

HOUSE BILL No. 5882

October 2, 2014, Introduced by Reps. Darany, Haines, Dillon, Brinks, Cavanagh, Phelps, Stallworth, Knezek, Segal, Callton, Kesto and Tlaib 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~~ **ESTABLISHED**
2 **UNDER SECTION 2616 MUST** include statistics relative to **ALL OF THE**
3 **FOLLOWING:**

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

9 (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 **AS** defined in section
13 20106 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 DESCRIBED IN SUBSECTION (1). AS USED IN THIS**
23 **SUBSECTION:**

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

27 **(B) "MATERNAL DEATH" MEANS THE DEATH OF A WOMAN WHO WAS**

1 PREGNANT AT THE TIME OF HER DEATH OR WITHIN 1 YEAR BEFORE HER
2 DEATH.

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

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

19 Sec. 2632. The information, records, reports, statements,
20 notes, memoranda, or other data described in section 2631 are not
21 admissible as evidence in an action in a court or before any other
22 tribunal, board, agency, or person. Furnishing the data to the
23 department **UNDER SECTION 2617(2)**, in the conduct of a medical
24 research project, or to a designated medical research project does
25 not result in the loss of any privilege ~~which~~ **THAT** the data may
26 otherwise have ~~making them~~ **THAT MAKES THE DATA** inadmissible as
27 evidence. ~~The~~ **EXCEPT AS OTHERWISE SPECIFICALLY AUTHORIZED IN THIS**

1 SECTION, A PERSON OR GOVERNMENTAL ENTITY SHALL NOT EXHIBIT OR
2 DISCLOSE, IN WHOLE OR IN PART, THE CONTENTS OF THE information,
3 records, reports, notes, memoranda, or other data ~~shall not be~~
4 exhibited nor their contents disclosed in any way, in whole or in
5 part, by the department or its representative, or by any other
6 person, agency, or organization, except as is DESCRIBED IN SECTION
7 2631. THE INFORMATION, RECORDS, REPORTS, NOTES, MEMORANDA, OR OTHER
8 DATA DESCRIBED IN SECTION 2631 MAY BE EXHIBITED OR THE CONTENTS
9 DISCLOSED, IN WHOLE OR IN PART, IF necessary for the purpose of
10 furthering the ~~STATISTICAL, SCIENTIFIC, AND~~ medical research
11 ~~project~~ PURPOSES to which they relate consistent with ~~section~~
12 SECTIONS 2617 AND 2637 and the rules promulgated under section
13 2678. A person participating in a designated medical research
14 project shall not disclose the information obtained except in
15 strict conformity with the research project.