

HOUSE BILL No. 6686

November 30, 2006, Introduced by Rep. Alma Smith and referred to the Committee on Senior Health, Security, and Retirement.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 2565.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2565. (1) OTHER THAN THE REPORT ON THE IMPLEMENTATION AND
2 EFFECTIVENESS OF THE ADVERSE EVENT HEALTH CARE REPORTING PROGRAM
3 REQUIRED UNDER SECTION 2557 OR AS OTHERWISE PROVIDED UNDER FEDERAL
4 OR STATE LAW, ADVERSE HEALTH CARE EVENT REPORTS, FINDINGS OF ROOT
5 CAUSE ANALYSES, AND CORRECTIVE ACTION PLANS FILED BY PARTICIPANTS
6 IN ACCORDANCE WITH THIS PART, PATIENT SAFETY WORK PRODUCT, AND
7 OTHER RECORDS REPORTED, DEVELOPED, OR OBTAINED BY THE DEPARTMENT OR
8 CENTER IN REVIEWING OR INVESTIGATING IN ACCORDANCE WITH THIS PART
9 ARE PRIVILEGED AND CONFIDENTIAL AND SHALL NOT BE AVAILABLE TO THE

1 PUBLIC, DISCOVERABLE OR ADMISSIBLE IN ANY CIVIL, CRIMINAL, OR
2 ADMINISTRATIVE PROCEEDING AGAINST A HEALTH CARE PROFESSIONAL OR
3 HEALTH CARE FACILITY, OR SUBJECT TO THE FREEDOM OF INFORMATION ACT,
4 1976 PA 442, MCL 15.231 TO 15.246.

5 (2) NO REPORT OR DISCLOSURE UNDER THIS PART SHALL CONTAIN
6 INFORMATION IDENTIFYING A PATIENT, EMPLOYEE, OR HEALTH CARE
7 PROFESSIONAL. PATIENT SAFETY ACTIVITIES ARE CONSIDERED HEALTH CARE
8 OPERATIONS AND SHALL BE TREATED AS SUCH IN ACCORDANCE WITH THE
9 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC
10 LAW 104-191, OR REGULATIONS PROMULGATED UNDER THAT ACT, 45 CFR
11 PARTS 160 AND 164. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
12 UNDER NO CIRCUMSTANCES SHALL THE DEPARTMENT OR CENTER DISCLOSE
13 INFORMATION OBTAINED FROM A HEALTH CARE PROFESSIONAL OR HEALTH CARE
14 FACILITY THAT IS CONFIDENTIAL AND PROTECTED UNDER EXISTING STATE OR
15 FEDERAL LAW.

16 (3) NOTHING IN THIS PART SHALL BE CONSTRUED TO PRECLUDE OR
17 ALTER THE REPORTING RESPONSIBILITIES OF HEALTH CARE FACILITIES OR
18 HEALTH CARE PROFESSIONALS UNDER EXISTING STATE OR FEDERAL LAW.