

HOUSE BILL No. 5982

April 30, 2002, Introduced by Rep. Wojno and referred to the Committee on Criminal Justice.

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.

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
14 EXPIRES OR THE MENTAL HEALTH PROFESSIONAL RECEIVES A COPY OF A
15 NEW OR MODIFIED COURT ORDER PERMITTING ACCESS TO THE
16 INFORMATION.

17 (2) IF A FACILITY, LICENSED FACILITY, PSYCHIATRIC HOSPITAL,
18 OR CENTER IN WHICH A MINOR HAS RECEIVED HEALTH CARE TREATMENT OR
19 SERVICES IS THE HOLDER OF MENTAL HEALTH RECORDS OR OTHER MENTAL
20 HEALTH CARE INFORMATION PERTAINING TO THE MINOR, IF A PARENT OF
21 THE MINOR PATIENT IS PROHIBITED BY A PERSONAL PROTECTION ORDER
22 ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE ACT
23 OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, FROM HAVING
24 ACCESS TO INFORMATION IN RECORDS CONCERNING THE MINOR THAT WILL
25 INFORM THE PARENT ABOUT THE MINOR'S OR OTHER PARENT'S ADDRESS OR
26 TELEPHONE NUMBER OR THE OTHER PARENT'S EMPLOYMENT ADDRESS, AND IF
27 THE FACILITY, LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER

1 HAS RECEIVED A COPY OF A PERSONAL PROTECTION ORDER, THE FACILITY,
2 LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER SHALL NOT
3 RELEASE THAT INFORMATION TO THE PARENT WHO IS SUBJECT TO THE PER-
4 SONAL PROTECTION ORDER UNLESS THAT ORDER EXPIRES OR THE FACILITY,
5 LICENSED FACILITY, PSYCHIATRIC HOSPITAL, OR CENTER RECEIVES A
6 COPY OF A NEW OR MODIFIED COURT ORDER PERMITTING ACCESS TO THE
7 INFORMATION.

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

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

17 Enacting section 1. This amendatory act takes effect
18 July 1, 2002.