

LATE RESOLUTION 98-07A

Title: Confidentiality

Introduced by: Harvey W. Halberstadt, MD, Oakland County

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Referred to: Reference Committee B

House Action: Not Accepted as a Late Resolution

Whereas, confidentiality is mandated as an essential component of psychiatric treatment and counseling by therapists, and

Whereas, the United States Supreme Court in recognizing the importance of confidentiality for psychotherapy had ruled that the police could not have the therapy notes in a case where police had attempted to get the therapy notes of a social worker who was counseling a suspect, and

Whereas, the Insurance Commissioner of Michigan had ruled that insurance companies underwriting sickness and accident policies and the Workers Compensation Bureau must have these therapy notes to process claims, and

Whereas, claims adjustors read these notes which are usually about 50 words and decide whether the claimants are eligible for the benefits overriding the expert opinion of the therapists and of the psychiatrists, and

Whereas, the private lives as unfolded in the notes become public records, and

Whereas, the claims adjustor is privileged to get a second opinion from an independent medical examiner; therefore be it

RESOLVED: That MSMS seek legislation that stipulates that insurance companies underwriting sickness and accident policies and the Workers Compensation Bureau in processing claims are denied the records of psychiatrists, social workers, psychologists, and counselors except for their diagnosis and for their expert opinion of the claimants' ability to work.

WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE