

# HOUSE BILL No. 5874

May 12, 2004, Introduced by Reps. Kooiman, Ehardt, Vander Veen, Ward, Garfield, Hune, Gaffney, Palsrok, Hummel, Moolenaar, Steil, Pappageorge, Mortimer, Milosch, DeRoche, Shackleton, Wenke, Robertson, Koetje and Farhat and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16648 (MCL 333.16648), as amended by 1998 PA 496.

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

1       Sec. 16648. (1) Information relative to the care and  
2 treatment of a dental patient acquired as a result of providing  
3 professional dental services is confidential and privileged.  
4 ~~Except with the written consent of the patient or the patient's~~  
5 ~~attorney in fact or personal representative, or except as~~  
6 otherwise permitted or required under the health insurance  
7 portability and accountability act of 1996, Public Law 104-191,  
8 and regulations promulgated under that act, 45 CFR parts 160 and  
9 164, or as otherwise provided in subsection (2), a dentist or a  
10 person employed by the dentist shall not disclose or be required

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1 to disclose that information.

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

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

8 (b) Disclosure pursuant to 1967 PA 270, MCL 331.531 to  
9 331.533.

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

11 (d) Disclosure to a third party payer of information relating  
12 to fees for services in the course of a good faith examination of  
13 the dentist's records to determine the amount and correctness of  
14 fees or the type and volume of services furnished pursuant to  
15 provisions for payment established by a third party payer, or  
16 information required for a third party payer's predeterminations,  
17 post treatment reviews, or audits. For purposes of this  
18 subdivision, "third party payer" includes, but is not limited to,  
19 a nonprofit dental care corporation, nonprofit health care  
20 corporation, insurer, benefit fund, health maintenance  
21 organization, and dental capitation plan.

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

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

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

1 (h) Disclosure under section 16281.