

SUBSTITUTE FOR
HOUSE BILL NO. 5136

A bill to amend 1974 PA 258, entitled
"Mental health code,"
(MCL 330.1001 to 330.2106) by adding section 141a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 141A. (1) ON OR BEFORE JANUARY 1, 2015, THE DEPARTMENT
2 SHALL DEVELOP A STANDARD RELEASE FORM FOR EXCHANGING CONFIDENTIAL
3 MENTAL HEALTH AND SUBSTANCE USE DISORDER INFORMATION FOR USE BY ALL
4 PUBLIC AND PRIVATE AGENCIES, DEPARTMENTS, CORPORATIONS, OR
5 INDIVIDUALS THAT ARE INVOLVED WITH TREATMENT OF AN INDIVIDUAL
6 EXPERIENCING SERIOUS MENTAL ILLNESS, SERIOUS EMOTIONAL DISTURBANCE,
7 DEVELOPMENTAL DISABILITY, OR SUBSTANCE USE DISORDER. ALL PARTIES
8 DESCRIBED IN THIS SUBSECTION SHALL HONOR AND ACCEPT THE STANDARD
9 RELEASE FORM CREATED BY THE DEPARTMENT UNDER THIS SECTION FOR THE

1 PURPOSE FOR WHICH IT WAS CREATED UNLESS THE PARTY IS SUBJECT TO A
2 FEDERAL LAW OR REGULATION THAT PROVIDES MORE STRINGENT
3 REQUIREMENTS, AS DEFINED UNDER 45 CFR 160.202, FOR THE PROTECTION
4 OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.

5 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
6 ADDED THIS SECTION, THE DEPARTMENT SHALL CREATE A WORKGROUP TO
7 IMPLEMENT THE PROVISIONS OF THIS SECTION.

8 (3) THE WORKGROUP CREATED IN SUBSECTION (2) SHALL MEET
9 PERIODICALLY, AS THE DEPARTMENT CONSIDERS NECESSARY, BUT NOT LESS
10 THAN ONCE A YEAR.

11 (4) IN DEVELOPING THE STANDARD RELEASE FORM UNDER SUBSECTION
12 (1), THE DEPARTMENT SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS
13 RELATING TO THE PROTECTION OF INDIVIDUALLY IDENTIFIABLE HEALTH
14 INFORMATION AND SHALL CONSIDER ALL OF THE FOLLOWING:

15 (A) EXISTING AND POTENTIAL TECHNOLOGIES THAT COULD BE USED TO
16 SECURELY TRANSMIT A STANDARD RELEASE FORM.

17 (B) THE NATIONAL STANDARDS PERTAINING TO ELECTRONIC RELEASE OF
18 CONFIDENTIAL INFORMATION, INCLUDING PROTECTING A PATIENT'S IDENTITY
19 AND PRIVACY IN ACCORDANCE WITH THE HEALTH INSURANCE PORTABILITY AND
20 ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191.

21 (C) ANY PRIOR RELEASE FORMS AND METHODOLOGIES USED IN THIS
22 STATE.

23 (D) ANY PRIOR RELEASE FORMS AND METHODOLOGIES DEVELOPED BY
24 FEDERAL AGENCIES.

25 (5) THE STANDARD RELEASE FORM SHALL BE AVAILABLE IN BOTH
26 ELECTRONIC AND PAPER FORM.

27 (6) ANY TRANSMISSION OF A STANDARD RELEASE FORM VIA ELECTRONIC

- 1 MEDIA MAY BE ACCEPTED AS AN ORIGINAL BY THE PARTY RECEIVING THE
- 2 STANDARD RELEASE FORM.