

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 716

A bill to amend 2004 PA 47, entitled
"Medical records access act,"
by amending section 3 (MCL 333.26263).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Authorized representative" means either ~~ANY~~ of the
3 following:

4 (i) A person empowered by the patient by explicit written
5 authorization to act on the patient's behalf to access, disclose,
6 or consent to the disclosure of the patient's medical record, in
7 accordance with this act.

8 (ii) If the patient is deceased, ~~his~~ **ANY OF THE FOLLOWING:**

9 **(A) HIS** or her personal representative. ~~or his~~

1 **(B) HIS** or her heirs at law ~~or the~~ **INCLUDING, BUT NOT LIMITED**
2 **TO, HIS OR HER SPOUSE.**

3 **(C) THE** beneficiary of the patient's life insurance policy, to
4 the extent provided by section 2157 of the revised judicature act
5 of 1961, 1961 PA 236, MCL 600.2157.

6 **(iii) FOR THE PURPOSE OF OBTAINING A COPY OF AN AUTOPSY REPORT**
7 **REGARDING A DECEASED PATIENT, ANY OF THE FOLLOWING:**

8 **(A) THE DECEASED PATIENT'S HEIRS AT LAW INCLUDING, BUT NOT**
9 **LIMITED TO, THE DECEASED PATIENT'S SPOUSE.**

10 **(B) THE DECEASED PATIENT'S PERSONAL REPRESENTATIVE.**

11 **(C) THE BENEFICIARY OF THE DECEASED PATIENT'S LIFE INSURANCE**
12 **POLICY, TO THE EXTENT PROVIDED BY SECTION 2157 OF THE REVISED**
13 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2157.**

14 (b) "Detroit consumer price index" means the most
15 comprehensive index of consumer prices available for the Detroit
16 area from the bureau of labor statistics of the United States
17 department of labor.

18 (c) "Guardian" means an individual who is appointed under
19 section 5306 of the estates and protected individuals code, 1998 PA
20 386, MCL 700.5306, to the extent that the scope of the guardianship
21 includes the authority to act on the individual's behalf with
22 regard to his or her health care. Guardian includes an individual
23 who is appointed as the guardian of a minor under section 5202 or
24 5204 of the estates and protected individuals code, 1998 PA 386,
25 MCL 700.5202 and 700.5204, or under the mental health code, 1974 PA
26 258, MCL 330.1001 to 330.2106, to the extent that the scope of the
27 guardianship includes the authority to act on the individual's

1 behalf with regard to his or her health care.

2 (d) "Health care" means any care, service, or procedure
3 provided by a health care provider or health facility to diagnose,
4 treat, or maintain a patient's physical condition, or that affects
5 the structure or a function of the human body.

6 (e) "Health care provider" means a person who is licensed or
7 registered or otherwise authorized under article 15 of the public
8 health code, 1978 PA 368, MCL 333.16101 to 333.18838, to provide
9 health care in the ordinary course of business or practice of a
10 health profession. Health care provider does not include a person
11 who provides health care solely through the sale or dispensing of
12 drugs or medical devices or a psychiatrist, psychologist, social
13 worker, or professional counselor who provides only mental health
14 services.

15 (f) "Health facility" means a health facility or agency
16 licensed under article 17 of the public health code, 1978 PA 368,
17 MCL 333.20101 to 333.22260, or any other organized entity where a
18 health care provider provides health care to patients.

19 (g) "Maintain", as related to medical records, means to hold,
20 possess, preserve, retain, store, or control medical records.

21 (h) "Medicaid" means that term as defined in section 2701 of
22 the public health code, 1978 PA 368, MCL 333.2701.

23 (i) "Medical record" means information oral or recorded in any
24 form or medium that pertains to a patient's health care, medical
25 history, diagnosis, prognosis, or medical condition and that is
26 maintained by a health care provider or health facility in the
27 process of **CARING FOR** the patient's health.

1 (j) "Medical records company" means a person who stores,
2 locates, or copies medical records for a health care provider or
3 health facility under a contract or agreement with that health care
4 provider or health facility and charges a fee for providing medical
5 records to a patient or his or her authorized representative for
6 that health care provider or health facility.

7 (k) "Medically indigent individual" means that term as defined
8 ~~under~~ **IN** section 106 of the social welfare act, 1939 PA 280, MCL
9 400.106.

10 (l) "Medicare" means that term as defined in section 2701 of
11 the public health code, 1978 PA 368, MCL 333.2701.

12 (m) "Minor" means an individual who is less than 18 years of
13 age, but does not include an individual who is emancipated under
14 section 4 of 1968 PA 293, MCL 722.4.

15 (n) "Patient" means an individual who receives or has received
16 health care from a health care provider or health facility. Patient
17 includes a guardian, if appointed, and a parent, guardian, or
18 person acting in loco parentis, if the individual is a minor,
19 unless the minor lawfully obtained health care without the consent
20 or notification of a parent, guardian, or other person acting in
21 loco parentis, in which case the minor has the exclusive right to
22 exercise the rights of a patient under this act with respect to
23 those medical records relating to that care.

24 (o) "Person" means an individual, corporation, estate, trust,
25 partnership, association, joint venture, government, governmental
26 subdivision or agency, or other legal or commercial entity.

27 (p) "Personal representative" means that term as defined in

1 section 1106 of the estates and protected individuals code, 1998 PA
2 386, MCL 700.1106.

3 (q) "Third party payer" means a public or private health care
4 payment or benefits program including, but not limited to, all of
5 the following:

6 (i) A health insurer.

7 (ii) A nonprofit health care corporation.

8 (iii) A health maintenance organization.

9 (iv) A preferred provider organization.

10 (v) A nonprofit dental care corporation.

11 (vi) Medicaid or medicare.