

HOUSE BILL No. 4238

February 21, 1989, Introduced by Reps. Gubow, DeMars, Scott, Stabenow, Crandall, Wartner, DeLange, Bankes, Bennett, Trim and Hertel and referred to the Committee on Public Health.

A bill to amend section 2157 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
being section 600.2157 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2157 of Act No. 236 of the Public Acts
2 of 1961, being section 600.2157 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2157. ~~NO~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, A
5 person duly authorized to practice medicine or surgery shall ~~be~~
6 ~~allowed to~~ NOT disclose any information ~~which he may have~~ THAT
7 THE PERSON HAS acquired in attending ~~any~~ A patient in ~~his~~ A
8 professional character, ~~and which~~ IF THE information was
9 necessary to enable ~~him~~ THE PERSON to prescribe for ~~such~~ THE

1 patient as a physician, or to do any act for ~~him~~ THE PATIENT as
 2 a surgeon. ~~-. Provided, however, That in case such~~ IF THE
 3 patient ~~shall bring~~ BRINGS an action against any defendant to
 4 recover for any personal injuries, or for any malpractice, ~~if~~
 5 ~~such plaintiff shall produce any~~ AND THE PATIENT PRODUCES A phy-
 6 sician as a witness in ~~his~~ THE PATIENT'S own behalf ~~—~~ who has
 7 treated ~~him~~ THE PATIENT for ~~such~~ THE injury ~~—~~ or for any
 8 disease or condition ~~—, with reference to~~ FOR which ~~such~~ THE
 9 malpractice is alleged, ~~he~~ THE PATIENT shall be ~~deemed~~
 10 CONSIDERED to have waived the privilege ~~hereinbefore~~ provided
 11 ~~for,~~ IN THIS SECTION as to ~~any or all other physicians,~~
 12 ANOTHER PHYSICIAN who ~~may have~~ HAS treated ~~him~~ THE PATIENT
 13 for ~~such~~ THE injuries, disease, or condition. ~~-. Provided fur-~~
 14 ~~ther, That after the decease of such patient, in a contest upon~~
 15 ~~the question of admitting the will of such~~ IF A patient ~~to~~
 16 ~~probate,~~ HAS DIED, the heirs at law of ~~such~~ THE patient,
 17 whether proponents or contestants of ~~his~~ THE PATIENT'S will,
 18 shall be ~~deemed~~ CONSIDERED to be personal representatives of
 19 ~~such~~ THE deceased patient for the purpose of waiving the privi-
 20 lege ~~hereinbefore created~~ UNDER THIS SECTION IN A CONTEST UPON
 21 THE QUESTION OF ADMITTING THE PATIENT'S WILL TO PROBATE.

22 Section 2. This amendatory act shall not take effect unless
 23 Senate Bill No. _____ or House Bill No. 4237 (request
 24 no. 00678'89 *) of the 85th Legislature is enacted into law.