



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5136 (Substitute H-1 as reported without amendment)

Sponsor: Representative Matt Lori

House Committee: Health Policy

Senate Committee: Health Policy

CONTENT

The bill would amend the Mental Health Code to do the following:

- Require the Department of Community Health (DCH) to develop a standard release form for exchanging confidential mental health and substance use disorder information, by January 1, 2015.
- Require all public and private agencies, departments, corporations, or individuals involved with treatment to honor and accept the form, unless a party were subject to a Federal law or regulation that provided more stringent requirements for the protection of individually identifiable health information.
- Require the DCH to create a workgroup to implement the bill's requirements.

In developing the standard release form, the DCH would have to comply with all Federal and State laws related to the protection of individually identifiable health information. The Department also would have to consider all of the following:

- Existing and potential technologies that could be used to transmit a standard release form securely.
- The national standards pertaining to electronic release of confidential information, including protecting a patient's identity and privacy in accordance with the Health Insurance Portability and Accountability Act.
- Any prior release forms and methodologies used in Michigan or developed by Federal agencies.

The release form would have to be available in both electronic and paper form. Any transmission of a standard release form via electronic media could be accepted as an original by the receiving party.

Proposed MCL 330.1141a

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a short-term indeterminate negative fiscal impact on State government and no fiscal impact on local government. The bill could increase the administrative cost of the Department of Community Health temporarily until the new form was completed. In the long run, if this standardized form facilitated the sharing of information between health entities, it could result in a decrease in administrative cost; in that case, the bill would have an indeterminate positive fiscal impact on State government.

Date Completed: 3-24-14

Fiscal Analyst: Ellyn Ackerman