

Summary for State of Michigan Medical Records Privacy Laws

I. Summary

Michigan has a “Medical Records Access Act” that addresses a patient’s right to access their healthcare records and requires healthcare providers to protect the privacy and maintain the confidential nature of all healthcare records, whether existing in oral form, paper, or electronically. The law does not address any specific standards for the protection of medical information in regards to safe keeping or form of transmittal. In general, application of HIPAA requirements should be applied to the care and transmittal of all medical records in Michigan. Both Pregnancy Resource Centers (PRCs) and Pregnancy Medical Clinics (PMCs) have an obligation to provide notice of any unauthorized access to stored personal information of clients.

II. Do the requirements of the law apply to Michigan PRCs and/or PMCs?

The requirements apply to PMCs but not PRCs. PMCs meet the definition of “health care provider” under the Michigan Records Access Law (“...any person who is licensed or registered or otherwise authorized by Michigan’s Public Health Code to provide health care in the ordinary course of the business or practice of the health care professional) and must comply with its requirements.

III. Does Michigan law define “Protected Information” differently than HIPAA?

Michigan law defines protected information as “Any information oral or recorded in any form or medium that pertains to a patient’s health care, medical history, diagnosis, prognosis, or medical condition maintained by a healthcare provider or health care facility in the process of caring for the patient’s health (Act 47, Sections 333.[26263-26269](#)).”

IV. Are there any specific compliance requirements for PMCs under Michigan law not identified in the NIFLA HIPAA VOLUNTARY COMPLIANCE MANUAL FOR PMCs?

1. Take reasonable steps to verify identity of requestor (e.g., show picture ID).
2. Do not inquire as to purpose of records request.
3. Do not charge more than allowed fees for copying or reproducing records. See the referenced “Medical Records Access Act.”

V. Are there any specific Michigan law provisions applicable to PRCs?

Michigan requires any collector of personal information (first name or first initial and last name in connection with a social security number, driver’s license number, credit card number or other account numbers) to notify the owner of the information if there is an unauthorized access or breach of unencrypted data immediately upon discovery of the breach. PRCs and PMCs are strongly encouraged to install encryption software on their computer systems.

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