

Legislative Analysis



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House Bill 5136

Sponsor: Rep. Matt Lori

Committee: Health Policy

Complete to 1-27-14

A SUMMARY OF HOUSE BILL 5136 AS INTRODUCED 11-6-13

The bill would require the Department of Community Health to develop a standard release form by which confidential mental health and substance abuse disorder information could be made available to public and private entities treating an individual experiencing serious mental illness, serious emotional disturbance, developmental disability, or substance use disorder.

House Bill 5136 would add a new section to the Mental Health Code to require the DCH to develop the standard release form on or before March 31, 2014. The form would be for exchanging confidential mental health and substance abuse disorder information for use by all public and private agencies, departments, corporations, or individuals that are involved with treatment of an individual experiencing serious mental illness, serious emotional disturbance, developmental disability, or substance use disorder.

All of the listed parties would be required to honor and accept the standard release form for the purpose for which it was created. The standard release form would have to be available in both electronic and paper form. Any transmission of a standard release form via electronic media would be accepted as an original by the party receiving the form.

Beginning on the bill's effective date, the DCH would have to create a workgroup to implement the bill's requirements. The workgroup would meet periodically, but not less than once a year. In developing the form, the following would have to be considered:

- Existing and potential technologies that could be used to securely transmit a standard release form.
- National standards pertaining to electronic release of confidential information, including protecting a patient's identity and privacy in accordance with the federal Health Insurance Portability and Accountability Act.
- Any prior release forms and methodologies used in the state or developed by federal agencies.

MCL 330.1141a (proposed)

FISCAL IMPACT:

House Bill 5136, as introduced, may result in an increase in administrative costs for the Department of Community Health, as this agency would be required to develop a standard release form for the exchange of confidential mental health and substance abuse disorder information that is utilized by all public/private agencies, departments, corporations, or individuals involved in the treatment of individuals with serious mental illness and emotional disturbance, developmental disability, or substance use disorder.

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