

---

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

---

Senate Bill 1225 (as discharged)  
Sponsor: Senator Jon Cisky  
Committee: Families, Mental Health and Human Services

### **CONTENT**

The bill would amend the Mental Health Code to allow Family Independence Agency (FIA) employees to have access to confidential mental health information if there were a compelling need for records to determine whether child abuse or neglect had occurred or to take action to protect a child in a situation in which there could be a substantial risk of harm. In such a case, the Department of Community Health (DCH) and each community mental health services program (CMHSP) would have to give an FIA employee directly involved in the investigation access to diagnostic and treatment records pertaining to a child who was a subject of a child abuse or neglect investigation or pertaining to an individual suspected as a perpetrator in the investigation. A record disclosed under this provision would have to include the identity of the person to whom the record or information pertained. Also, if there were a compelling need for records or information to determine whether child abuse or neglect had occurred, or to take action to protect a child, a licensed mental health professional who had provided mental health services to a minor who was the subject of an investigation under the Child Protection Law would have to give an FIA employee directly involved in the investigation access to records and information in the minor's mental health services record.

A Department employee could not be given access under the bill unless he or she requested the records and information in writing. Within 14 calendar days after the record holder received the written request, the DCH, CMHSP, or licensed mental health profession would have to give that access regardless of the consent of the person from whom consent otherwise would be required.

The physician-patient privilege, the dentist-patient privilege, the licensed professional counselor-client and limited licensed counselor-client privilege, the psychologist-patient privilege, and any other health professional-patient privilege created or recognized by law would not apply to information released or made available under the bill. To the extent not protected by the governmental immunity Act, a person who, in good faith, gave access to a record as required by the bill would be immune from civil or administrative liability arising from that conduct, unless the conduct constituted gross negligence or willful and wanton misconduct.

MCL 330.1748

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

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

Date Completed: 7-1-98

Fiscal Analyst: S. Angelotti