

**SUBSTITUTE FOR
SENATE BILL NO. 732**

A bill to amend 1967 PA 270, entitled

"An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,"

by amending section 1 (MCL 331.531), as amended by 1992 PA 215.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person, organization, or entity may provide
2 to a review entity information or data relating to the physical
3 or psychological condition of a person, the necessity, appropri-
4 ateness, or quality of health care rendered to a person, or the
5 qualifications, competence, or performance of a health care
6 provider.

7 (2) As used in this section, "review entity" means 1 of the
8 following:

SB 732, As Passed Senate, November 13, 1997

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2

1 (a) A duly appointed peer review committee of 1 OF the
2 FOLLOWING:

3 (i) THE state. ~~—, of a~~

4 (ii) A state or county association of health care
5 professionals. ~~—, of an officially constituted~~

6 (iii) A health ~~care~~ facility ~~—, or of a~~ AGENCY LICENSED
7 UNDER ARTICLE 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
8 333.20101 TO 333.22260.

9 (iv) A health care association.

10 (v) A HEALTH CARE NETWORK, A HEALTH CARE ORGANIZATION, OR A
11 HEALTH CARE DELIVERY SYSTEM COMPOSED OF HEALTH PROFESSIONALS
12 LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
13 MCL 333.16101 TO 333.18838, OR COMPOSED OF HEALTH FACILITIES
14 LICENSED UNDER ARTICLE 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
15 MCL 333.20101 TO 333.22260, OR BOTH.

16 (vi) A HEALTH PLAN QUALIFIED UNDER THE PROGRAM FOR MEDICAL
17 ASSISTANCE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY HEALTH
18 UNDER THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B.

19 (b) A professional standards review organization qualified
20 under federal or state law.

21 (c) A foundation or organization acting pursuant to the
22 approval of a state or county association of health care
23 professionals.

24 (d) A state department or agency whose jurisdiction encom-
25 passes the information described in subsection (1).

26 (e) An organization established by a state association of
27 hospitals or physicians, or both, that collects and verifies the

1 authenticity of documents and other data concerning the
2 qualifications, competence, or performance of licensed health
3 care professionals and that acts as a health facility's agent
4 pursuant to the health care quality improvement act of 1986,
5 title IV of Public Law 99-660, 100 Stat. 3784.

6 (3) A person, organization, or entity is not civilly or
7 criminally liable:

8 (a) For providing information or data pursuant to subsection
9 (1).

10 (b) For an act or communication within its scope as a review
11 entity.

12 (c) For releasing or publishing a record of the proceedings,
13 or OF the reports, findings, or conclusions of a review entity,
14 subject to sections 2 and 3.

15 (4) The immunity from liability provided under subsection
16 (3) does not apply to a person, organization, or entity that acts
17 with malice.