



Senate Fiscal Agency
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BILL  ANALYSIS

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Senate Bill 733 (as introduced 10-25-95)
Sponsor: Senator Dale L. Shugars
Committee: Health Policy and Senior Citizens

Date Completed: 2-15-96

CONTENT

The bill would amend the Public Health Code to provide that upon receiving a written request for a copy of a medical record, accompanied by a valid authorization and payment of the fees (specified in the bill), a health professional or his or her agent, or a health facility or agency or its agent, would have to provide the requesting person with a copy of each medical record specified in the request. The request would have to be fulfilled within a reasonable period of time, but not more than 30 days.

A health professional (or agent) or health facility or agency (or its agent) could charge the following fees: up to \$15 for search and retrieval; \$1 per page for making and providing copies from paper; \$2 per page for copies made from microfilm; and actual postage shipping fees, and sales tax, if applicable. The fee limitations in the bill would not apply to x-rays or other imaging records. The Director of the Department of Public Health could adjust the fees each year by the rate of inflation.

Under the bill, a health professional's agent, or a health facility's or agency's agent would be a contractor, subcontractor, affiliate, or subsidiary of the health professional, facility, or agency, who, pursuant to an agreement or other relationship, received, maintained, used, copied, or transmitted medical records in order to conduct a legitimate business activity of the health professional, facility, or agency.

A requesting person (a person who requested medical records) could be one of the following:

- The adult patient to whom the medical records pertained.
- A person who presented a court order for a medical record.
- The parent or guardian of a minor patient, or the conservator of a minor's estate.
- The guardian of an adult patient or the conservator of the adult patient's estate.
- The personal representative of a deceased patient; that is, an individual appointed to act in that capacity for the estate of a deceased person under the provisions of the Revised Probate Code.
- The legal representative of a patient, including the patient's attorney, other than the patient's personal representative, guardian, or conservator.

Under the Public Health Code, the Department of Commerce can investigate the activities of a health professional, related to the practice of a health profession. The Code contains a list of the grounds upon which the Department can impose sanctions, and a list of the sanctions to be imposed for each violation. The bill provides that a violation of the bill's provisions regarding the

release of medical records would be grounds for the imposition of a sanction against a health professional, and that a health profession's disciplinary subcommittee could impose a fine of up to \$1,000 for each violation.

Under the Code, a licensed health facility or agency that provides services directly to patients or residents, or a nursing home or home for the aged, must adopt a policy describing the rights and responsibilities of patients or residents. The Code prescribes the minimum content of the policy, including provisions that a patient or resident is entitled to inspect or receive a copy of his or her medical record, for a reasonable fee. The bill provides that the policy would have to include provisions to allow a patient or resident to inspect or receive his or her medical records pursuant to the provisions added by the bill.

The Code contains a list of requirements with which a hospital, that has been granted a certificate of need for a short-term nursing care program, must comply. One of the requirements is that the hospital's rights and responsibilities of patients policy must allow a patient, or person authorized in writing by the patient, to inspect and copy the patient's medical records. The bill would require the policy to allow a patient, upon request, to inspect and copy his or her records as provided by the provisions added by the bill.

MCL 333.16221 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.