

HOUSE BILL No. 4920

June 7, 2001, Introduced by Rep. George and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 20175 and 21515 (MCL 333.20175 and
333.21515), section 20175 as amended by 2000 PA 319.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20175. (1) A health facility or agency shall keep and
2 maintain a record for each patient including a full and complete
3 record of tests and examinations performed, observations made,
4 treatments provided, and in the case of a hospital, the purpose
5 of hospitalization. In addition to the sanctions set forth in
6 section 20165, a hospital that fails to comply with this subsec-
7 tion is subject to an administrative fine of \$10,000.00 FOR EACH
8 VIOLATION.

9 (2) A hospital shall take precautions to assure that the
10 records required by subsection (1) are not wrongfully altered or

1 destroyed. A hospital that fails to comply with this subsection
2 is subject to an administrative fine of \$10,000.00 FOR EACH
3 VIOLATION.

4 (3) Unless otherwise provided by law, the licensing and cer-
5 tification records required by this article are public records.

6 (4) Departmental officers and employees shall respect the
7 confidentiality of patient clinical records and shall not divulge
8 or disclose the contents of records in a manner that identifies
9 an individual except pursuant to court order OR WITH THE WRITTEN
10 PERMISSION OF THE PATIENT FOR THE DISCLOSURE.

11 (5) A health facility or agency that employs, contracts
12 with, or grants privileges to a health professional licensed or
13 registered under article 15 shall report the following to the
14 department of consumer and industry services not more than 30
15 days after it occurs:

16 (a) Disciplinary action taken by the health facility or
17 agency against a health professional licensed or registered under
18 article 15 based on the licensee's or registrant's professional
19 competence, disciplinary action that results in a change of
20 employment status, or disciplinary action based on conduct that
21 adversely affects the licensee's or registrant's clinical privi-
22 leges for a period of more than 15 days. As used in this subdi-
23 vision, "adversely affects" means the reduction, restriction,
24 suspension, revocation, denial, or failure to renew the clinical
25 privileges of a licensee or registrant by a health facility or
26 agency.

1 (b) Restriction or acceptance of the surrender of the
2 clinical privileges of a licensee or registrant under either of
3 the following circumstances:

4 (i) The licensee or registrant is under investigation by the
5 health facility or agency.

6 (ii) There is an agreement in which the health facility or
7 agency agrees not to conduct an investigation into the licensee's
8 or registrant's alleged professional incompetence or improper
9 professional conduct.

10 (c) A case in which a health professional resigns or termi-
11 nates a contract or whose contract is not renewed instead of the
12 health facility taking disciplinary action against the health
13 professional.

14 (6) Upon request by another health facility or agency seek-
15 ing a reference for purposes of changing or granting staff privi-
16 leges, credentials, or employment, a health facility or agency
17 that employs, contracts with, or grants privileges to health pro-
18 fessionals licensed or registered under article 15 shall notify
19 the requesting health facility or agency of any disciplinary or
20 other action reportable under subsection (5) that it has taken
21 against a health professional licensed or registered under arti-
22 cle 15 and employed by, under contract to, or granted privileges
23 by the health facility or agency.

24 (7) For the purpose of reporting disciplinary actions under
25 this section, a health facility or agency shall include only the
26 following in the information provided:

1 (a) The name of the licensee or registrant against whom
2 disciplinary action has been taken.

3 (b) A description of the disciplinary action taken.

4 (c) The specific grounds for the disciplinary action taken.

5 (d) The date of the incident that is the basis for the dis-
6 ciplinary action.

7 (8) The records, data, and knowledge collected for or by
8 individuals or committees assigned a professional review function
9 in a health facility or agency, or an institution of higher edu-
10 cation in this state that has colleges of osteopathic and human
11 medicine, are confidential, shall be used only for the purposes
12 provided in this article, are not public records, and are not
13 subject to court subpoena.

14 (9) THE RECORDS, DATA, AND KNOWLEDGE COLLECTED FOR OR BY
15 INDIVIDUALS OR COMMITTEES ASSIGNED A PROFESSIONAL HEALTH CARE
16 REVIEW FUNCTION IN A FACILITY OPERATED BY THE DEPARTMENT OF COR-
17 RECTIONS OR IN A FACILITY OPERATED BY THE DEPARTMENT OF COMMUNITY
18 HEALTH FOR THE DEPARTMENT OF CORRECTIONS ARE CONFIDENTIAL, ARE
19 NOT PUBLIC RECORDS, AND ARE NOT SUBJECT TO COURT SUBPOENA. THIS
20 SUBSECTION APPLIES NOTWITHSTANDING THE FACT THAT A HOSPITAL OPER-
21 ATED BY THE DEPARTMENT OF CORRECTIONS AND A MENTAL HEALTH HOSPI-
22 TAL LICENSED OR OPERATED BY THE DEPARTMENT OF COMMUNITY HEALTH
23 ARE EXEMPTED FROM THE DEFINITION OF THE TERM "HOSPITAL" IN
24 SECTION 20106(5) AND NOTWITHSTANDING THE FACT THAT A UNIT IN A
25 STATE CORRECTIONAL FACILITY THAT PROVIDES ORGANIZED NURSING CARE
26 AND MEDICAL TREATMENT TO INMATES IS EXEMPTED FROM THE DEFINITION
27 OF THE TERM "NURSING HOME" IN SECTION 20109(1).

1 Sec. 21515. (1) The records, data, and knowledge collected
2 for or by individuals or committees assigned a review function
3 described in this article are confidential and shall be used only
4 for the purposes provided in this article, ~~shall~~ ARE not ~~be~~
5 public records, and ~~shall~~ ARE not ~~be available for~~ SUBJECT TO
6 court subpoena.

7 (2) THE RECORDS, DATA, AND KNOWLEDGE COLLECTED FOR OR BY
8 INDIVIDUALS OR COMMITTEES ASSIGNED A PROFESSIONAL HEALTH CARE
9 REVIEW FUNCTION IN A FACILITY OPERATED BY THE DEPARTMENT OF COR-
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18 STATE CORRECTIONAL FACILITY THAT PROVIDES ORGANIZED NURSING CARE
19 AND MEDICAL TREATMENT TO INMATES IS EXEMPTED FROM THE DEFINITION
20 OF THE TERM "NURSING HOME" IN SECTION 20109(1).