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Title: Behavioral Health Confidentiality Standards
Introduced by: Domenic Federico, MD, for the Kent County Delegation
Original Author: Jayne Courts, MD
Referred to: Reference Committee E
House Action: **APPROVE**

Whereas, a large percentage of the patient population in the state of Michigan has one or more behavioral health issues (including substance use disorders), and

Whereas, there has a been a stigma surrounding behavioral health issues, and

Whereas, historically this stigma has led to stricter standards for protection of confidentiality for behavioral health issues, and

Whereas, these stricter standards have impeded access and coordination of care for these patients, and

Whereas, the Michigan Legislature recently enacted Public Act 559 of 2017, which aligns the Michigan Mental Health Code standards with the Health Insurance Portability and Accountability Act standards for confidentiality, and

Whereas, the Code of Federal Regulations, 42 CFR Part 2 - "Confidentiality of Alcohol and Drug Abuse Patient Records," was recently changed by the US Department of Health and Human Services to reflect the current health care delivery system, promote health integration, and permit appropriate research and data exchange activities pertaining to individuals receiving substance use disorder treatment; therefore be it

RESOLVED: That MSMS inform Michigan physicians about changes in state and federal laws and regulations pertaining to the confidentiality and sharing of behavioral health information and any related legal implications when caring for patients with behavioral health issues.

WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE

Source:
Co-authored in collaboration with Beverly Ryskamp, MSW, JD