

HOUSE BILL No. 6174

September 23, 1998, Introduced by Rep. Profit and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16648, 18117, and 18237 (MCL 333.16648, 333.18117, and 333.18237), as amended by 1993 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16648. (1) ~~Information~~ EXCEPT AS OTHERWISE PROVIDED
2 IN SUBSECTION (2), INFORMATION relative to the care and treatment
3 of a dental patient acquired as a result of providing profes-
4 sional dental services ~~shall be~~ IS confidential and
5 privileged. Except with the written consent of the patient or
6 the patient's attorney in fact or personal representative, a den-
7 tist or ~~a person~~ AN INDIVIDUAL employed by the dentist shall
8 not disclose or be required to disclose ~~that~~ THE information
9 DESCRIBED IN THIS SUBSECTION.

1 (2) ~~This section~~ SUBSECTION (1) does not prohibit
2 disclosure of the information described in subsection (1) in the
3 following instances:

4 (a) Disclosure as part of the defense to a claim in a court
5 or administrative agency challenging the dentist's professional
6 competence.

7 (b) Disclosure pursuant to ~~Act No. 270 of the Public Acts~~
8 ~~of 1967, being sections 331.531 to 331.533 of the Michigan~~
9 ~~Compiled Laws~~ 1967 PA 270, MCL 331.531 TO 331.533.

10 (c) Disclosure in relation to a claim for payment of fees.

11 (d) Disclosure to a third party payer of information relat-
12 ing to fees for services in the course of a good faith examina-
13 tion of the dentist's records to determine the amount and cor-
14 rectness of fees or the type and volume of services furnished
15 pursuant to provisions for payment established by a third party
16 payer, or information required for a third party payer's prede-
17 terminations, post treatment reviews, or audits. For purposes of
18 this subdivision, "third party payer" includes a nonprofit dental
19 care corporation, nonprofit health care corporation, insurer,
20 benefit fund, health maintenance organization, and ~~a~~ dental
21 capitation plan.

22 (e) Disclosure, pursuant to a court order, to a police
23 agency as part of a criminal investigation.

24 (f) Disclosure as provided in section 2844a.

25 (g) Disclosure made pursuant to section 16222 if the
26 licensee reasonably believes it is necessary to disclose the
27 information to comply with section 16222.

1 (H) DISCLOSURE MADE PURSUANT TO SECTION 103 OF THE REVISED
2 PROBATE CODE, 1978 PA 642, MCL 700.103.

3 Sec. 18117. (1) For the purposes of this part, the confi-
4 dential relations and communications between a licensed profes-
5 sional counselor or a limited licensed counselor and a client of
6 the licensed professional counselor or a limited licensed coun-
7 selor are privileged communications. ~~, and nothing~~ NOTHING in
8 this part requires ~~any~~ SUCH A privileged communication to be
9 disclosed, except as otherwise provided by ~~law.~~ Confidential
10 information SUBSECTION (2) OR OTHER STATUTE OR ADMINISTRATIVE
11 RULE.

12 (2) INFORMATION MADE PRIVILEGED UNDER SUBSECTION (1) may be
13 disclosed only ~~upon~~ UNDER 1 OR MORE OF THE FOLLOWING
14 CIRCUMSTANCES:

15 (A) UPON consent of the client. ~~or pursuant~~

16 (B) PURSUANT to section 16222 if the licensee reasonably
17 believes it is necessary to disclose the information to comply
18 with section 16222.

19 (C) PURSUANT TO SECTION 103 OF THE REVISED PROBATE CODE,
20 1978 PA 642, MCL 700.103.

21 Sec. 18237. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-
22 TION (2) OR (3), A psychologist licensed or allowed to use the
23 title under this part or an individual under ~~his or her~~ THE
24 PSYCHOLOGIST'S supervision ~~shall not~~ CANNOT be compelled to
25 disclose confidential information acquired from an individual
26 consulting the psychologist in his or her professional capacity

1 ~~and which~~ IF THE information is necessary to enable the
2 psychologist to render PROFESSIONAL PSYCHOLOGICAL services.

3 (2) Information DESCRIBED IN SUBSECTION (1) may be disclosed
4 ~~with~~ UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

5 (A) WITH the consent of the individual consulting THE
6 PSYCHOLOGIST, or if the individual consulting THE PSYCHOLOGIST is
7 a minor, with the consent of the minor's PARENT OR guardian. ~~—~~
8 ~~or pursuant~~

9 (B) PURSUANT to section 16222 if the psychologist reasonably
10 believes it is necessary to disclose the information to comply
11 with section 16222.

12 (C) PURSUANT TO SECTION 103 OF THE REVISED PROBATE CODE,
13 1978 PA 642, MCL 700.103.

14 (3) In a contest on the admission of a deceased individual's
15 will to probate, an heir at law of the decedent, whether a propo-
16 nent or contestant of the will, and the personal representative
17 of the decedent may waive the privilege created by ~~this section~~
18 SUBSECTION (1).

19 Enacting section 1. This amendatory act does not take
20 effect unless Senate Bill No. _____ or House Bill No. _____
21 (request no. 06276'98) of the 89th Legislature is enacted into
22 law.