relating to confidential
26 communications to attorney), the privileged communication
27 between any professional person required to report and the
28 patient or client of that person shall not apply to situations
29 involving child abuse and shall not constitute grounds for
30 failure to report as required by this chapter.

31 (b) Enumeration of persons required to report.--Persons
32 required to report under subsection (a) include, but are not
33 limited to, any licensed physician, osteopath, medical examiner,
34 coroner, funeral director, dentist, optometrist, chiropractor,
35 podiatrist, intern, registered nurse, licensed practical nurse,
36 hospital personnel engaged in the admission, examination, care
37 or treatment of persons, Christian Science practitioner, member

1 of the clergy, school administrator, school teacher, school
2 nurse, social services worker, day-care center worker or any
3 other child-care or foster-care worker, mental health
4 professional, peace officer or law enforcement official.]

5 (a) Mandated reporters.--The following adults shall make a
6 report of suspected child abuse, subject to subsection (b), if
7 the person has reasonable cause to suspect that a child is a
8 victim of child abuse:

9 (1) (Reserved).

10 (2) (Reserved).

11 (3) (Reserved).

12 (4) (Reserved).

13 (5) (Reserved).

14 (6) (Reserved).

15 (7) (Reserved).

16 (8) (Reserved).

17 (9) (Reserved).

18 (10) (Reserved).

19 (11) (Reserved).

20 (12) (Reserved).

21 (13) (Reserved).

22 (14) An attorney affiliated with an agency, institution,
23 organization or other entity, including a school or regularly
24 established religious organization that is responsible for
25 the care, supervision, guidance or control of children.

26 * * *

27 Section 2. Title 23 is amended by adding a section to read:
28 § 6311.1. Privileged communications.

29 (a) General rule.--Subject to subsection (b), the privileged
30 communications between a mandated reporter and a patient or
31 client of the mandated reporter shall not:

32 (1) Apply to a situation involving child abuse.

33 (2) Relieve the mandated reporter of the duty to make a
34 report of suspected child abuse.

35 (b) Confidential communications.--The following protections
36 shall apply:

37 (1) Confidential communications made to a member of the
38 clergy are protected under 42 Pa.C.S. § 5943 (relating to
39 confidential communications to clergymen).

40 (2) Confidential communications made to an attorney are
41 protected so long as they are within the scope of 42 Pa.C.S.
42 §§ 5916 (relating to confidential communications to attorney)
43 and 5928 (relating to confidential communications to
44 attorney), the attorney work product doctrine or the rules of
45 professional conduct for attorneys.

46 Section 3. Section 6319 of Title 23 is amended to read:

47 Amend Bill, page 15, line 26, by striking out "2" and

48 inserting