

LEG. CORRECTIONS OMBUDSMAN: ALLOW ACCESS TO PRISONERS HEALTH-RELATED RECORDS

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House Bill 5958

Sponsor: Rep. Alma Wheeler Smith

House Bill 5959

Sponsor: Rep. Rebekah Warren

Committee: Judiciary

Complete to 3-30-10

A SUMMARY OF HOUSE BILLS 5958 AND 5959 AS INTRODUCED 3-17-10

Taken together, the bills would enable the Legislative Corrections Ombudsman to have access to various health-related records of prisoners under the jurisdiction of the Department of Corrections. The bills are tie-barred to each other, meaning that neither bill could take effect unless both are enacted.

House Bill 5959 would amend the law that created the Office of the Legislative Corrections Ombudsman and that prescribes the powers and duties of the Ombudsman, Public Act 46 of 1975 (MCL 4.355). Currently, the act requires that upon his or her request, the Ombudsman be given access to all information, records, and documents in the possession of the Department of Corrections that the Ombudsman deems necessary in an investigation.

The bill would amend the above provision to specify that the information, records, and documents would include, but not be limited to, prisoner medical health records, prisoner mental health records, and prisoner mortality and morbidity records. A provision that requires the department to assist the Ombudsman in obtaining the necessary release of those documents specifically restricted or privileged for use by the Ombudsman would be eliminated.

House Bill 5958 would amend Public Act 270 of 1967 (MCL 331.532). Under the act, review entities are authorized to collect data relating to the physical or psychological condition of a person, the health care rendered to the person, and the qualifications of the health care provider. The release or publication of a report, finding, or conclusion by a review entity is strictly regulated by statute; generally speaking, the information is released only to state departments and approved health-related associations and organizations.

The bill would specifically require that the review entity responsible for mortality and morbidity records, reports, findings, and conclusions regarding prisoners under the jurisdiction of the DOC release that information to the Legislative Ombudsman to the

extent required under Section 5 of Public Act 46 of 1975 (which would be amended by House Bill 5959, as described above).

FISCAL IMPACT:

The bills would have no fiscal impact on the State or on local units of government.

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Fiscal Analyst: Bob Schneider

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