

**RESOLUTION 52-08A**

**Title: Confidentiality**

**Introduced by: Harvey W. Halberstadt, MD, for the Oakland County Delegation**

**Original Author: Harvey W. Halberstadt, MD**

**Referred to: Reference Committee A**

**House Action: Referred to the Board for Study**

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**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 Michigan Workers Compensation Agency 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 health insurance policies in Michigan are denied the records of psychiatrists, social workers, psychologists, and counselors except for their diagnosis related to claims processing; and be it further**

**RESOLVED: That MSMS seek legislation that stipulates that the Michigan Workers Compensation Agency is denied the records of psychiatrists, social workers, psychologists, and counselors except for their diagnosis related to claims processing and for their expert opinion of the claimants' ability to work.**

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**WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**