

THE JACOBS REPORT
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SENATE PASSES MEDICAL RECORDS REQUIREMENTS

New Rules for Maintenance and Disposal

Legislation establishing standards for maintaining and disposing of medical records passed the Senate unanimously Thursday.

SB 465, the cornerstone of the four-bill package, was sponsored by Senator Gilda Z. Jacobs (D-Huntington Woods). SB 465 [S-2] amends the public health code to require that a licensee (doctors, hospitals, etc.) provide the department with an affidavit stating that he/she has a written policy regarding his/her process for protecting, maintaining, and providing access to his/her medical records. This written policy would be required upon license renewal and under circumstances such as closure, or retirement.

Records would be required to be kept for 7 years from the date of service to which the record pertains. Before any records could be destroyed, the licensee would be required to send written notice to the patient at the last known address of the patient, offering an opportunity to request a copy of the document before it is destroyed.

In the case of the licensee's death, the personal representative of the licensee would be required to maintain records in accordance with the law.

The fine for a person who fails to comply with this law is not more than \$10,000 if the failure was the result of gross negligence or willful and wanton misconduct.

Approved were SB 465, SB 466, SB 467 and SB 468. The legislation was spurred by a proliferation of situations where patients, especially women needing earlier mammograms, were having difficulty getting hold of their records. When the Senate Health Policy Committee approved the package, witnesses testified to records being left in buildings when medical practices closed and in some cases being taken to the curb for the trash.

The package also requires that genetic tests performed on a patient be kept as confidential.

MOST DEMS OBJECT TO OBJECTOR BILLS

Package Allows Religious Refusal of Health Insurance Coverage

As Right to Life of Michigan was celebrating its legislative day at the Capitol, the House sent two bills to the Senate that would allow health insurance companies, health maintenance organizations (HMOs) and Blue Cross/Blue Shield to refuse coverage of a benefit on ethical, moral or religious grounds.

The package (HB 4745 and HB 4746) won the favor of 11 Democrats; Rep. Kathy Angerer (D-Dundee), Rep. Rich Brown (D-Bessemer), Rep. Ed Clemente (D-Lincoln Park), Rep. Andy Dillon (D-Redford), Rep. John Espinoza (D-Croswell), Rep. John Gleason (D-Flushing), Rep. Jeff Mayes (D-Bay City), Rep. Gary McDowell (D-Rudyard), Rep. Michael Sak (D-Grand Rapids), Rep. Joel Sheltroun (D-West Branch) and Rep. Dudley Spade (D-Tipton) who joined majority Republicans, except for Rep. John Stewart (R-Plymouth), in voting for the measure.

The Michigan Catholic Conference issued a statement in support of the passage, with Paul Long, vice president for public policy saying, “Without protection from government intrusion, faith-based health care payers and insurers are susceptible to mandated delivery of non-emergency services that directly contradict an established religious tenet. As public debate regarding health care mandates has resurfaced, Michigan Catholic Conference believes the time is right, if not overdue, for state law to recognize religious freedom in health care.”

The legislation is aimed at prescription birth control.

DNR URGES CAUTION WITH OUTDOOR FIRES

Burn Permits Are Required

Department of Natural Resources fire officers and their local partner firefighters are reminding residents that the increase in warm weather throughout the state coupled with a moisture deficit in parts of Michigan currently is keeping the fire danger at a high level.

Many spring outdoor activities are taking place across the state now including the opening of trout season, camping, mushroom picking and turkey hunting.

“While we certainly want Michigan citizens and visitors to enjoy being outdoors, we also want them to be aware that this increase in outdoor recreation activity boosts the chances of wildfire,” said Lynne Boyd, chief of the DNR Forest, Mineral and Fire Management Division. “A majority of wildfires we fight in our state are started because someone was careless with fire.”

Boyd also cautioned against a false sense of security caused by recent rains, saying that while it has rained in many parts of the state in the last several days, the quantity has been less than average.

As of this morning, DNR fire officers have responded to 140 wildfires that have burned 574 acres, and more are expected until the state receives sufficient moisture and things begin to green up in the woods.

“We strongly caution everyone to be careful with campfires and any open flame during this time of high fire danger,” said DNR Fire Prevention Specialist Paul Kollmeyer. “As the weather warms up, outdoor activities increase. Extra caution is needed as most of the state is under high fire danger.”

The DNR recommends taking extreme safety precautions with any outdoor burning, including: Always being sure your debris fire and/or campfire is completely extinguished before leaving. Use plenty of water to extinguish all fires and wet everything thoroughly, especially the

undersides of unburned pieces. Have a garden hose nearby in case your fire begins to escape. If your fire does escape, call your local fire dispatch office immediately.

A burn permit is required before doing any outdoor burning, and is issued only for burning leaves, brush and stumps. Burning of other materials is prohibited. Burn permits are managed by the DNR in the Northern Lower Peninsulas and Upper Peninsula. Local units of government and fire departments issue burn permits in Southern Michigan. Information on where to obtain a burn permit, the latest fire statistics and wildfire safety tips can be obtained from the DNR Web site at www.michigan.gov/dnr.

All Michigan legislation can be tracked at <http://www.legislature.michigan.gov/>.

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State Senator Gilda Jacobs represents the 14th Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

Constituents of the 14th District may contact Senator Jacobs at sengjacobs@senate.michigan.gov or toll-free at 1-888-937-4453.

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