

# SENATE BILL NO. 281

April 24, 2019, Introduced by Senator MACGREGOR and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16238 (MCL 333.16238), as added by 1993 PA 79, and by adding section 16240.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16238. (1) Except as otherwise provided in section  
2 ~~13(1)(u)(i)~~ **13(1)(t)(i)** and (ii) of the freedom of information act,  
3 ~~Act No. 442 of the Public Acts of 1976 PA 442, being section 15.243~~

1 ~~of the Michigan Compiled Laws, MCL 15.243,~~ the information  
2 including, but not limited to, patient names, obtained in an  
3 investigation or a compliance conference before a complaint is  
4 issued, is confidential and ~~shall~~**must** not be disclosed except to  
5 the extent necessary for the proper functioning of a hearings  
6 examiner, a disciplinary subcommittee, or the department.

7 (2) A compliance conference conducted under this part before a  
8 complaint is issued ~~shall~~**must** be closed to the public.

9 **Sec. 16240. Subject to the confidentiality provisions of**  
10 **sections 16222(2) and 16231(7), the department shall do both of the**  
11 **following** if the department determines that there is a reasonable  
12 **basis to believe that a licensee or registrant has committed a**  
13 **violation of section 520b, 520c, 520d, or 520e of the Michigan**  
14 **penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and**  
15 **750.520e, and the department has issued a formal complaint against**  
16 **the licensee or registrant for the violation:**

17 **(a) Report the name of the licensee or registrant to the law**  
18 **enforcement agency with jurisdiction over the area in which the**  
19 **licensee or registrant practices his or her health profession.**

20 **(b) If the name and contact information of the individual**  
21 **identified as the victim by the person reporting the violation is made**  
22 **available to the department, notify the individual that he or she may**  
23 **contact law enforcement and that crime victims are afforded certain**  
24 **protections under the law.**