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Senate Bill 716 (as reported without amendment)
Sponsor: Senator Tom George
Committee: Health Policy

CONTENT

The bill would amend the Medical Records Access Act to revise provisions authorizing certain individuals to examine or obtain a person's medical record; and authorize certain individuals to obtain a deceased person's autopsy report.

Under the Act, except as otherwise provided by law or regulation, a patient or his or her authorized representative has the right to examine or obtain the patient's medical record. The Act defines "authorized representative" as either of the following:

- A person empowered by the patient by explicit written authorization to act on the patient's behalf to gain access to, disclose, or consent to the disclosure of the patient's medical record, in accordance with the Act.
- If the patient is deceased, his or her personal representative, heirs at law, or the beneficiary of his or her life insurance policy, to the extent provided by Section 2157 of the Revised Judicature Act.

Under the bill, the phrase, "to the extent provided by section 2157 of the revised judicature act" would apply only to the beneficiary of the patient's life insurance policy.

(That section prohibits a physician from disclosing patient information except as otherwise provided. If a patient has died, his or her heirs at law are considered to be the deceased patient's personal representatives for the purpose of waiving the physician-patient privilege in a contest over admitting the patient's will to probate. Additionally, if a patient has died, the beneficiary of his or her life insurance policy, or his or her heirs at law, may waive the physician-patient privilege for the purpose of providing the necessary documentation to a life insurer in examining a claim for benefits.)

Also, under the bill, for the purpose of obtaining a copy of an autopsy report regarding a deceased patient, "authorized representative" would include the deceased patient's spouse or personal representative, or the person who consented to the autopsy pursuant to the Public Health Code or a valid durable power of attorney.

MCL 333.26263

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Date Completed: 10-15-07

Fiscal Analyst: David Fosdick