

# Legislative Analysis

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## **DENTAL SERVICES: REVISE CRITERIA FOR RELEASE OF INFORMATION**

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**House Bill 5874 as introduced**  
**Sponsor: Rep. Jerry O. Kooiman**  
**Committee: Health Policy**  
**First Analysis (6-16-04)**

**BRIEF SUMMARY:** The bill would allow dental offices to follow HIPPA guidelines regarding patient consent for the release of information.

**FISCAL IMPACT:** The bill has no state or local fiscal implications.

### ***THE APPARENT PROBLEM:***

The federal Health Insurance Portability and Accountability Act (HIPPA) changed the way that health care providers disclose patient information to provide greater privacy protections for consumers. In general, physician practices and hospitals now follow the HIPPA guidelines regarding written consent before disclosing or releasing patient information. Reportedly, however, the provision contained in Michigan's Public Health Code that pertains to patient records for dental patients conflicts with HIPPA in such a way that dentists are compelled to have patients sign multiple release forms. Legislation is being offered to relieve dentists and their patients from this duplicative process.

### ***THE CONTENT OF THE BILL:***

Under provisions of the Public Health Code, information pertaining to the care and services provided to a dental patient is confidential and privileged and generally can only be disclosed by a dentist or his or her employees with the written consent of the patient or his or her attorney or personal representative. The code does allow some narrow exceptions, such as disclosure to a police agency under a court order as part of a criminal investigation.

House Bill 5874 would amend the code to eliminate the requirement for the patient's written consent before information could be disclosed and instead would allow disclosure as permitted or required under the federal Health Insurance Portability and Accountability Act (HIPPA).

MCL 333.16648

***ARGUMENTS:***

***For:***

The bill would merely specify that patient information would not be disclosed except as permitted under HIPPA or otherwise allowed by state law. Proponents say that no change would be made to the level of protection provided for patient information.

***POSITIONS:***

The Michigan Dental Association supports the bill. (6-15-04)

The Department of Community Health is neutral on the bill. (6-15-04)

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