



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5782 (as reported by the Committee of the Whole)
Sponsor: Representative Mike Callton, D.C.
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

The bill would amend the Mental Health Code to authorize the disclosure of information in the record of a recipient as necessary for the delivery of mental health services in accordance with Federal privacy law.

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 Department of Health and Human Services (DHHS), a community mental health service program (CMHSP), a licensed facility, or a contract provider, as applicable, only in the circumstances and under the conditions set forth in the Code. (A recipient is an individual who receives mental health services from the DHHS, a CMHSP, or a facility, or from a provider that is under contract with the DHHS or a CMHSP.)

The Code prescribes circumstances under which the information must be disclosed, as well as circumstances under which disclosure is permissive. The Code allows a record holder to disclose information as follows:

- As necessary in order for the recipient to apply for or receive benefits.
- As necessary for the purpose of outside research, evaluation, accreditation, or statistical compilation.
- To a 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 others.

The bill also would allow disclosure as necessary for treatment, coordination of care, or payment, in accordance with the Health Insurance Portability and Accountability Act.

MCL 330.1748

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a minimal negative fiscal impact on the Department of Health and Human Services, and no fiscal impact on local units of government. By expanding the instances under which a holder of confidential patient records may release them, the bill could cause the Department and community mental health service programs to receive an increased number of requests for mental health information, resulting in higher administrative costs.

Date Completed: 12-14-16

Fiscal Analyst: Elyn Ackerman