

# HOUSE BILL No. 4738

May 1, 1989, Introduced by Reps. Bennane, DeMars, Rocca, Leland, Pridnia, Gnodtke, Krause, Dunaskiss, Bandstra, Muxlow, Law, Hertel, Gubow, Palamara, Profit and Stallworth and referred to the Committee on Judiciary.

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~~ THE  
7 PERSON HAS acquired in attending ~~any~~ A patient in ~~his~~ A pro-  
8 fessional character, ~~and which~~ IF THE information was necessary  
9 to enable ~~him~~ THE PERSON to prescribe for ~~such~~ THE patient as  
10 a physician, or to do any act for ~~him~~ THE PATIENT as a

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