

Prohibited Acts

Michigan Care Improvement Registry Law

MCL 333.9201, 333.9206, 333.9207, 333.9227

- Sec. 9206(2) Before administering an immunizing agent to a child, a health care provider shall notify the parent, guardian or person in loco parentis of the child, on a form provided by the department, of the right to object to the reporting requirement of subsection(3).
- Sec 9206(3) Unless the parent, guardian or person in loco parentis of the child who received the immunizing agent objects by written notice received by the health care provider prior to reporting, a health care provider shall report to the department each immunization administered by the health care provider, pursuant to rules promulgated under section 9227. If the parent, guardian or person in loco parentis of the child who was immunized objects to the reporting requirement of this subsection by written notice received by the health care provider prior to notification, the health care provider shall not report the immunization.
- Sec 9207(2) The information contained in the registry is subject to the **confidentiality** and disclosure requirements of sections 2637 and 2888 and to the rules promulgated under section 9227. The department may access the information contained in the registry when necessary to fulfill its duties under this code.

Vital Records Law

- MCL 333.2894 (1) A person shall not:
- (d) Willfully and knowingly obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another person, for any purpose of deception, a counterfeited, altered, amended, or mutilated vital record or certified copy thereof.
 - (e) Willfully and knowingly furnish or process a vital record or a certified copy of a vital record with the knowledge or intention that it be used for the purposes of deception.
- (2) A person shall not make, counterfeit, alter, amend, or mutilate a vital record or report required to be filed
- MCL 333.2898 A person who violates section 2894...is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

Michigan Computer Crime Law

MCL 752.794 - 752.797

- Sec.752.794 A person shall not intentionally access or cause access to be made to a computer program, computer, computer system, or computer network to devise or execute a scheme or artifice with the intent to defraud or to obtain money, property, or a service by a false or fraudulent pretense, representation, or promise.
- Sec 752.795 A person shall not intentionally and without authorization or by exceeding valid authorization . . . (a) Access or cause access to be made to a computer program, computer, computer system, or computer network to acquire, alter, damage, delete, or destroy property or otherwise use the service of a computer program, computer, computer system, or computer network.
- Sec 752.795a A violation of the Michigan children's protection registry act is a violation of this act.
- Sec 752.796 (1) A person shall not use a computer program, computer, computer system, or computer network to commit, attempt to commit, conspire to commit, or solicit another person to commit a crime.
- (2) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section, including the underlying offense.
- (3) This section applies regardless of whether the person is convicted of committing, attempting to commit, conspiring to commit, or soliciting another person to commit the underlying offense.

- 752.796a (1) A person who violates section 5a is guilty of the following:
- (a) For the first violation, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both.
 - (b) For the second violation, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$20,000.00, or both.
 - (c) For the third and any subsequent violation, a felony punishable by imprisonment for not more than 3 years or a fine of not more than \$30,000.00, or both.
- (2) A person does not violate section 5a because the person is an intermediary between the sender and recipient in the transmission of an electronic message that violates section 5a or unknowingly provides transmission of electronic messages over the person's computer network or facilities that violate section 5a.
- (3) It is a defense to an action brought under this section that the communication was transmitted accidentally. The burden of proving that the communication was transmitted accidentally is on the sender.
- (4) This section does not take effect until July 1, 2005.
- 752.796b All money and other income, including all proceeds earned but not yet received by a defendant from a third party as a result of the defendant's violations of this act, and all computer equipment, all computer software, and all personal property used in connection with any violation of this act known by the owner to have been used in violation of this act are subject to lawful seizure and forfeiture in the same manner as provided under sections 4701 to 4709 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.
- Sec 752.797 A person who violates this Act, if the violation involves less than \$200.00, is guilty of a misdemeanor. If the violation involves \$200.00 or more, the person is guilty of a felony, punishable by imprisonment, or a fine or both.

This document is subject to revision or withdrawal at any time at the discretion of the Michigan Department of Community Health

Instructions for Completing the MCIR Provider User/Usage Agreement

You must complete this agreement and submit it to your Regional Coordinator for approval before gaining access to the Michigan Care Improvement Registry (MCIR). Follow the instructions below to complete the MCIR Provider User/Usage Agreement.

Step One: Read the Agreement

Carefully read the first two paragraphs of this agreement, including the bulleted list of statements at the top of the form, so that you completely understand the **confidentiality** regulations, restrictions, and requirements for using the MCIR. Complete text for the laws, acts, and provisions cited in these passages is included with this agreement for your reference.

Step Two: Select one of the three options which define your intent for using this Form

1. You may request access to MCIR.
2. You must renew your MCIR access rights every three years according to MCIR legislation. A new user agreement must be submitted to the MCIR regional office.
3. You may change information you submitted on your previous MCIR User/Usage Agreement. You will need to enter your current SITE ID here, as well.
4. You may request to have your site disabled. You will need to enter your current SITE ID on the form. The SITE ID is located under *My Site* tab. Then proceed to *Edit My Site* link. SITE ID is located in the top right corner of the page.
5. You may request to have a MCIR SITE ID merged with another MCIR SITE ID (example clinic merger, retired physician)

Step Three: Register as a Public or Private Provider

Under the **Provider Information** heading, specify whether you are registering as a public or private provider:

- ✓ Check *Public Provider* if you are primarily employed by a public health department; or
- ✓ Check *Private Provider* if you are primarily employed within the private sector.

You may check only one option.

Step Four: Register as a Specialty Designation

Specify the specialty designation under which you are registering. The choices are: (You may check only one of these options.)

Family Practitioner

Pediatrician

Internist

OB/GYN

Other (please specify in the space provided).

Site Administrator: Staff person who is responsible for registering and monitor MCIR User accounts for the organization.

Step Five: Entering Site Demographic Data

Applicant's Name: May be Supervising Physician or Site Administrator

Organization: Practice Name

Enter *Organization/Practice Name* as well as the full name and title of the designated *Medical Officer* on the lines provided.

Step Six: Sign and Deliver the Agreement:

The *Medical Officer* specified in Step 5 should sign and date this agreement and send it to the address identified in paragraph two of the MCIR Provider User/Usage Agreement. Any issues or questions regarding **confidentiality** or the appropriate use of the MCIR by the members or staff of the registered organization or practice are the responsibility of the *Medical Officer* specified in Step 5.

This document is subject to revision or withdrawal at any time at the discretion of the Michigan Department of Community Health.