

HOUSE BILL No. 5136

November 6, 2013, Introduced by Rep. Lori and referred to the Committee on Health Policy.

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 MARCH 31, 2014, THE DEPARTMENT
2 SHALL DEVELOP A STANDARD RELEASE FORM FOR EXCHANGING CONFIDENTIAL
3 MENTAL HEALTH AND SUBSTANCE ABUSE DISORDER INFORMATION FOR USE BY
4 ALL 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.

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

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

8 (4) IN DEVELOPING THE STANDARD RELEASE FORM UNDER SUBSECTION
9 (1), THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

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

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

16 (C) ANY PRIOR RELEASE FORMS AND METHODOLOGIES USED IN THIS
17 STATE.

18 (D) ANY PRIOR RELEASE FORMS AND METHODOLOGIES DEVELOPED BY
19 FEDERAL AGENCIES.

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

22 (6) ANY TRANSMISSION OF A STANDARD RELEASE FORM VIA ELECTRONIC
23 MEDIA SHALL BE ACCEPTED AS AN ORIGINAL BY THE PARTY RECEIVING THE
24 STANDARD RELEASE FORM.