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## EXEMPT CERTAIN PRISON HEALTH DATA FROM DISCLOSURE

House Bill 4920

Sponsor: Rep. Thomas M. George

Committee: Civil Law and the Judiciary

Complete to 9-27-01

### A SUMMARY OF HOUSE BILL 4920 AS INTRODUCED 6-7-01

The bill would amend the Public Health Code to specify that the records, data, and knowledge collected for or by individuals or committees assigned a professional health care review function in facilities operated by the Department of Corrections or by the Department of Community Health for the Department of Corrections are confidential, not public record, nor subject to court subpoena. The bill would also apply to hospitals operated by the Department of Corrections and mental health hospitals licensed or operated by the Department of Community Health, though they are exempted from the definition of "hospital" in the Public Health Code. In addition, the bill would also apply to state correctional facilities that provide organized nursing care and medical treatment to inmates, though they are exempted from the definition of "nursing home" in the Public Health Code.

Currently, the act provides that the records, data, and knowledge collected for or by individuals or committees assigned a professional review function in a health facility or agency, or an institution of higher education that has colleges of osteopathic and human medicine, are confidential, shall be used only for the purposes provided in the Public Health Code, are not public record, and are not subject to court subpoena.

In addition, the bill would specify that administrative fines of \$10,000, levied against health facilities that fail to maintain a record for each patient or for failing to assure that the records are not wrongfully altered or destroyed, would apply to "each violation." Current law states that a hospital that fails to comply is subject to a \$10,000 administrative fine, in addition to sanctions found in the code.

Furthermore, the bill would add that a patient's clinical records could not be disclosed in a manner that would identify that individual without his or her written consent. Under current law, a patient's clinical records may not be released except under a court order.

MCL 333.20175 and 333.21515

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.