

HOUSE BILL NO. 5498

February 22, 2024, Introduced by Rep. Schriver and referred to the Committee on Government Operations.

A bill to amend 2004 PA 47, entitled
"Medical records access act,"
by amending section 3 (MCL 333.26263), as amended by 2008 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. As used in this act:
- 2 (a) "Authorized representative" means any of the following:
- 3 (i) A person empowered by the patient by explicit written
- 4 authorization to act on the patient's behalf to access, disclose,
- 5 or consent to the disclosure of the patient's medical record, in

1 accordance with this act.

2 (ii) If the patient is deceased, any of the following:

3 (A) ~~His or her~~ **The deceased patient's** personal representative.

4 (B) ~~His or her~~ **The deceased patient's** heirs at law including,
5 but not limited to, ~~his or her~~ **the deceased patient's** spouse.

6 (C) The beneficiary of the patient's life insurance policy, to
7 the extent provided by section 2157 of the revised judicature act
8 of 1961, 1961 PA 236, MCL 600.2157.

9 (iii) For the purpose of obtaining a copy of an autopsy report
10 regarding a deceased patient, any of the following:

11 (A) The deceased patient's heirs at law including, but not
12 limited to, the deceased patient's spouse.

13 (B) The deceased patient's personal representative.

14 (C) The beneficiary of the deceased patient's life insurance
15 policy, to the extent provided by section 2157 of the revised
16 judicature act of 1961, 1961 PA 236, MCL 600.2157.

17 (b) ~~"Detroit consumer price index"~~ **Consumer Price Index** means
18 the most comprehensive index of consumer prices available for the
19 Detroit area from the ~~bureau of labor statistics of the United~~
20 ~~States department of labor.~~ **Bureau of Labor Statistics of the United**
21 **States Department of Labor.**

22 (c) "Guardian" means an individual who is appointed under
23 section 5306 of the estates and protected individuals code, 1998 PA
24 386, MCL 700.5306, to the extent that the scope of the guardianship
25 includes the authority to act on the individual's behalf with
26 regard to ~~his or her~~ **the individual's** health care. Guardian
27 includes an individual who is appointed as the guardian of a minor
28 under section 5202 or 5204 of the estates and protected individuals
29 code, 1998 PA 386, MCL 700.5202 and 700.5204, or under the mental

1 health code, 1974 PA 258, MCL 330.1001 to 330.2106, to the extent
2 that the scope of the guardianship includes the authority to act on
3 the individual's behalf with regard to ~~his or her~~ **the individual's**
4 health care.

5 (d) "Health care" means any care, service, or procedure
6 provided by a health care provider or health facility to diagnose,
7 treat, or maintain a patient's physical condition, or that affects
8 the structure or a function of the human body.

9 (e) "Health care provider" means a person ~~who~~ **that** is licensed
10 or registered or otherwise authorized under article 15 of the
11 public health code, 1978 PA 368, MCL 333.16101 to 333.18838, to
12 provide health care in the ordinary course of business or practice
13 of a health profession. Health care provider does not include a
14 person ~~who~~ **that** provides health care solely through the sale or
15 dispensing of drugs or medical devices or a psychiatrist,
16 psychologist, social worker, or professional counselor who provides
17 only mental health services.

18 (f) "Health facility" means a health facility or agency
19 licensed under article 17 of the public health code, 1978 PA 368,
20 MCL 333.20101 to ~~333.22260,~~ **333.22121**, or any other organized
21 entity where a health care provider provides health care to
22 patients.

23 (g) "Maintain", as related to medical records, means to hold,
24 possess, preserve, retain, store, or control medical records.

25 (h) "Medicaid" means that term as defined in section 2701 of
26 the public health code, 1978 PA 368, MCL 333.2701.

27 (i) "Medical record" means information oral or recorded in any
28 form or medium that pertains to a patient's health care, medical
29 history, diagnosis, prognosis, or medical condition and that is

1 maintained by a health care provider or health facility in the
2 process of caring for the patient's health.

3 (j) "Medical records company" means a person ~~who~~**that** stores,
4 locates, or copies medical records for a health care provider or
5 health facility under a contract or agreement with that health care
6 provider or health facility and charges a fee for providing medical
7 records to a patient or ~~his or her~~**the patient's** authorized
8 representative for that health care provider or health facility.

9 (k) "Medically indigent individual" means that term as defined
10 in section 106 of the social welfare act, 1939 PA 280, MCL 400.106.

11 (l) "Medicare" means that term as defined in section 2701 of
12 the public health code, 1978 PA 368, MCL 333.2701.

13 (m) "Minor" means an individual who is less than 18 years of
14 age, but does not include an individual who is emancipated under
15 section 4 of 1968 PA 293, MCL 722.4.

16 (n) "Patient" means an individual who receives or has received
17 health care from a health care provider or health facility. Patient
18 includes a guardian, if appointed, and a parent, guardian, or
19 person acting in loco parentis, if the individual is a minor,
20 unless the minor lawfully obtained health care without the consent
21 or notification of a parent, guardian, or other person acting in
22 loco parentis, in which case the minor has the exclusive right to
23 exercise the rights of a patient under this act with respect to
24 those medical records relating to that care.

25 (o) "Person" means an individual, corporation, estate, trust,
26 partnership, association, joint venture, government, governmental
27 subdivision or agency, or other legal or commercial entity.

28 (p) "Personal representative" means that term as defined in
29 section 1106 of the estates and protected individuals code, 1998 PA

1 386, MCL 700.1106.

2 (q) "Third party payer" means a public or private health care
3 payment or benefits program including, but not limited to, all of
4 the following:

5 (i) A health insurer.

6 (ii) A nonprofit health care corporation.

7 (iii) A health maintenance organization.

8 (iv) A preferred provider organization.

9 (v) A nonprofit dental care corporation.

10 (vi) Medicaid or ~~medicare~~. **Medicare.**

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. ____ or House Bill No. 5477 (request no.
13 01038'23) of the 102nd Legislature is enacted into law.