

Legislative Analysis



PERMISSIBLE SHARING OF CONFIDENTIAL MENTAL HEALTH INFORMATION

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<http://www.house.mi.gov/hfa>

House Bill 5782 as introduced
Sponsor: Rep. Mike Callton, D.C.
Committee: Health Policy
Complete to 9-12-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5782 would amend the Mental Health Code to allow otherwise confidential mental health information to be shared as necessary for the treatment, coordination of care, payment, or delivery of mental health services.

Current Law

Section 748 of the Mental Health Code states that patient records are confidential and not open to public inspection, with certain exceptions. An adult patient who does not have a guardian and has not been judged legally incompetent must be given the record upon request within 30 days of the request or the patient's release from treatment. Additionally, the information must also be disclosed if necessary to fulfill legal requirements or to a deceased patient's next of kin for purposes of applying for and receiving benefits.

With the consent of the patient or the patient's representative, the information may be disclosed to the patient or representative or to a provider of mental health services, unless the holder of the information indicates in writing that the information would be detrimental to the patient or others.

Currently, the holder of the information may also disclose the information under the following circumstances:

- As necessary in order for the recipient to apply for or receive benefits
- As necessary for the purpose of outside research (with the patient unidentified, if possible); and
- To the provider of mental or other health services or a public agency, if there is a compelling need for disclosure based upon a substantial probability of harm to the recipient or other individuals.

Proposed Addition

House Bill 5782 would add a fourth instance under which the holder of the information may disclose it: ***as necessary for treatment, coordination of care, payment, or other related services for the delivery of mental health services, in accordance with the Health Insurance Portability and Accountability Act of 1996.***

As before, information may also be released as required under federal law, and as needed in order to determine whether child abuse or child neglect has occurred.

MCL 330.1748

FISCAL IMPACT:

House Bill 5782 could increase administrative costs for both the Department of Health and Human Services and local community mental health services programs by a negligible to minimal amount due to potential increases in requests for mental health information recorded within the Department of Health and Human Services or local community mental health services programs for the purposes of coordinating treatment, care, payments, or other services.

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