



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**MENTAL HEALTH RECORDS:
ACCESS BY MEDICAL EXAMINER**

House Bill 4353

Sponsor: Rep. Scott Shackleton

**Committee: Local Government and
Urban Policy**

Complete to 5-8-03

A SUMMARY OF HOUSE BILL 4353 AS INTRODUCED 3-18-03

House Bill 4353 would amend Public Act 181 of 1953, which concerns investigations by county medical examiners, to allow medical examiners to have access to mental health records, under certain circumstances.

Currently under the law, a county medical examiner must investigate the cause and manner of death in five cases: when someone dies by violence; when someone's death is unexpected; when an individual dies without medical assistance during the 48-hours preceding the time of death (unless the attending physician is able to determine the cause of death accurately); when an individual dies as the result of an abortion; and, if a prisoner dies while imprisoned in a county or city jail. When the county medical examiner investigates these deaths, he can request the circuit court to issue a subpoena to produce medical records, books, papers, documents, or other items related to the death. Further, the law specifies that all of these records are exempt from disclosure under the Freedom of Information Act. Under House Bill 4353 all of these provisions would be retained.

Under the bill, if a personal representative of a deceased individual consented, a medical examiner could request that a circuit court issue a subpoena to produce mental health records and information related to the death being investigated. The bill specifies that the mental health records also would be exempt from disclosure under the Freedom of Information Act.

Finally, the bill specifies that the following privileges would not apply to medical records, mental health records, or other information to which access was given: a) the physician-patient privilege (created in the Revised Judicature Act), b) the dentist-patient privilege (created in the Public Health Code), c) the licensed professional counselor-client, and limited licensed counselor-client privilege (created in the Public Health Code), and d) the psychologist-patient privilege (also created in the Public Health Code).

MCL 52.202

Analyst: J. Hunault

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