

SENATE BILL No. 961

October 28, 2009, Introduced by Senators GEORGE, BIRKHOLZ, KAHN, PAPPAGEORGE and HARDIMAN and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2157 (MCL 600.2157), as amended by 1995 PA 205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2157. (1) Except as otherwise provided by law, a person
2 ~~duly~~ authorized to practice medicine or surgery shall not disclose
3 any information that the person has acquired in attending a patient
4 in a professional character, if the information was necessary to
5 enable the person to prescribe for the patient as a physician, or
6 to do any act for the patient as a surgeon.

7 (2) If ~~the~~ A patient brings an action against any defendant to
8 recover for any personal injuries, or for any malpractice, and the
9 patient produces a physician as a witness in the patient's own
10 behalf who has treated the patient for the injury or for any
11 disease or condition for which the malpractice is alleged, the

1 patient ~~shall be~~ **IS** considered to have waived the privilege
2 provided in this section as to another physician who has treated
3 the patient for the injuries, disease, or condition.

4 (3) If a patient has died, the heirs at law of the patient,
5 whether proponents or contestants of the patient's will, ~~shall be~~
6 **ARE** considered to be personal representatives of the deceased
7 patient for the purpose of waiving the privilege under this section
8 in a contest upon the question of admitting the patient's will to
9 probate.

10 (4) If a patient has died, the beneficiary of a life insurance
11 policy insuring the life of the patient, or the patient's heirs at
12 law, may waive the privilege under this section for the purpose of
13 providing the necessary documentation to a life insurer in
14 examining a claim for benefits.

15 (5) **IF THE PATIENT IS A VULNERABLE ADULT, THE PRIVILEGE UNDER**
16 **THIS SECTION IS WAIVED FOR THE PURPOSE OF INVESTIGATING,**
17 **PROSECUTING, OR DEFENDING AGAINST ALLEGATIONS THAT THE PATIENT WAS**
18 **HARMED, THREATENED WITH HARM, ABUSED, NEGLECTED, OR EXPLOITED.**

19 (6) **AS USED IN THIS SECTION, "VULNERABLE ADULT" MEANS THAT**
20 **TERM AS DEFINED IN SECTION 145M OF THE MICHIGAN PENAL CODE, 1931 PA**
21 **328, MCL 750.145M.**