

Act No. 215  
Public Acts of 1992  
Approved by the Governor  
October 8, 1992  
Filed with the Secretary of State  
October 9, 1992

**STATE OF MICHIGAN  
86TH LEGISLATURE  
REGULAR SESSION OF 1992**

Introduced by Reps. Gubow and Bandstra

# **ENROLLED HOUSE BILL No. 5480**

AN ACT to amend sections 1, 2, and 3 of Act No. 270 of the Public Acts of 1967, entitled as amended "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," sections 1 and 2 as amended by Act No. 3 of the Public Acts of 1980, being sections 331.531, 331.532, and 331.533 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 1, 2, and 3 of Act No. 270 of the Public Acts of 1967, sections 1 and 2 as amended by Act No. 3 of the Public Acts of 1980, being sections 331.531, 331.532, and 331.533 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 1. (1) A person, organization, or entity may provide to a review entity information or data relating to the physical or psychological condition of a person, the necessity, appropriateness, or quality of health care rendered to a person, or the qualifications, competence, or performance of a health care provider.

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

(a) A duly appointed peer review committee of the state, of a state or county association of health care professionals, of an officially constituted health care facility, or of a health care association.

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

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

(d) A state department or agency whose jurisdiction encompasses the information described in subsection (1).

(e) An organization established by a state association of hospitals or physicians, or both, that collects and verifies the authenticity of documents and other data concerning the qualifications, competence, or performance of licensed health care professionals and that acts as a health facility's agent pursuant to the health care quality improvement act of 1986, title IV of Public Law 99-660, 100 Stat. 3784.

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

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

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

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

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

Sec. 2. The release or publication of a record of the proceedings or of the reports, findings, and conclusions of a review entity shall be for 1 or more of the following purposes:

- (a) To advance health care research or health care education.
- (b) To maintain the standards of the health care professions.
- (c) To protect the financial integrity of any governmentally funded program.
- (d) To provide evidence relating to the ethics or discipline of a health care provider, entity, or practitioner.
- (e) To review the qualifications, competence, and performance of a health care professional with respect to the selection and appointment of the health care professional to the medical staff of a health facility.

Sec. 3. The identity of a person whose condition or treatment has been studied under this act is confidential and a review entity shall remove the person's name and address from the record before the review entity releases or publishes a record of its proceedings, or its reports, findings, and conclusions. Except as otherwise provided in section 2, the record of a proceeding and the reports, findings, and conclusions of a review entity and data collected by or for a review entity under this act are confidential, are not public records, and are not discoverable and shall not be used as evidence in a civil action or administrative proceeding.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.