

Resources

New Advance Directive and Organ Donation Database in Michigan

June 29, 2012

What is the new database?

On June 18, 2012, Michigan Governor, Rick Snyder, signed legislation establishing the “Peace of Mind Registry”—a cutting-edge, statewide electronic database for storing individuals’ health care advance directives and organ donation documents. Individuals in Michigan will be among the first in the nation to be able to electronically upload or send via snail mail, their signed advance directive and organ donation documents to an accessible centralized Registry. Database registration is free and voluntary. To those who do register, the Peace of Mind Registry will send a receipt and a wallet-sized card documenting the registration. If an individual should change his/her mind about either the advance directive or the organ donation, the Peace of Mind Registry will also include forms to revoke a previous registration.

The new legislation contemplates that the Michigan Department of Community Health (MDCH) will promulgate rules governing the Registry’s structure and operation. Among other issues, the rules will likely address the privacy and electronic security of health care information in the Registry. The legislation also contemplates that the Peace of Mind Registry will be operated by Gift of Life: Michigan. Gift of Life: Michigan will assume all financial responsibility for the design, implementation and operation of the Peace of Mind Registry. The MDCH, the Michigan Department of Human Services, and the Secretary of State are all required to promote and explain the Peace of Mind Registry on their websites.

What is the significance of the Peace of Mind Registry for health care providers?

The Peace of Mind Registry will enable hospitals, nursing homes, physicians and other health care providers to search for advance directives in a centralized location no matter where the patient lives in Michigan. It will also allow providers to download advance directives directly into their own electronic medical record system. Curiously, health care providers are not mandated by the new legislation to check the Peace of Mind Registry when a new patient is admitted. However, since the early 1990s health care providers have had an obligation under their Medicare provider agreements to ask all newly admitted inpatients whether they have an advance directive, and to take reasonable steps to obtain a copy if one exists.

What best practices can providers adopt now?

Once the Peace of Mind Registry is operational in Michigan, health care providers should search the database for all new admits, and to obtain copies of filed advance directives. Note that providers will still need to confirm that the filed registered directive is the individual’s most current expression of wishes. It is certainly possible for an individual to write a second—or third or fourth—advance directive, or to totally revoke all prior documents, but fail to register these later documents or actions. Once the Peace of Mind Registry is operational, hospitals, nursing homes and other health care providers should also update their policies and procedures regarding advance directives to incorporate the anticipated benefits of the new data repository.

To learn more about the implementation of the “Peace of Mind Registry” in Michigan, please contact the author of this alert, **Joanne Lax** at 248-203-0816, or your Dykema health care attorney.

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