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3 **RESOLUTION 5-09A**
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5 **Title: HIPAA Rules Change**
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7 **Introduced by: Robert S. Levine, MD, for the Oakland County Delegation**
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9 **Original Author: Robert S. Levine, MD**
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11 **Referred to: Reference Committee B**
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13 **House Action: Disapproved**
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16 **Whereas, HIPAA’s Privacy Rule allows a covered entity to use and**
17 **disclose Protected Health Information without obtaining the written consent or**
18 **authorization of the individual for the purposes of: (1) treating the individual;**
19 **(2) obtaining payment for the treatment of the individual; and, (3) engaging in**
20 **health care operations, and**
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22 **Whereas, HIPAA’s Privacy Rule allows for the disclosure of protected**
23 **health information by a covered entity in the course of any judicial or**
24 **administrative proceedings under various circumstances including in**
25 **response to an order of the court or a subpoena and subject to certain**
26 **conditions, and**
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28 **Whereas, the evaluation of litigation involving a personal injury, health,**
29 **impairment, or disability may necessitate the disclosure of the claimant’s**
30 **health information by a covered entity that treated the claimant but that is not**
31 **is not a party to the litigation; therefore be it**
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33 **RESOLVED: That the Michigan Delegation to the AMA request that the**
34 **AMA ask the Department of Health and Human Services or the appropriate**
35 **body of the federal government to amend HIPAA’s Privacy Rule to allow for**
36 **the unrestricted disclosure of a claimant’s protected health information by a**
37 **covered entity that treated the claimant but that is not a party to the litigation**
38 **to the defendant’s defense counsel on or after the commencement of litigation**
39 **in which the health status of the claimant is a factor.**
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43 **WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**