

# HOUSE BILL No. 5803

May 17, 2000, Introduced by Reps. Julian, DeRossett, Gilbert, Tabor, DeWeese, Richner, Brewer and Neumann and referred to the Committee on Family and Civil Law.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 20175 (MCL 333.20175), as amended by 1993 PA  
79.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 20175. (1) A health facility or agency shall keep and  
2 maintain a record for each patient including a full and complete  
3 record of tests and examinations performed, observations made,  
4 treatments provided, and in the case of a hospital, the purpose  
5 of hospitalization. In addition to the sanctions set forth in  
6 section 20165, a hospital that fails to comply with this subsec-  
7 tion is subject to an administrative fine of \$10,000.00.

8       (2) A hospital shall take precautions to assure that the  
9 records required by subsection (1) are not wrongfully altered or

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1 destroyed. A hospital that fails to comply with this subsection  
2 is subject to an administrative fine of \$10,000.00.

3 (3) Unless otherwise provided by law, the licensing and cer-  
4 tification records required by this article are public records.

5 (4) Departmental officers and employees shall respect the  
6 confidentiality of patient clinical records and shall not divulge  
7 or disclose the contents of records in a manner that identifies  
8 an individual except pursuant to court order.

9 (5) A health facility or agency that employs, contracts  
10 with, or grants privileges to a health professional licensed or  
11 registered under article 15 shall report the following to the  
12 department of ~~commerce~~ CONSUMER AND INDUSTRY SERVICES not more  
13 than 30 days after it occurs:

14 (a) Disciplinary action taken by the health facility or  
15 agency against a health professional licensed or registered under  
16 article 15 based on the licensee's or registrant's professional  
17 competence, disciplinary action that results in a change of  
18 employment status, or disciplinary action based on conduct that  
19 adversely affects the licensee's or registrant's clinical privi-  
20 leges for a period of more than 15 days. As used in this subdi-  
21 vision, "adversely affects" means the reduction, restriction,  
22 suspension, revocation, denial, or failure to renew the clinical  
23 privileges of a licensee or registrant by a health facility or  
24 agency.

25 (b) Restriction or acceptance of the surrender of the clini-  
26 cal privileges of a licensee or registrant under either of the  
27 following circumstances:

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1           (i) The licensee or registrant is under investigation by the  
2 health facility or agency.

3           (ii) There is an agreement in which the health facility or  
4 agency agrees not to conduct an investigation into the licensee's  
5 or registrant's alleged professional incompetence or improper  
6 professional conduct.

7           (c) A case in which a health professional resigns or termi-  
8 nates a contract or whose contract is not renewed instead of the  
9 health facility taking disciplinary action against the health  
10 professional.

11           (6) Upon request by another health facility or agency seek-  
12 ing a reference for purposes of changing or granting staff privi-  
13 leges, credentials, or employment, a health facility or agency  
14 that employs, contracts with, or grants privileges to health pro-  
15 fessionals licensed or registered under article 15 shall notify  
16 the requesting health facility or agency of any disciplinary or  
17 other action reportable under subsection (5) that it has taken  
18 against a health professional licensed or registered under arti-  
19 cle 15 and employed by, under contract to, or granted privileges  
20 by the health facility or agency.

21           (7) For the purpose of reporting disciplinary actions  
22 ~~pursuant to~~ UNDER this section, a health facility or agency  
23 shall include only the following in the information provided:

24           (a) The name of the licensee or registrant against whom dis-  
25 ciplinary action has been taken.

26           (b) A description of the disciplinary action taken.

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1 (c) The specific grounds for the disciplinary action taken.

2 (d) The date of the incident that is the basis for the  
3 disciplinary action.

4 (8) The records, data, and knowledge collected for or by  
5 individuals or committees assigned a professional review function  
6 in a health facility or agency, OR AN INSTITUTION OF HIGHER EDU-  
7 CATION IN THIS STATE THAT HAS COLLEGES OF OSTEOPATHIC AND HUMAN  
8 MEDICINE, are confidential, shall be used only for the purposes  
9 provided in this article, are not public records, and are not  
10 subject to court subpoena.

11 Enacting section 1. This amendatory act does not take  
12 effect unless House Bill No. 5063 of the 90th Legislature is  
13 enacted into law.