



Senate Fiscal Agency
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BILL



ANALYSIS

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

Date Completed: 12-6-16

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, payment, or other related services for the delivery of mental health services, in accordance with the Health Insurance Portability and Accountability Act.

The bill would take effect 90 days after enactment.

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.

Fiscal Analyst: Ellyn Ackerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.