

**RESPONSE TO REQUEST FOR PUBLIC RECORDS -
FREEDOM OF INFORMATION ACT**

Michigan Department of Community Health

Date of Response 2/23/2006	FOIA Request 2006/118
Request Type: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Additional Info.	

Dear Mr. Hansen,

This letter is in response to your request dated **2/2/2006**, received in this office on **02/02/2006**
for **COPIES** **INSPECTION** of the following record(s):

See attached.

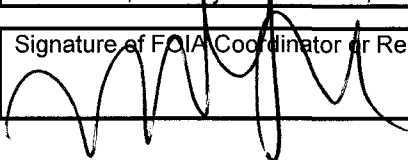
Your request for public records has been reviewed and the following action(s) has been taken in compliance with the provisions of the State of Michigan's Freedom of Information Act.

1. **REQUEST GRANTED:**
This request involves too many documents to be processed within standard time frames. Your request will be processed as soon as staff have completed the copying. *MDCH STAFF: If this box is checked, you must provide another copy of this form when the documents are forwarded to the requestor. Also, check either box 2 or 3.*
2. **REQUEST GRANTED AS TO EXISTING NON-EXEMPT RECORDS:** Your requested documents are enclosed.
3. **REQUEST GRANTED IN PART and DENIED IN PART:** *(See comments on next page).*
4. **REQUEST DENIED:**
This agency has determined that the record(s) you have requested are exempt from disclosure based on the provisions of the Freedom of Information Act. *(See comments on next page).*
5. **REQUEST DENIED:**
The record(s) you have requested do NOT exist within the records of this agency.
6. **REQUEST DENIED:**
Your request does NOT describe the record(s) sufficiently to enable us to determine what record(s) you are seeking. Please submit a new request describing the record(s) in greater detail.
7. The specific nature of your request involves a circumstance which requires an additional **10 business days** to properly process your request as provided by Sec. 6(5) of the Freedom of Information Act.
The extension due date is . The reason for this extension is:

UNDER SECTION 10 OF THE FREEDOM OF INFORMATION ACT, IF A PUBLIC BODY MAKES A FINAL DETERMINATION TO DENY ALL OR A PORTION OF YOUR REQUEST, YOU MAY DO ONE OF THE FOLLOWING:

- (1) Submit to the head of the public body, a written letter that states the word "APPEAL" and identifies the reason or reasons for reversal of denial.
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.
- (3) Pursuant to MCL 15.235(5)(4)(e) this serves as notice of the right to receive attorneys' fees and damages as provided in Section 10, if after judicial review, the circuit court were to order disclosure of all or a portion of the document(s) requested.

Signature of FOIA Coordinator or Representative



Name of Responding Office
HPRP Administration/Mary Greco
Office of Legal Affairs

See Reverse Side for Non-discrimination Information

Under the Freedom of Information Act, I request that a copy of the following Michigan Department of Community Health documents be provided to me:

- * Minutes of any Mental Health Advisory Committee (MHAC) meetings which took place in the month of December 2005.

Your request is granted. Attached, please find the Minutes for the Mental Health Advisory Committee dated December 5, 2005.

- * Minutes and other records of any Pharmacy Quality Improvement Project (PQIP) Workgroup or Steering Committee meetings which took place in August, September, October or November 2005; and a PQIP committee meeting scheduled for December 15, 2005.

Your request for the above records is denied, as the records do not exist. Meetings that had been scheduled for these dates were cancelled, so no minutes or other documents were generated. August – cancelled meeting due to lack of issues to discuss; September and October – no meeting minutes generated; November and December – cancelled meetings due to lack of issues to discuss.

- * Comprehensive Neuroscience, Inc. (CNS) reports deemed exempt because they were still in draft form when I made my original 2005 FOIA requests:

1. (Quarterly) Executive Management Reports in 2005;
2. (Monthly) Michigan Behavioral Pharmacy Reports in 2005;
3. (Monthly) Michigan Targeted Patient Change Report by Quality Indicator, 9/2005 thru 12/2005;
4. (Monthly) Mich. Targeted Prescriber Change Report by Quality Indicator, 9/05 thru 12/2005;
5. (Monthly) Michigan Physician Specialty and Response Reports in 2005; and
6. (Quarterly) PQIP Monthly Mailing Logs in 2005.

Your request for the above records is denied, pursuant to Section 13(1)(m) of the FOIA as they are preliminary to a final agency determination of policy or action. However, as soon as the above records become finalized, our agency is happy to comply with your request. Please submit a separate FOIA request at a later date to obtain a copy of the above records.

- * CNS reports deemed exempt from disclosure by statute or reasons of privacy per MCL 331.533 13(1)(a) and 13(1)(d). I request notice of an estimate for redacting the exempt information from these documents:

1. (Monthly) Michigan Under 5 Detail by Drug and Quality Indicator in 2005;
2. (Monthly) Patients on 5 or More Concurrent Behavioral Drugs in 2005.

Your request has been reviewed and it has been determined that the above records, in their entirety, are protected from disclosure pursuant to MCL 331.533:

The identity of a person whose condition or treatment has been studied under this act is confidential and a review entity shall remove the person's name and address from the record before the review entity releases or publishes a record of its proceedings, or its reports, findings, and conclusions. Except as otherwise provided in section 2, the record of a proceeding and the reports, findings, and conclusions of a review entity and data collected by or for a review entity under this act are confidential, are not public records, and are not discoverable and shall not be used as evidence in a civil action or administrative proceeding.

The requested records contain identifying information about individuals whose condition and treatment are being studied. Additionally, the requested records are reports, findings, and conclusions of a review entity, and contain data collected by or for a review entity under 1967 PA 270, MCL 3331.531 *et seq.* Therefore, both the information contained in the reports, and the reports in their entirety, are confidential, are not public records, and are not subject to the Freedom of Information Act. MCL 333.533.

**RELEASE OF INFORMATION FOR MEDICAL RESEARCH AND EDUCATION
(EXCERPT)
Act 270 of 1967**

331.532 Release or publication of proceedings, reports, findings, and conclusions of review entity; purposes.

Sec. 2.

The release or publication of a record of the proceedings or of the reports, findings, and conclusions of a review entity shall be for 1 or more of the following purposes:

- (a) To advance health care research or health care education.
- (b) To maintain the standards of the health care professions.
- (c) To protect the financial integrity of any governmentally funded program.
- (d) To provide evidence relating to the ethics or discipline of a health care provider, entity, or practitioner.
- (e) To review the qualifications, competence, and performance of a health care professional with respect to the selection and appointment of the health care professional to the medical staff of a health facility.
- (f) To comply with section 20175 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.20175 of the Michigan Compiled Laws.

History: 1967, Act 270, Imd. Eff. July 20, 1967 ;-- Am. 1969, Act 190, Eff. Mar. 20, 1970 ;-- Am. 1975, Act 119, Imd. Eff. June 25, 1975 ;-- Am. 1980, Act 3, Imd. Eff. Feb. 11, 1980 ;-- Am. 1992, Act 215, Imd. Eff. Oct. 9, 1992 ;-- Am. 1993, Act 86, Eff. Apr. 1, 1994

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**RELEASE OF INFORMATION FOR MEDICAL RESEARCH AND EDUCATION
(EXCERPT)
Act 270 of 1967**

331.533 Confidentiality.

Sec. 3.

The identity of a person whose condition or treatment has been studied under this act is confidential and a review entity shall remove the person's name and address from the record before the review entity releases or publishes a record of its proceedings, or its reports, findings, and conclusions. Except as otherwise provided in section 2, the record of a proceeding and the reports, findings, and conclusions of a review entity and data collected by or for a review entity under this act are confidential, are not public records, and are not discoverable and shall not be used as evidence in a civil action or administrative proceeding.

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