

HOUSE BILL No. 4757

June 14, 2017, Introduced by Rep. Kosowski and referred to the Committee on Health Policy.

A bill to require that students at public and private institutions of higher education in this state be given an opportunity to authorize the disclosure of certain private mental health information in certain circumstances; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "student optional disclosure of private mental health information
3 act".

4 Sec. 3. As used in this act:

5 (a) "Designated person" means a parent, guardian, or other
6 person over the age of 18 designated by a student pursuant to
7 section 5 to receive disclosure of certain private mental health

1 information.

2 (b) "Institution of higher education" or "institution" means a
3 degree- or certificate-granting public or private college,
4 university, or community or junior college in this state.

5 (c) "Mental health professional" means that term as defined in
6 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

7 Sec. 5. (1) Subject to section 748(6) of the mental health
8 code, 1974 PA 258, MCL 330.1748, an institution of higher education
9 shall, at or near the time that an incoming student enrolls at the
10 institution, provide that student the opportunity to authorize in
11 writing the disclosure of private mental health information
12 regarding the student in the circumstances described in subsection
13 (3) to a designated person.

14 (2) For the purpose of obtaining the authorization described
15 in subsection (1), an institution of higher education shall prepare
16 a form and shall create a policy and supporting procedures to
17 ensure that every new student is given the opportunity to complete
18 and submit the form if he or she so desires. The form must provide
19 a space for the student to affirmatively authorize, or decline to
20 authorize, the disclosure of the information. The form must also
21 provide a space for the student to enter the name, address,
22 telephone number, and other contact information for the designated
23 person.

24 (3) If a student has authorized disclosure pursuant to
25 subsections (1) and (2), an institution of higher education may,
26 subject to section 748(6) of the mental health code, 1974 PA 258,
27 MCL 330.1748, disclose that student's private mental health

1 information if a mental health professional who is employed by the
2 institution makes a determination that the student poses a clear
3 danger to himself, herself, or others to protect the student or
4 other person against a clear, imminent risk of serious physical or
5 mental injury or disease or death being inflicted upon the person
6 or by the student on himself, herself, or another. The mental
7 health professional shall, as soon as practicable, but in no more
8 than 24 hours after making a determination under this subsection,
9 attempt to contact the designated person and notify the designated
10 person that the mental health professional has made a determination
11 that the student poses a clear, imminent danger to himself,
12 herself, or others.