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BILL ANALYSIS



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Senate Bill 716 (as introduced 9-4-07)
Sponsor: Senator Tom George
Committee: Health Policy

Date Completed: 10-8-07

CONTENT

The bill would amend the Medical Records Access Act to revise provisions authorizing certain individuals to examine or obtain a person's medical record; and authorize certain individuals to obtain a deceased person's autopsy report.

Under the Act, except as otherwise provided by law or regulation, a patient or his or her authorized representative has the right to examine or obtain the patient's medical record. The Act defines "authorized representative" as either of the following:

- A person empowered by the patient by explicit written authorization to act on the patient's behalf to gain access to, disclose, or consent to the disclosure of the patient's medical record, in accordance with the Act.
- If the patient is deceased, his or her personal representative, heirs at law, or the beneficiary of his or her life insurance policy, to the extent provided by Section 2157 of the Revised Judicature Act.

(That section prohibits a physician from disclosing patient information except as otherwise provided. If a patient has died, his or her heirs at law are considered to be the deceased patient's personal representatives for the purpose of waiving the physician-patient privilege in a contest over admitting the patient's will to probate. Additionally, if a patient has died, the beneficiary of his or her life insurance policy, or his or her heirs at law, may waive the physician-patient privilege for the purpose of providing the necessary documentation to a life insurer in examining a claim for benefits.)

Under the bill, the phrase, "to the extent provided by section 2157 of the revised judicature act" would apply only to the beneficiary of the patient's life insurance policy.

Also, under the bill, for the purpose of obtaining a copy of an autopsy report regarding a deceased patient, "authorized representative" would include any of the following:

- The deceased patient's spouse.
- The deceased patient's personal representative.
- The person who consented to the autopsy pursuant to Section 2855 of the Public Health Code, or pursuant to a valid durable power of attorney issued in Michigan or another state.

(Under Section 2855 of the Public Health Code, an autopsy may not be performed upon the body of a deceased individual except by a physician who has been granted written consent

by the person with authority over the burial or disposition of the body under the Estates and Protected Individuals Code.)

MCL 333.26263

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.