



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1052 (as introduced 9-11-14)
Sponsor: Senator Rebekah Warren
Committee: Health Policy

Date Completed: 10-2-14

CONTENT

The bill would amend the Mental Health Code to authorize the holder of the record of a person receiving mental health services through the Department of Community Health (DCH) or a community mental health services program (CMHSP) to disclose recipient information in accordance with the Federal Health Insurance Portability and Accountability Act (HIPAA) as necessary for the delivery of mental health services.

Under the Code, information in the record of a recipient and other information acquired in the course of providing mental health services to the recipient must be kept confidential and is not open to public inspection. ("Recipient" means an individual who receives mental health services from the DCH, a CMHSP, or a facility or provider that is under contract with the DCH or a CMHSP. The term does not include an individual receiving substance use disorder services unless he or she also receives mental health services in conjunction with substance abuse disorder services.) The information may be disclosed outside the DCH, CMHSP, licensed facility, or contract provider, whichever is the holder of the record, only under circumstances and conditions prescribed in the Code.

The holder of the record may disclose recipient information under one or more of the following circumstances:

- As necessary in order for the recipient to apply for or receive benefits.
- As necessary for the purpose of outside research, evaluation, accreditation, or statistical compilation, subject to certain conditions.
- To a provider of mental or other health services or a public agency, if there is a compelling need for disclosure based upon a substantial probability of harm to the recipient or other individuals.

Under the bill, the holder of the record also could disclose the information as necessary for treatment, coordination of care, quality assurance, utilization review, payment, or other related services for the delivery of mental health services, in accordance with HIPAA.

MCL 330.1748

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: Elynn Ackerman

S1314\S1052sa

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.