

HOUSE BILL No. 5983

April 30, 2002, Introduced by Reps. Scranton and Godchaux and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16290 and 20175a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16290. (1) IF A LICENSEE OR REGISTRANT HAS TREATED A
2 PATIENT WHO IS A MINOR AND IS THE HOLDER OF MEDICAL RECORDS OR
3 OTHER HEALTH CARE INFORMATION PERTAINING TO THE MINOR, IF A
4 PARENT OF THE MINOR PATIENT IS PROHIBITED BY A PERSONAL PROTEC-
5 TION 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 LICENSEE OR REGISTRANT HAS RECEIVED A COPY OF
11 THE PERSONAL PROTECTION ORDER, THE LICENSEE OR REGISTRANT SHALL

1 NOT RELEASE THAT INFORMATION TO THE PARENT WHO IS SUBJECT TO THE
2 PERSONAL PROTECTION ORDER UNLESS THE ORDER EXPIRES OR THE
3 LICENSEE OR REGISTRANT RECEIVES A COPY OF A NEW OR MODIFIED COURT
4 ORDER PERMITTING ACCESS TO THE INFORMATION. A LICENSEE OR REGIS-
5 TRANT WHO MAKES A REASONABLE EFFORT TO COMPLY WITH THIS SECTION
6 IS NOT CIVILLY OR CRIMINALLY LIABLE OR SUBJECT TO A REMEDY OR
7 PENALTY AVAILABLE IN THIS ARTICLE FOR FAILURE TO COMPLY WITH THIS
8 SECTION.

9 (2) A HOLDER OF MEDICAL RECORDS OR OTHER HEALTH CARE INFOR-
10 MATION PERTAINING TO THE MINOR MAY CHARGE THE PERSON MAKING THE
11 REQUEST FOR RECORDS A REASONABLE AMOUNT TO REDACT INFORMATION IN
12 THE REQUESTED MEDICAL RECORDS OR INFORMATION.

13 SEC. 20175A. (1) IF A HEALTH FACILITY OR AGENCY IN WHICH A
14 MINOR HAS RECEIVED HEALTH CARE TREATMENT OR SERVICES IS THE
15 HOLDER OF MEDICAL RECORDS OR OTHER HEALTH CARE INFORMATION PER-
16 TAINING TO THE MINOR, IF A PARENT OF THE MINOR PATIENT IS PROHIB-
17 ITED BY A PERSONAL PROTECTION ORDER ISSUED UNDER SECTION 2950 OR
18 2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
19 600.2950 AND 600.2950A, FROM HAVING ACCESS TO INFORMATION IN
20 RECORDS CONCERNING THE MINOR THAT WILL INFORM THE PARENT ABOUT
21 THE MINOR'S OR OTHER PARENT'S ADDRESS OR TELEPHONE NUMBER OR THE
22 OTHER PARENT'S EMPLOYMENT ADDRESS, AND IF THE HEALTH FACILITY OR
23 AGENCY HAS RECEIVED A COPY OF A PERSONAL PROTECTION ORDER, THE
24 HEALTH FACILITY OR AGENCY SHALL NOT RELEASE THAT INFORMATION TO
25 THE PARENT WHO IS SUBJECT TO THE PERSONAL PROTECTION ORDER UNLESS
26 THE ORDER EXPIRES OR THE HEALTH FACILITY OR AGENCY RECEIVES A
27 COPY OF A NEW OR MODIFIED COURT ORDER PERMITTING ACCESS TO THE

1 INFORMATION. A HEALTH FACILITY OR AGENCY THAT MAKES A REASONABLE
2 EFFORT TO COMPLY WITH THIS SECTION IS NOT CIVILLY OR CRIMINALLY
3 LIABLE OR SUBJECT TO A REMEDY OR PENALTY AVAILABLE IN THIS ARTI-
4 CLE FOR FAILURE TO COMPLY WITH THIS SECTION.

5 (2) A HOLDER OF MEDICAL RECORDS OR OTHER HEALTH CARE INFOR-
6 MATION PERTAINING TO THE MINOR MAY CHARGE THE PERSON MAKING THE
7 REQUEST FOR RECORDS A REASONABLE AMOUNT TO REDACT INFORMATION IN
8 THE REQUESTED MEDICAL RECORDS OR INFORMATION.

9 Enacting section 1. This amendatory act takes effect
10 July 1, 2002.