

House Bill 4719

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 746 (MCL 330.1746) and by adding section
747.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 746. (1) A complete record shall be kept current for
2 each recipient of mental health services. The record shall at
3 least include information pertinent to the services provided to
4 the recipient, pertinent to the legal status of the recipient,
5 required by this chapter or other provision of law, and required
6 by rules or policies.

7 (2) The material in the record ~~shall be~~ IS confidential to
8 the extent it is made confidential by ~~section~~ SECTIONS 747 AND
9 748.

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1 SEC. 747. (1) IF A MENTAL HEALTH PROFESSIONAL HAS TREATED A
2 PATIENT WHO IS A MINOR AND IS THE HOLDER OF MENTAL HEALTH RECORDS
3 OR OTHER MENTAL HEALTH CARE INFORMATION PERTAINING TO THE MINOR,
4 IF A PARENT OF THE MINOR PATIENT IS PROHIBITED BY A PERSONAL PRO-
5 TECTION ORDER ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED
6 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A,
7 FROM HAVING ACCESS TO INFORMATION IN RECORDS CONCERNING THE MINOR
8 THAT WILL INFORM THE PARENT ABOUT THE MINOR'S OR OTHER PARENT'S
9 ADDRESS OR TELEPHONE NUMBER OR THE OTHER PARENT'S EMPLOYMENT
10 ADDRESS, AND IF THE MENTAL HEALTH PROFESSIONAL HAS RECEIVED A
11 COPY OF THE PERSONAL PROTECTION ORDER, THE MENTAL HEALTH PROFES-
12 SIONAL SHALL NOT RELEASE THAT INFORMATION TO THE PARENT WHO IS
13 SUBJECT TO THE PERSONAL PROTECTION ORDER [UNLESS THAT ORDER EXPIRES
OR THE MENTAL HEALTH PROFESSIONAL RECEIVES A COPY OF A NEW OR
MODIFIED COURT ORDER PERMITTING ACCESS TO THE INFORMATION].

14 (2) IF A FACILITY, LICENSED FACILITY, PSYCHIATRIC HOSPITAL,
15 OR CENTER IN WHICH A MINOR HAS RECEIVED HEALTH CARE TREATMENT OR
16 SERVICES IS THE HOLDER OF MENTAL HEALTH RECORDS OR OTHER MENTAL
17 HEALTH CARE INFORMATION PERTAINING TO THE MINOR, IF A PARENT OF
18 THE MINOR PATIENT IS PROHIBITED BY A PERSONAL PROTECTION ORDER
19 ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT
20 OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, FROM HAVING
21 ACCESS TO INFORMATION IN RECORDS CONCERNING THE MINOR THAT WILL
22 INFORM THE PARENT ABOUT THE MINOR'S OR OTHER PARENT'S ADDRESS OR
23 TELEPHONE NUMBER OR THE OTHER PARENT'S EMPLOYMENT ADDRESS, AND IF
24 THE FACILITY, LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER
25 HAS RECEIVED A COPY OF A PERSONAL PROTECTION ORDER, THE FACILITY,
26 LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER SHALL NOT

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- 1 RELEASE THAT INFORMATION TO THE PARENT WHO IS SUBJECT TO THE
- 2 PERSONAL PROTECTION ORDER [UNLESS THAT ORDER EXPIRES OR THE FACILITY, LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER RECEIVES A COPY OF A NEW OR MODIFIED COURT ORDER PERMITTING ACCESS TO THE INFORMATION].

[(3) A MENTAL HEALTH PROFESSIONAL, FACILITY, LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER THAT MAKES A REASONABLE EFFORT TO COMPLY WITH SUBSECTION (1) OR (2) IS NOT CIVILLY OR CRIMINALLY LIABLE OR SUBJECT TO A REMEDY OR PENALTY AVAILABLE IN THIS ACT FOR FAILURE TO COMPLY WITH SUBSECTION (1) OR (2).

(4) A HOLDER OF MENTAL RECORDS OR OTHER MENTAL HEALTH CARE INFORMATION PERTAINING TO THE MINOR MAY CHARGE THE PERSON MAKING THE REQUEST FOR RECORDS A REASONABLE AMOUNT TO REDACT INFORMATION IN THE REQUESTED MENTAL HEALTH RECORDS OR INFORMATION.]

[Enacting section 1. This amendatory act takes effect July 1, 2000.]