

SENATE BILL NO. 281

April 24, 2019, Introduced by Senator MACGREGOR and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16238 (MCL 333.16238), as added by 1993 PA 79,
and by adding section 16240.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16238. (1) Except as otherwise provided in section
2 ~~13(1)(u)-(i)~~ **13(1)(t)(i)** and (ii) of the freedom of information act,
3 ~~Act No. 442 of the Public Acts of 1976 PA 442, being section 15.243~~

1 ~~of the Michigan Compiled Laws, MCL 15.243,~~ the information
2 including, but not limited to, patient names, obtained in an
3 investigation or a compliance conference before a complaint is
4 issued, is confidential and ~~shall~~**must** not be disclosed except to
5 the extent necessary for the proper functioning of a hearings
6 examiner, a disciplinary subcommittee, or the department.

7 (2) A compliance conference conducted under this part before a
8 complaint is issued ~~shall~~**must** be closed to the public.

9 **Sec. 16240. Subject to the confidentiality provisions of**
10 **sections 16222(2) and 16231(7), the department shall report the**
11 **name of a licensee or registrant to the law enforcement agency with**
12 **jurisdiction over the area in which the licensee or registrant**
13 **practices his or her health profession if the department determines**
14 **that there is a reasonable basis to believe that the licensee or**
15 **registrant has committed a violation of section 520b, 520c, 520d,**
16 **or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b,**
17 **750.520c, 750.520d, and 750.520e, and the department has issued a**
18 **formal complaint against the licensee or registrant for the**
19 **violation.**