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Senate Bill 253 (as introduced 3-12-13)
Sponsor: Senator Dave Robertson
Committee: Health Policy

Date Completed: 3-6-14

CONTENT

The bill would amend the Mental Health Code to allow confidential mental health records to be released to a deceased recipient's relatives.

("Recipient" means an individual who receives mental health services from the Department of Community Health (DCH), a community mental health services program (CMHSP), or a facility or from a provider that is under contract with the DCH or a CMHSP. The term does not include an individual receiving substance use disorder services unless he or she is also receiving mental health services in conjunction with substance use disorder services.)

Under the Code, information in the record of a recipient and other information acquired in the course of providing mental health services to a recipient must be kept confidential and is not open to public inspection. The information may be disclosed outside the DCH, CMHSP, licensed facility, or contract provider holding the record only in the circumstances and under the conditions prescribed in the Code.

Confidential information may be disclosed to a surviving spouse of the recipient, or, if there is no surviving spouse, to the individual or individuals most closely related to the deceased recipient within the third degree of consanguinity for the purpose of applying for and receiving benefits. The bill would make an exception to this provision.

If the recipient had been deceased for less than 25 years, the information could be disclosed to an individual related to the deceased recipient within the third degree of consanguinity as defined in civil law. If the recipient had been deceased for 25 years or more, the information could be disclosed to an individual who could prove that he or she was in any way related to the deceased recipient. In either case, before death, a recipient could sign a prohibition to the release of his or her records as allowed by the bill, and could revoke the prohibition at any time.

MCL 330.1748

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: Ellyn Ackerman

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