House Bill 4606 (Substitute H-1 as reported without amendment)
Sponsor: Representative Stephen F. Adamini
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to require a health facility's or agency's policy describing patient or resident rights and responsibilities to include references to the Medical Records Access Act and the Federal Health Insurance Portability and Accountability Act (HIPAA).

The Code requires a licensed health facility or agency that provides services directly to patients or residents to adopt a policy describing the rights and responsibilities of patients or residents admitted to the facility or agency. The policy must provide that an individual who is or has been a patient or resident is entitled to inspect, or receive for a reasonable fee, a copy of his or her medical record upon request; and that a third party may not be given a copy without the patient's or resident's prior authorization. Under the bill, the policy would have to specify that the person could inspect or receive a copy of the record in accordance with the Medical Records Access Act, and that a third party could not be given a copy without prior authorization except as otherwise permitted or required under HIPAA, or regulations promulgated under it.

The Code requires the policy also to provide that a patient or resident is entitled to confidential treatment of personal and medical records, and may refuse their release to a person outside the facility or agency except as required because of a transfer to another facility or as required by law or third-party payment contract. Under the bill, the policy also would have to provide that records could be released as permitted or required under HIPAA or regulations promulgated under it.

MCL 333.20201   Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 2-9-06   Fiscal Analyst: David Fosdick