

# HOUSE BILL No. 5842

September 11, 2012, Introduced by Rep. Ouimet and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2617, 2631, and 2632 (MCL 333.2617, 333.2631, and 333.2632).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2617. (1) The health information system shall include  
2 statistics relative to:

3           (a) The causes, effects, extent, and nature of illness and  
4 disability of the people of this state, or a grouping of its  
5 people, which may include the incidence and prevalence of various  
6 acute and chronic illnesses and infant and maternal morbidity and  
7 mortality.

8           (b) The impact of illness and disability of the people of this

1 state on the economy of this state and on other aspects of the  
2 well-being of its people or a grouping of its people.

3 (c) Environmental, social, and other health hazards and health  
4 knowledge and practices of the people of this state.

5 (d) Determinants of health and nutritional practices and  
6 status, including behavior related to health.

7 (e) Health resources, which may include health care  
8 institutions.

9 (f) The utilization of health care, which may include the  
10 utilization of ambulatory health services by specialties and types  
11 of practice of the health professionals providing the services, and  
12 services of health facilities and agencies defined in section 20106  
13 and other health care institutions.

14 (g) Health care costs and financing, which may include the  
15 trends in health care prices and costs, the sources of payments for  
16 health care services, and federal, state, and local governmental  
17 expenditures for health care services.

18 (2) A PHYSICIAN OR AN INDIVIDUAL IN CHARGE OF A HEALTH  
19 FACILITY WHO IS PRESENT FOR OR IS AWARE OF A MATERNAL DEATH SHALL  
20 SUBMIT INFORMATION REGARDING THAT DEATH AT THE TIME AND IN THE  
21 MANNER AS REQUIRED BY THE DEPARTMENT FOR INCLUSION IN THE HEALTH  
22 INFORMATION SYSTEM. AS USED IN THIS SUBSECTION:

23 (A) "HEALTH FACILITY" MEANS A HOSPITAL OR FREESTANDING  
24 SURGICAL OUTPATIENT FACILITY THAT IS LICENSED OR OTHERWISE  
25 AUTHORIZED TO OPERATE IN THIS STATE UNDER ARTICLE 17.

26 (B) "MATERNAL DEATH" MEANS THE DEATH OF A WOMAN WHO WAS  
27 PREGNANT AT THE TIME OF HER DEATH OR WITHIN 1 YEAR BEFORE HER

1 DEATH.

2 (C) "PHYSICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED OR  
3 OTHERWISE AUTHORIZED TO ENGAGE IN THE PRACTICE OF MEDICINE OR  
4 OSTEOPATHIC MEDICINE AND SURGERY UNDER ARTICLE 15.

5 Sec. 2631. The information, records of interviews, written  
6 reports, statements, notes, memoranda, or other data or records  
7 furnished to **THE DEPARTMENT**, procured by **THE DEPARTMENT, REQUIRED**  
8 **TO BE SUBMITTED TO THE DEPARTMENT UNDER SECTION 2617(2)**, or  
9 voluntarily shared with the department in the conduct of a medical  
10 research project, or **BY** a person, agency, or organization ~~which~~  
11 **THAT** has been designated in advance by the department as a medical  
12 research project ~~which~~ **AND THAT** regularly furnishes statistical or  
13 summary data with respect to that project to the department for the  
14 purpose of reducing the morbidity or mortality from any cause or  
15 condition of health are confidential and shall be used solely for  
16 statistical, scientific, and medical research purposes relating to  
17 the cause or condition of health.

18 Sec. 2632. The information, records, reports, statements,  
19 notes, memoranda, or other data described in section 2631 are not  
20 admissible as evidence in an action in a court or before any other  
21 tribunal, board, agency, or person. Furnishing the data to the  
22 department **UNDER SECTION 2617(2)**, in the conduct of a medical  
23 research project, or to a designated medical research project does  
24 not result in the loss of any privilege ~~which~~ **THAT** the data may  
25 otherwise have making them inadmissible as evidence. The  
26 information, records, reports, notes, memoranda, or other data  
27 shall not be exhibited nor their contents disclosed in any way, in

1 whole or in part, by the department or its representative, or by  
2 any other person, agency, or organization, except as is necessary  
3 for the purpose of ~~furthering the~~ **STATISTICAL, SCIENTIFIC, AND**  
4 medical research ~~project~~ **PURPOSES** to which they relate consistent  
5 with ~~section~~ **SECTIONS 2617 AND** 2637 and the rules promulgated under  
6 section 2678. A person participating in a designated medical  
7 research project shall not disclose the information obtained except  
8 in strict conformity with the research project.