

OVERVIEW OF MICHIGAN'S LEGAL FRAMEWORK FOR HEALTH DATA RELEASE / SHARING

The following is a compilation of references to the various relevant Michigan Court Rules, Statutes, Administrative Rules, Advisory Opinions and Case law that have bearing on Health Data release and sharing. This compilation was created in order to facilitate research and compliance with Michigan law.

<b>Michigan Court Rules</b>	<b>Reference</b>	<b>Summary / Title</b>
	MCR 2.314	Release of Medical Information by Subpoena
	MCR 2.506	Compliance with Subpoena by Hospitals

<b>Statutes of Michigan</b>		
Freedom of Information Act	MCL 15.243	Items Exempt from Disclosure Under FOIA
Uniform Crime Reporting System Act	MCL 28.258	Information for LEIN
	MCL 52.205	Coroners and Medical Examiners
Michigan Vehicle Code	MCL 257.625a	Driving While Intoxicated
Aeronautics Code	MCL 259.187	Flying Aircraft While Intoxicated
Natural Resources And Environmental Protection Act	MCL 324.80182	Marine Safety
	MCL 324.81136	Off-road Vehicles
	MCL 324.82138	Snowmobiles
Critical Health Problems Reporting Act	MCL 325.75	Critical Health Data Reporting
Mental Health Code	MCL 330.1143a.	Confidentiality of Peer Review Information for Psychiatric Facilities
	MCL 330.1244	Collection of Information by MDCH
	MCL 330.1435	Civil Admission and Discharge for Mental Illness
	MCL 330.1498i	Notification to Parent or Guardian of Hospital Admission of Minor
	MCL 330.1707	Parent or Guardian Not to be Notified of Mental Health Services Provided to Minor
	MCL 330.1723	Obligation of Mental Health Professional to Report Abuse or Neglect
	MCL 330.1726	Rights of Residents of Mental Health Facilities to Unimpeded Communication
	MCL 330.1746	Maintenance of Records for Mental Health Services
	MCL 330.1748	Confidentiality of Mental Health Records
	MCL 330.1748a	Use of Mental Health Records as Evidence of Abuse or Neglect
	MCL 330.1750	Privileged Communications as Evidence
	MCL 330.1920	Interstate Compact on Mental Health
	MCL 330.1946	Duty of Mental Health Professional to Warn

<b>Statutes of Michigan</b>		
Release Of Information For Medical Research And Education Act	MCL 331.531	Disclosures to Peer Review Entities
	MCL 331.533	Confidentiality of Information Utilized by Peer Review Entity
The Public Health Code	MCL 333.2221	Public Health Programs
	MCL 333.2611	MDCH's Confidentiality Policies
	MCL 333.2619	Establishment of Cancer Registry
	MCL 333.2631	Reporting or Sharing Research Information with MDCH
	MCL 333.2632	Confidentiality of Information Obtained During Research
	MCL 333.2633	Provider Liability for Disclosures to MDCH
	MCL 333.2637	MDCH Confidentiality Procedures
	MCL 333.2640	Provision of Medical Records for Child Abuse or Neglect
	MCL 333.2821	Vital Records
	MCL 333.2834	Fetal Death
	MCL 333.2835	Abortion Reporting
	MCL 333.2837	Abortion-Related Deaths or Complications
	MCL 333.2843b	Infectious Agents in Deceased Persons
	MCL 333.2844a	Release of Information to Find Missing Persons
	MCL 333.2888	Inspection and Disclosure of Vital Records
	MCL 333.5111	Prevention and Control of Disease
	MCL 333.5114	Reporting HIV Test Results
	MCL 333.5114a	Partner Notification of HIV Test Results
	MCL 333.5119	HIV Tests for Marriage Licenses
	MCL 333.5123	VD, HIV or Hepatitis B Tests for Pregnant Women
	MCL 333.5127	Consent by Minor for VD or HIV Testing
	MCL 333.5129	Communicable Disease Test Results of Prostitutes and Intravenous Drug Users
	MCL 333.5131	Confidentiality of HIV or AIDS Test Results
	MCL 333.5133	Consent Forms for HIV and AIDS Testing
	MCL 333.5611	Occupational Diseases
	MCL 333.5613	Diagnosis and Treatment of Occupational Disease
	MCL 333.5703	Toxicological Studies of Vietnam Veterans

<b>Statutes of Michigan</b>		
Public Health, continued	MCL 333.5715	Confidentiality of Chemical Herbicide Exposure
	MCL 333.5721	Reporting Birth Defects
	MCL 333.5874	Records of Crippled Children
	MCL 333.6111	Records of Substance Abuse Treatment
	MCL 333.6112	Permitted Disclosures of Substance Abuse Records
	MCL 333.6113	Additional Disclosures of Substance Abuse Records
	MCL 333.6121	Validity of Minor Consent to Substance Abuse Treatment
	MCL 333.6521	Confidentiality of Substance Abuse Records
	MCL 333.7334	Required Forms for Prescribing Controlled Substances
	MCL 333.7335	Marijuana Research Studies
	MCL 333.7516	Practitioner Duty to Maintain Confidentiality of Patient Information
	MCL 333.7544	Power of MBP to Authorize Research
	MCL 333.9132	Minor's Capacity to Consent to Treatment
	MCL 333.9206	Immunizations
	MCL 333.9207	Childhood Immunization Registry
	MCL 333.9307	Hearing and Vision Testing for School Registration
	MCL 333.10102	Organ Donation
	MCL 333.11101	Blood Bank
	MCL 333.16168	MDCIS to Retain Consultant
	MCL 333.16169	Health Professional Recovery Committee Personnel Duty to Report
	MCL 333.16170a	Impaired Health Professionals
	MCL 333.16211	Licensee Records
	MCL 333.16221	Licensee Investigations and Grounds for Disciplinary Action
	MCL 333.16222	Licensee or Registrant Duty to Report Violations
	MCL 333.16223	Licensee or Registrant Duty to Report Impairment
	MCL 333.16236	Examination Required for Disciplinary Investigations
	MCL 333.16238	Confidentiality of Information Obtained in a Disciplinary Action
	MCL 333.16243	Disclosure to MDCIS for Disciplinary Investigation
	MCL 333.16244	Waiver of Privilege for Disciplinary Actions

<b>Statutes of Michigan</b>		
Public Health, continued	MCL 333.16267	Obligation to Report Positive HIV Test Results
	MCL 333.16281	Disclosure of Child Abuse Investigation Records
	MCL 333.16644	Retention of Dental Records
	MCL 333.16645	Patient Identification on Orthodontic Devices and Dentures
	MCL 333.16648	Confidentiality of Dental Records
	MCL 333.16911	Family and Marriage Therapy Privileged Information
	MCL 333.17015	Informed Consent for Abortion
	MCL 333.17020 and 333.17520	Consent to Genetic Testing
	MCL 333.17078	Physician Assistant Privilege
	MCL 333.17752	Prescription Drug Records
	MCL 333.18117	Confidentiality of Counselor Communications
	MCL 333.18237	Privileged Disclosures to Psychologists
	MCL 333.18513	Confidentiality of Communications to Social Workers
	MCL 333.20155	Facility Accreditation and Audits
	MCL 333.20175	Patient Records
	MCL 333.20191	Infectious Agent and Emergency Treatment
	MCL 333.20201	Policies Regarding Patient Rights and Responsibilities in Facilities and Agencies
	MCL 333.20821	Requirements for Freestanding Surgical Outpatient Facility
	MCL 333.21515	Confidentiality of Hospital Peer Review Records
	MCL 333.21743	Confidentiality of Clinical Records by MDCIS, MDCH and Nursing Homes
	MCL 333.21763	Confidentiality of Communications by Nursing Home Residents
	MCL 333.21771	Mistreatment of Patients
	MCL 333.22210	Privacy Policy for Short Term Facilities
Medical Records Access Act	MCL 333.26261	Provides for Review of Access to medical Records
Social Welfare Act	MCL 400.11a	Reporting of Suspected Abuse of Adults
	MCL 400.11c	Confidentiality of Identity of Reporter
	MCL 400.64	Public Assistance Records
	MCL 400.111b	Requirements for Providers Participating in Medical Assistance Programs
Michigan Children's Institute Act	MCL 400.211	Michigan Children's Institute

<b>Statutes of Michigan</b>		
Adult Foster Care Licensing Act	MCL 400.712	Adult Foster Care
OSHA	MCL 408.1024	Occupational Health Standards
Worker's Disability Comp. Act	MCL 418.230	Worker's Compensation Records
	MCL 418.315	BWC's Right to Review Medical Records and Invoices
Bullard - Plawecki Right to Know Act	MCL 423.501	Bullard- Plawecki
Identity Theft Protection Act	MCL 445.61 <i>et seq.</i>	Misuse, Theft of Medical Records and Information
Uniform Electronic Transactions Act	MCL 450.831 <i>et seq.</i>	Terms and Conditions for Using Electronic Signatures and Information of Business Transactions
Insurance Code	MCL 500.115, 500.501 – .547 and 500.2013	Gramm-Leach- Bliley
	MCL 500.3407b	Nondiscrimination Based on Genetic Information
	MCL 500.3523(3)(i)	HMO Contracts
	MCL 500.8106	Insolvent Insurer Cooperation with OFIS
	MCL 500.8111	Insolvency and Liquidation of Insurers
General Insurance Law, Viatical Settlement Contracts	MCL 550.524	Viatical Settlement Contracts
3rd Party Administrator Act	MCL 550.934	Confidentiality Obligations of TPAs
Non Profit Health Care Corporation Reform Act	MCL 550.1401(3)(e)	Nondisclosure of Genetic Information
	MCL 550.1406	Duty to Maintain Confidentiality and Security of Members' Health Information
	MCL 550.1407	Complaint System
	MCL 550.1604	Confidentiality of Records/Medical Care and Hospital Services
Patient's Right to Independent Review Act	MCL 550.1907	Right to Internal Grievance and External Review Procedures
	MCL 550.1911	External Review Process
	MCL 550.1919	Standards for Independent Review Organization
Revised Judicature Act of 1961	MCL 600.2157	Waiver of Physician/Patient Privilege
	MCL 600.2912b	Notice of Medical Malpractice Action Against Health Care Provider
	MCL 600.2912f	Waiver of Privileges After Filing Medical Malpractice Claims
	MCL 600.2912g	Disclosure of Medical Records for Arbitration
MI Probate Code	MCL 710.68	Release of Information to Adopted Children and Adoptive Parents
	MCL 712A.13a	Release of Medical and Education Reports to Foster Parents
Child Custody Act	MCL 722.30	Parents' Right to Records and Information

<b>Statutes of Michigan</b>		
Child Protection Act	MCL 722.623	Reporting Child Abuse
	MCL 722.623a	Reporting of Child Abuse Involving Alcohol or Controlled Substances
	MCL 722.625	Protection of the Identity of Person Reporting Child Abuse
	MCL 722.626	Detention of Abused or Neglected Child by Hospital
	MCL 722.627	FIA Central Registry and Release, Amendment and Expunction of Central Registry Records
Foster Care and Adoption Services Act	MCL 722.904	Judicial Waiver of Parental Consent
	MCL 722.954	Foster Child's Confidential Information
	MCL 722.95	Medical Records for Child Placed in Foster Care
Penal Code	MCL 750.410	Prohibited Sale of Medical Records
	MCL 750.411	Injury Reporting
	MCL 750.492a	Deliberate Falsification of Medical Records
Code of Criminal Procedure	MCL 767.5a	Confidentiality of Physician/Patient Communication
Department of Corrections Act	MCL 791.267	Testing of Prisoners for HIV
	MCL 791.267b	Right of Prison Employees to Have Prisoners Tested
Social Security Number Privacy Act	MCL 445.81	Changes SSN to Private Number – Disallows use as Main Identifier
Medical Emergencies in Health Clubs	MCL 333.26311	Changes duties of health Clubs in Emergencies
<b>PROPOSED CHANGES</b>		
<b>E-PRESCRIBING – NON-CONTROLLED DRUGS</b>	ADMIN CODE R.338.471	
<b>E-PRESCRIBING – NON-CONTROLLED AND CONTROLLED DRUGS</b>	HB 6323	
<b>MEDICAL RECORDS MAINTENANCE CHANGES</b>	SB 465	
<b>DISPOSAL OF MEDICAL RECORDS / MAINTENANCE</b>	SB 466	
<b>DISCLOSURE OF GENETIC INFORMATION</b>	SB 467	
<b>PHI EXEMPT FROM FOIA DISCLOSURE</b>	SB 468	

<b>Attorney General Opinions</b>		
	Opinion No. 7092 (October 16, 2001)	Disclosure of Minor's Mental Health Records to Noncustodial Parent
	Opinion No. 6819 (September 28, 1994)	Changes to Medical Record
	Opinion No. 6764 (August 11, 1993).	Nondisclosure of Mental Health Information
	Opinion No. 6660 (September 12, 1990)	Records of Stillbirths and Fetal Deaths
	Opinion No. 6593 (July 12, 1989)	Access by Worker's Compensation or Insurance Representative
	Opinion No. 6439 (May 29, 1987)	Disclosure of Medical Records to FIA to Substantiate Payments to Providers
	Opinion No. 6376 (June 30, 1986)	Examining Records of Deceased Persons
	Opinion No. 6369 (June 9, 1986)	Rights of Next of Kin Regarding Organ Donations
	Opinion No. 6270 (January 31, 1985)	Access to Work- Related Medical Records Maintained by Employer
	Opinion No. 5709 (May 20, 1980)	County Mental Health Board and Recipient Mental Health Records
	Opinion No. 5446 (February 23, 1979)	Hospital Release of Child's Medical Records to Attorney Representing Child
	Opinion No. 5420 (December 22, 1978)	Parent or Guardian Not Required to Give Consent
	Opinion No. 5406 (December 15, 1978)	FIA Access to Child's Medical Records
	Opinion No. 5125 (May 30, 1978)	Ownership and Access to Medical Records
	Opinion No. 2994 (January 16, 1945)	Disclosure of Patient's Admissions

<b>Michigan Administrative Code Rules</b>		
Child Immunization Registry	Rule 325.162	Access to Childhood Immunization Registry
	Rule 325.163	Reporting Immunization Data to MDCH
	Rule 325.164	Release of Medical Records to MDCH for Review
	Rule 325.165	Right to Amend MCIR
	Rule 325.166	Confidentiality and Release of MCIR Immunization Data
Communicable and Related Diseases	Rule 325.173	Reporting of Diseases and Infections
	Rule 325.181	Confidentiality of Reports
Cancer Reporting	Rule 325.971	Reporting of Cancer Cases
Minimum Standards of Hospitals	Rule 325.1028	Hospital Medical Record Requirements
PKU Test on Newborn Infants	Rules 325.1473 and 325.1475	Laboratory Reports
Homes for the Aged	Rule 325.1851	Records of Homes for the Aged
	Rule 325.1853	Content of Homes for the Aged Records
Vital Records	Rule 325.3203	Confidentiality of Vital Records Collected by State Registrar
	Rule 325.3233	Listing of Marriages, Divorces and Deaths by Registrar
	Rule 325.3234	Inspection of Vital Records Maintained by Registrar
	Rule 325.3235	Security of Records Maintained by Registrar
Employee Medical Records and Trade Secrets	Rules 325.3451-325.3476	Maintenance and Access to Hazardous Exposure Records Maintained by Employers
Freestanding Surgical Outpatient Facilities	Rule 325.3828	Informed Consent
	Rule 325.3831	Records to be Maintained
	Rule 325.3847	Maintenance of Medical Records by Freestanding Surgical Outpatient Facilities
	Rule 325.3848	Protection of Medical Records
Health Maintenance Organizations	Rule 325.6405	HMO Contracts
	Rule 325.6805	HMO Patient Records
	Rule 325.6810	Confidentiality of HMO Clinical Patient Records
Cancer Reporting	Rule 325.9053	Information for Cancer Reporting
	Rule 325.9054	Confidentiality of Cancer Reports
	Rule 325.9055	Release of Cancer Registry Information
	Rule 325.9056	MDCH Sharing of Cancer Statistics with Other State and Federal Agencies
Spinal cord and Traumatic Brain Injury Reporting	Rule 325.9063	Reporting Spinal Cord and Traumatic Brain Injuries
	Rule 325.9064	Confidentiality of Registry Reports

<b>Michigan Administrative Code Rules</b>		
	Rule 325.9065	Release for Research
	Rule 325.9066	Reports to Spinal Cord and Brain Injury Registry
Birth Defects Reporting	Rule 325.9072	Reportable Birth Defects
	Rule 325.9073	MDCH Access to Medical Records
	Rule 325.9074	Birth Defect Reports
	Rule 325.9075	Release for Research
Blood Lead Analysis Reporting	Rule 325.9085	Right to Inspect Medical Records
	Rule 325.9086	Confidentiality of Blood Lead Testing Reports
Hospice Care	Rule 325.13109	Hospice Care
	Rule 325.13205	MDCIS Licensure Surveys of Hospices
	Rule 325.13213	Inspection of Licensure Records for Hospice Care Facilities
Licensure of Substance Abuse Treatment and mental Health and Substance Abuse Services	Rule 325.14205	Licensing for Substance Abuse Treatment Programs
	Rule 325.14304	Substance Abuse Treatment Program Patient's Right to Review Records
	Rule 325.14910	Content and Maintenance of Patient Records for Substance Abuse Treatment Programs
Nursing Homes and Nursing Care Facilities	Rule 325.20112	Nursing Homes' Policies for Access to Records
	Rule 325.20215	Nursing Home Licensure Records
	Rule 325.20404	Life-Threatening Accident or Injuries in Nursing Home
	Rule 325.21101	Disclosure of Nursing Home Patient Records to MDCIS
	Rule 325.21203	Medical Audits by Nursing Homes
	Rule 325.21411	Transfer Agreements Between Child Care Home and Hospital Pediatric Department
OHS for Haz. Waste Operations and Emergency Response	Rules 325.51474, 325.51881 and 325.77111	Recordkeeping Requirements for Certain Occupational Health Exposures
	Rule 325.52115	Physician's Written Opinion Regarding Employee
	Rule 325.52116	Employer Retention of Medical Records
Bloodborne Infectious Disease Standard	Rule 325.70013	Records of Vaccination and Post Exposure Follow-up
	Rule 325.70015	Employer's Duties as to Medical Records
Hazardous Work in Laboratories	Rule 325.70108	Medical Examination Records for Lab Accidents
	Rule 325.70111	Employer to Maintain Exposure and Exposure-Related Medical Records

<b>Michigan Administrative Code Rules</b>		
Licensing of Facilities	Rule 330.1239	Construction Requirements of Psychiatric Nursing Units
	Rule 330.1252	Public Inspection of MDCIS Records
	Rule 330.1276	Hospitals to Maintain Patient Records
Rights of Recipients	Rule 330.7051	Disclosures Regarding Mental Health Proceedings
Medical Services Administration Provider Hearings	Rule 400.3421	Medicare Provider Reviews
Adult Foster Care	Rules 400.14316 and 400.15316	Maintenance of Resident Records by Adult Foster Care Group Homes
Worker's Compensation Health Care Services	Rule 418.101402	Access by BWC