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BILL ANALYSIS

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Senate Bill 468 (as introduced 5-5-05)  
Sponsor: Senator Deborah Cherry  
Committee: Health Policy

Date Completed: 4-18-06

## **CONTENT**

**The bill would amend the Freedom of Information Act to allow a public body to exempt from disclosure as a public record protected health information.**

Under the Act, a person has a right to inspect, copy, or receive copies of a public record, upon making a request that describes the public record sufficiently to enable a public body to find it. A public body, however, may exempt certain information and documents from disclosure. These include medical, counseling, or psychological facts or evaluations concerning an individual if his or her identity would be revealed by a disclosure of those facts or evaluations. The bill also would include protected health information, as defined in 45 CFR 160.103.

(Under 45 CFR 160.103, "protected health information" means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium. The term excludes individually identifiable health information in education records covered by the Family Educational Rights and Privacy Act, records described in 20 USC 1232g(a)(4)(B)(iv), and employment records held by a covered entity in its role as employer.

"Covered entity" means a health plan, health care clearinghouse, or health care provider who transmits any health information in electronic form in connection with certain transactions.

Records described in 20 USC 1232g(a)(B)(4)(iv) are records on a student who is at least 18 years old, or is attending an institution of postsecondary education, that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and that are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than the people providing such treatment, except that a physician or other appropriate professional of the student's choice may view them.)

MCL 15.243

Legislative Analyst: Julie Koval

## **FISCAL IMPACT**

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

Fiscal Analyst: Bill Bowerman

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