

PRISONER MEDICAL INFORMATION AND EMERGENCY CONTACTS

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<http://www.house.mi.gov/hfa>

House Bill 5828 as introduced
Sponsor: Rep. Stephanie A. Young
Committee: Criminal Justice
Complete to 12-2-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5828 would amend the Corrections Code to require the Department of Corrections (DOC) to provide each prisoner received in a correctional facility with a medical information release form, an emergency contact form, and a brochure that contains information about those forms (further described below). On the effective date of the bill, DOC also would have to provide each prisoner already in its custody with a medical information release form and an emergency contact form. DOC would have to develop the forms to be used as the medical information release form and emergency contact form within 90 days after the bill takes effect.

Medical information release form

A prisoner that executes a medical information release form would have to provide the full name and contact information of each individual the prisoner wants to designate as an *authorized recipient* of the prisoner's *qualified medical information* (which refers to the *medical information* a prisoner selects to release to an authorized recipient on their medical information release form). A medical information release form executed by a prisoner would have to be signed by the prisoner.

Medical information would mean information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional, but it would not include the location where a prisoner is receiving medical treatment from a health care professional.

DOC would have to provide a prisoner's qualified medical information to an authorized recipient of that prisoner who contacts DOC and requests the information.

Emergency contact form

A prisoner would have to provide on an emergency contact form the full name and contact information for each individual the prisoner designates as an emergency contact (the individual the prisoner wants the department to contact in a *critical medical emergency*). An emergency contact form executed by a prisoner would have to be signed by the prisoner.

Critical medical emergency would mean a medical emergency experienced by a prisoner that will require the prisoner to receive inpatient health care at a hospital.

Critical medical emergencies

If a prisoner in DOC custody experiences a critical medical emergency, DOC would have to immediately provide notice of that emergency to one individual designated as an emergency contact on the prisoner's emergency contact form. In doing so, DOC could disclose the location

where the prisoner is receiving medical treatment for the emergency only if it determines that the disclosure is necessary.

If DOC, in consultation with the prisoner's treating physician, determines that the critical medical emergency makes it necessary for the prisoner to have a visit in the hospital, it could arrange for *approved visitors* to visit with the prisoner in the hospital in accordance with DOC policies. DOC could deny a visit by an approved visitor under these provisions only if it determines that the visit may raise a safety concern.

Approved visitors means the DOC-approved immediate family members of a prisoner and the DOC-approved clergy members of the prisoner's designated religion.

Instructions and brochure

DOC would have to instruct each prisoner that it is the prisoner's responsibility to ensure that the contact information included on their medical information release form and emergency contact form is and remains accurate. DOC would have to instruct each prisoner that the prisoner may request to amend either form if the prisoner becomes aware that the contact information included on a form has changed or for any other reason.

Within 60 days after the bill takes effect, DOC would have to create a brochure that contains the above information and explains the designation of an individual as an authorized recipient compared to the designation of an individual as an emergency contact. DOC would have to make this brochure available on its website, to a prisoner as described above, and to a prisoner at each annual health examination.

Proposed MCL 791.264a

FISCAL IMPACT:

House Bill 5828 would have an indeterminate fiscal impact on the state, but no fiscal impact on local units of government. The Department of Corrections currently provides medical information release forms and emergency contact forms to all prisoners. Under the bill, the department would be required to create a brochure that contains information for prisoners on the importance of keeping the information on their medical information release and emergency contact forms up-to-date. The department would create the brochure using existing appropriations.

Also under the bill, the department would be required to notify emergency contacts of all prisoners whenever the prisoners are hospitalized. The department currently notifies emergency contacts for prisoners who are critically ill, but not for all prisoners. Notifying emergency contacts for all prisoners who are hospitalized will require an indeterminate amount of additional staff time and resources. Because there is no way to determine the number of prisoner hospitalizations, there is no practical way to project additional costs to the state.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.