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Title: Emergency Visit Data Mining
Introduced by: Robert Levine, MD, for the Oakland County Delegation
Original Author: Robert Levine, MD
Referred to: Reference Committee B
House Action: **DISAPPROVED**

Whereas, there are reports that an individual’s smartphone tracking information is being used to identify when they are in an emergency room, and

Whereas, the tracking information is apparently being used for commercial purposes, for example, selling information to injury attorneys who contact the individual to see if they have been in an accident and want help with a claim, and

Whereas, it is possible the individual has received medical care from a physician or other health care provider within the health care facility and information pertaining to such care is protected by privacy and confidentiality provisions under the Health Information Portability and Accountability Act (HIPAA), and

Whereas, using and storing information about an individual’s visit to a health care facility may be violating the spirit of HIPAA and it is an inappropriate invasion of privacy; therefore be it

RESOLVED: That MSMS seek legislation in Michigan that would prohibit the gathering, storage, use and/or sale of information that is obtained from programs that track the location of an individual on their electronic devices when tracking shows the individual is in a health care facility; and be it further

RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask our AMA to pursue federal legislation or regulations to prohibit the gathering, storage, use and/or sale of information that is obtained from programs that track the location of an individual on their electronic devices when tracking shows individual is in a health care facility.

WAYS AND MEANS COMMITTEE FISCAL NOTE: \$25,000 or more as this resolution directs MSMS to pursue legislative advocacy.

Relevant MSMS Policy: None

Relevant AMA Policy: None