

McLAREN FLINT
MICHIGAN MENTAL HEALTH CODE

330.1750 Privileged Communications

Sec. 750. (1) For the purposes of this section:

- (a) “Psychiatrist means a person licensed to practice medicine pursuant to part 170 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.17001 to 333.17088 of the Michigan Compiled Laws, or osteopathic medicine pursuant to part 175 of Act No. 368 of the Public Acts of 1978, being sections 333.17501 to 333.17556 of the Michigan Compiled Laws, or someone under his or her supervision, while engaged in the examination, diagnosis, or treatment of a patient for a mental condition.
- (b) “Psychologist” means a person licensed to engaged in the practice of psychology pursuant to part 182 of Act No. 368 of the Public Acts of 1978, being sections 333.18201 to 333.18237 of the Michigan Compiled Laws; a person with training and experience equivalent to that necessary for licensing as a psychologist; or a person employed by a public agency as a psychologist; or someone under the supervision of a psychologist, while engaged in the examination, diagnosis, or treatment of a patient for a mental condition.
- (c) “Privileged communication” means a communication made to a psychiatrist or psychologist in connection with the examination, diagnosis, or treatment of a patient, or to other persons while they are participating in the examination, diagnosis, or treatment.
- (d) “Health care corporation” means any of the following:
- (i) A nonprofit dental care corporation incorporated under Act No.123 of the Public Acts of 1963, being sections 550.351 to 550.373 of the Michigan Compiled Laws.
- (ii) A hospital service corporation, medical care corporation, or a consolidated hospital service corporation and medical care corporation incorporated or reincorporated under the nonprofit health care corporation reform act, Act No. 350 of the Public Acts of 1980, being sections 550.1101 to 550.1704 of the Michigan Compiled Laws, or incorporated or consolidated under Act No. 108 of the Public Acts of 1939, being sections 550.301 to 550.316 of the Michigan Compiled Laws or Act No.109 of the Public Acts of 1939, being sections 550.501 to 550.517 of the Michigan Compiled Laws.
- (iii) A health maintenance organization licensed pursuant to part 210 of Act. No. 368 of the Public Acts of 1978, being sections 333.21001 to 333.21098 of the Michigan Compiled Laws.
- (e) “Health care insurer” means any insurance company authorized to provide health insurance in this state or any legal entity which is self-insured and provides health care benefits to its employees.
- (2) Privileged communications shall not be disclosed in civil, criminal, legislative, or administrative cases or proceedings, or in proceedings preliminary to such cases or proceedings, unless the patient has waived the privilege, except in the circumstances set forth in this section.

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(3) Privileged communications shall be disclosed upon request:

- (a) When the privileged communication is relevant to a physical or mental condition of the patient which the patient has introduced as an element of his or her claim or defense in a civil or administrative case or proceeding or which, after the death of the patient, has been introduced as an element of his or her claim or defense by a party to a civil or administrative case or proceeding.
 - (b) When the privileged communication is relevant to a matter under consideration in a proceeding governed by this act but only if the patient was informed that any communications could be used in the proceeding.
 - (c) When the privileged communication is relevant to a matter under consideration in a proceeding to determine the legal competence of the patient or his or her need for a guardian but only if the patient was informed that any communications made could be used in such a proceeding.
 - (d) In actions, civil or criminal, against the psychiatrist or psychologist for malpractice.
 - (e) When the communications were made during an examination ordered by a court, prior to which the patient was informed that a communication made would not be privileged, but only with respect to the particular purpose for which the examination was ordered.
 - (f) When the communications were made during treatment which the patient was ordered to undergo to render him or her competent to stand trial on a criminal charge, but only with respect to issues to be determined in proceedings concerned with the competence of the patient to stand trial.
- (4) In a proceeding in which subsections (2) and (3) prohibit disclosure of a communication made to a psychiatrist or psychologist in connection with the examination, diagnosis, or treatment of a patient. The fact that the patient has been examined or treated or undergone a diagnosis also shall not be disclosed unless the privileged communication is relevant to a determination by a health care insurer or health care corporation of its rights and liabilities under a policy, contract, or certificate of insurance or health care benefits.

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