

## CRITICAL HEALTH PROBLEMS REPORTING ACT

### Act 312 of 1978

AN ACT to promote public health in this state; to require the reporting of critical health problems; to provide for the compilation, maintenance, and dissemination of information and data relating thereto; to provide for the admissibility into evidence of certain reports; to prescribe certain duties for persons, and for state and local departments of public health; to prescribe penalties; and to repeal certain acts and parts of acts.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

*The People of the State of Michigan enact:*

#### 325.71 Short title.

##### Sec. 1.

This act shall be known and may be cited as the "critical health problems reporting act".

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

**Compiler's Notes:** Former MCL 325.71 to 325.75, pertaining to public laboratories, were repealed by Act 235 of 1968.

#### 325.72 Definitions.

##### Sec. 2.

As used in this act:

(a) "Critical health problem" means any of the following:

(i) Lead poisoning.

(ii) Reye's syndrome.

(iii) A disease, condition, or procedure relating to public health which is determined by the director to be of particular concern or importance as a critical health problem in this state, being in need of greater research, study, and statistical analysis.

(b) "Department" means the department of public health created and operating under sections 425 to 427 of Act No. 380 of the Public Acts of 1965, being sections 16.525 to 16.527 of the Michigan Compiled Laws.

(c) "Director" means the state director of public health or a person designated by the director to act in place of the director.

(d) "Facility" means a governmental or private agency, department, institution, clinic, laboratory, hospital, or a health maintenance organization, association, or other similar unit designated by the director.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

#### 325.73 Critical health problem; determination by rule; termination of rule.

##### Sec. 3.

The director shall determine by rule a disease, condition, or procedure which constitutes a critical health problem under section 2(a)(iii). A rule promulgated under this section shall cease to be effective 5 years after the date the rule is promulgated.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978  
**Admin Rule:** R 325.9001 of the Michigan Administrative Code.

#### **325.74 Critical health problem report; required; time.**

##### **Sec. 4.**

An attending physician or other person representing or employed by a facility as determined by the director shall report the existence of a critical health problem as prescribed by this act when the physician or person determined by the director diagnoses or confirms a critical health problem. The report shall be made not more than 10 days after the diagnosis or confirmation is made by the physician or other person.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

#### **325.75 Critical health problem report; contents; rules; availability of report or other data to public; physician-patient privilege inapplicable.**

##### **Sec. 5.**

(1) The report prescribed in section 4 shall be designated as a critical health problem report and shall contain information which the director considers necessary to identify, locate, and investigate the occurrence, frequency, incidence, cause, effect, and prognosis of the critical health problem, and other relevant data and findings with respect thereto.

(2) The director shall promulgate rules regarding the form, content, and manner of filing the report prescribed in section 4, which shall be submitted to the department unless otherwise prescribed by the director.

(3) A report or other data relating to a critical health problem which discloses the identity of an individual who was reported as having a critical health problem shall be made available only to persons who demonstrate a need for the report or other data which is essential to health related research. A report or data which does not disclose the identity of the individual shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(4) The physician-patient privilege shall not apply to a critical health problem report prepared pursuant to subsection (1).

**History:** 1978, Act 312, Imd. Eff. July 10, 1978  
**Admin Rule:** R 325.9001 of the Michigan Administrative Code.

#### **325.76 Reports and data; maintenance; availability.**

##### **Sec. 6.**

Critical health problem reports and data shall be maintained by the department in a manner suitable for use for research purposes, and shall be made available to persons as prescribed in section 5.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

### **325.77 Violation as misdemeanor.**

#### **Sec. 7.**

Except with respect to a failure to comply with Act No. 442 of the Public Acts of 1976, a person who violates this act is guilty of a misdemeanor.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

### **325.78 Rules.**

#### **Sec. 8.**

Pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, the director shall promulgate rules to implement this act which foster the study, research, diminution, and control of critical health problems in this state.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978

**Admin Rule:** R 325.9001 of the Michigan Administrative Code.

### **325.79 Repeal of MCL 722.591 to 722.594.**

#### **Sec. 9.**

Act No. 183 of the Public Acts of 1972, being sections 722.591 to 722.594 of the Compiled Laws of 1970, is repealed.

**History:** 1978, Act 312, Imd. Eff. July 10, 1978