



# **Legal Insight: Navigating Statute and Public Health Code**

**Michigan Systems of Care Conference**

**March 10, 2026**

# Agenda

- Learning Objectives
- Statute and Administrative Rules
- Medical Control Authorities
- Professional Standards Review Organizations
- Open Meetings Act
- Freedom of Information Act

# Learning Objectives

# Goal Outcome...



Not...



# Statute and Administrative Rules

# Michigan Compiled Laws (MCL)

**MICHIGAN LEGISLATURE**  
Michigan Compiled Laws Complete Through PA 2 of 2026

Senate adjourned until Tuesday, March 10, 2026 10:00 AM

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## MCL Chapter Index

Document	Description
<a href="#">Chapter 1</a>	Constitution of the State of Michigan of 1963
<a href="#">Chapter 2</a>	STATE
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<a href="#">Chapter 4</a>	LEGISLATURE
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# Public Health Code (PHC)

## MCL - Act 368 of 1978

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Chapter 333

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### PUBLIC HEALTH CODE

#### Act 368 of 1978

AN ACT to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.

**History:** 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1985, Act 198, Eff. Mar. 31, 1986 ;-- Am. 1988, Act 60, Eff. Aug. 1, 1989 ;-- Am. 1988, Act 139, Imd. Eff. June 3, 1988 ;-- Am. 1993, Act 361, Eff. Sept. 1, 1994 ;-- Am. 1994, Act 170, Imd. Eff. June 17, 1994 ;-- Am. 1998, Act 332, Imd. Eff. Aug. 10, 1998 ;-- Am. 2002, Act 303, Imd. Eff. May 10, 2002 ;-- Am. 2003, Act 234, Imd. Eff. Dec. 29, 2003

# Part 209 of the PHC

## MCL - 368-1978-17-209

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### **PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**Part 209**

**EMERGENCY MEDICAL SERVICES**

# Michigan Administrative Code (MAC)

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

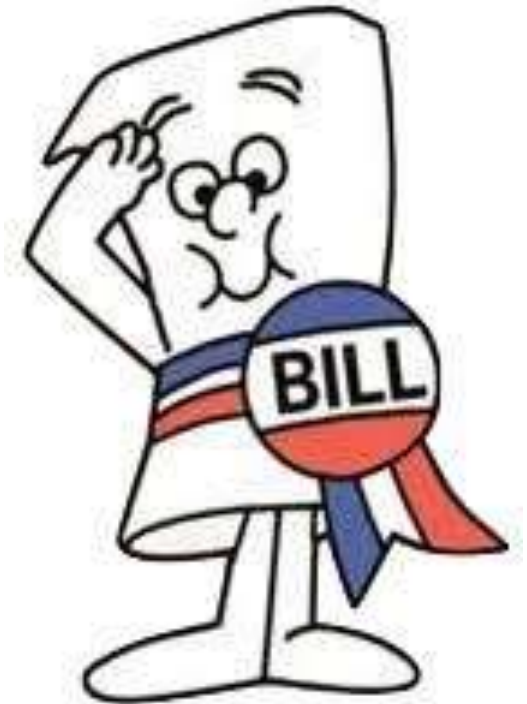
**BUREAU OF EMS TRAUMA AND PREPAREDNESS**

**EMERGENCY MEDICAL SERVICES - LIFE SUPPORT AGENCIES AND  
MEDICAL CONTROL**

(By authority conferred on the director of the department of health and human services by sections 2233, 20910, and 20975 of the public health code, 1978 PA 368, MCL 333.2233, 333.20910, and 333.20975, and Executive Reorganization Order No. 2015-1, MCL 400.227)

# Interaction of PHC and MAC

- Statute vs Administrative Code (Rules): Statutes give agencies the authority to create regulations, which are generally more detailed than statutes.
- Statutes are the codified statutory laws passed by the Michigan Legislature – i.e., the House and Senate.
- Administrative Code contains rules promulgated by state agencies to implement these laws - i.e., Michigan Department of Health and Human Services



# Definitions

## PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

### Part 209

#### EMERGENCY MEDICAL SERVICES

Document	Type	Description
<a href="#">Section 333.20901</a>	Section	Meanings of words and phrases; general definitions and principles of construction.
<a href="#">Section 333.20902</a>	Section	Definitions; A to D.
<a href="#">Section 333.20904</a>	Section	Definitions; E.
<a href="#">Section 333.20906</a>	Section	Definitions; L, M.
<a href="#">Section 333.20908</a>	Section	Definitions; N to V.

# Definitions

The screenshot shows the Merriam-Webster website interface. At the top, there is a navigation bar with the Merriam-Webster logo, a search bar containing the word "disaster", and links for "Games", "Word of the Day", "Grammar", and "Word Find". Below the navigation bar, the word "disaster" is displayed in a large font, followed by the part of speech "noun". The pronunciation is given as "di-sas-ter" with two audio icons: "di-'za-stər" and "-'sa-". A red banner highlights the "Definition" section. On the left side, there is a dark blue sidebar with a list of navigation options: "Did you know?", "Synonyms", "Example Sentences", "Word History", "Phrases Containing", "Rhymes", "Entries Near", "Related Articles", "Podcast", and "Show More". At the bottom of the sidebar is a "Save Word" button. The main content area shows the definition of "disaster" as a noun, with two numbered entries. Entry 1 is defined as "a sudden calamitous event bringing great damage, loss, or destruction" and includes the example "natural disasters". Entry 2 is defined as "someone or something that is very bad: such as" and includes two sub-entries: "a : someone or something that is extremely unsuccessful" with the example "The wedding reception was a complete disaster." and "b : someone or something that has a very bad effect or result" with the example "The new coach was a disaster for the team.".

Merriam-Webster Dictionary Thesaurus  Games Word of the Day Grammar Word Find

## disaster noun

di-sas-ter di-'za-stər -'sa-

**plural disasters**

[Synonyms of disaster >](#)

**1** : a sudden **calamitous** event bringing great damage, loss, or destruction  
| natural *disasters*

**2** : someone or something that is very bad: such as

**a** : someone or something that is extremely unsuccessful  
| The wedding reception was a complete *disaster*.  
| Brilliant at **maths** and languages, she was a *disaster* in physical education  
...  
- Derek Scally

**b** : someone or something that has a very bad effect or result  
| The new coach was a *disaster* for the team.

Did you know?

Synonyms

Example Sentences

Word History

Phrases Containing

Rhymes

Entries Near

Related Articles

Podcast

Show More

Save Word

# Definitions

## 333.20902 Definitions; A to D.

### Sec. 20902.

- (1) "Advanced life support" means patient care that may include any care a paramedic is qualified to provide by paramedic education that meets the educational requirements established by the department under section 20912 or is authorized to provide by the protocols established by the local medical control authority under section 20919 for a paramedic.
- (2) "Aircraft transport operation" means a person licensed under this part to provide patient transport, for profit or otherwise, between health facilities using an aircraft transport vehicle.
- (3) "Aircraft transport vehicle" means an aircraft that is primarily used or designated as available to provide patient transportation between health facilities and that is capable of providing patient care according to orders issued by the patient's physician.
- (4) "Ambulance" means a motor vehicle or rotary aircraft that is primarily used or designated as available to provide transportation and basic life support, limited advanced life support, or advanced life support.
- (5) "Ambulance operation" means a person licensed under this part to provide emergency medical services and patient transport, for profit or otherwise.
- (6) "Basic life support" means patient care that may include any care an emergency medical technician is qualified to provide by emergency medical technician education that meets the educational requirements established by the department under section 20912 or is authorized to provide by the protocols established by the local medical control authority under section 20919 for an emergency medical technician.
- (7) "Clinical preceptor" means an individual who is designated by or under contract with an education program sponsor for purposes of overseeing the students of an education program sponsor during the participation of the students in clinical training.
- (8) "Disaster" means an occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including but not limited to, fire, flood, snow, ice, windstorm, wave action, oil spill, water contamination requiring emergency action to avert danger or damage, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials accident, epidemic, air contamination, drought, infestation, or explosion. Disaster does not include a riot or other civil disorder unless it directly results from and is an aggravating element of the disaster.

# Medical Control Authorities (MCAs)

# What is the Definition of “Medical Control Authority” (MCA)?

MCL 333.20906(6) "Medical control authority" means an organization designated by the department under section 20910(1)(g) to provide medical control.

- Section 20910(1)(g) (1) The department shall do all of the following...(g) Designate a medical control authority as the medical control for emergency medical services for a particular geographic region as provided for under this part.
- MCL 333.20906(5) "Medical control" means supervising and coordinating emergency medical services through a medical control authority, as prescribed, adopted, and enforced through department-approved protocols, within an emergency medical services system.
- MCL 333.20904(4)"Emergency medical services" means the emergency medical services personnel, ambulances, nontransport prehospital life support vehicles, aircraft transport vehicles, medical first response vehicles, and equipment required for transport or treatment of an individual requiring medical first response life support, basic life support, limited advanced life support, or advanced life support.

# What is the Definition of “Medical Control Authority” (MCA)?

- MCL 333.20904(6) "Emergency medical services system" means a comprehensive and integrated arrangement of the personnel, facilities, equipment, services, communications, medical control, and organizations necessary to provide emergency medical services and trauma care within a particular geographic region.
- MCL 333.20908(9) "Protocol" means a patient care standard, standing orders, policy, or procedure for providing emergency medical services that is established by a medical control authority and approved by the department under section 20919.



# So, what is the Definition of “Medical Control Authority?”

- "Medical control authority" means an organization administered by the participating hospitals and designated by the department of health and human services to provide supervision and coordination of the emergency medical services personnel, ambulances, nontransport prehospital life support vehicles, aircraft transport vehicles, medical first response vehicles, and equipment required for transport or treatment of an individual requiring medical first response life support, basic life support, limited advanced life support, or advanced life support, as prescribed, adopted, and enforced through established department of health and human services-approved patient care standards, standing orders, policies, or procedures within a comprehensive and integrated arrangement of the personnel, facilities, equipment, services, communications, and organizations necessary to provide emergency medical services and trauma care within a particular geographic region.

# Responsibilities of MCA



Develop bylaws that define the MCA organizational structure.



Appoint an MCA board

Majority of the board shall be comprised, at a minimum, of members of the member hospitals...

The board may include other entities as determined by the MCA bylaws.



If the board also functions as the advisory body to the MCA, then the board shall include a representative of each type of life support agency and emergency medical services personnel functioning within the medical control authority's region.

# Responsibilities of MCA

Appoint	Appoint an advisory body which meets at least quarterly.
Appoint	Appoint a professional standards review organization (PSRO) to monitor and improve the quality of medical care.
Collect	Collect data as necessary to assess the quality and needs of emergency medical services throughout its MCA area.

# Advisory Body/Committee (R 325.22204 & MCL 333.20918)

## Composition

- Must include a representative of each type of life support agency and each type of emergency medical services personnel functioning within the MCA's boundaries.
- No more than 10% of the membership of the advisory body can be employees of the medical director or of an entity substantially owned or controlled by the medical director.

## Responsibilities

- Advise the MCA on the appointment of a medical director.
- Advise the MCA on the development of protocols.
- Meet at least quarterly.

The background of the slide is a blurred photograph of an interior space, possibly a hallway or office, with a large, semi-transparent red circle overlaid on the right side. A dotted line of small red dots curves around the right edge of the red circle.

# Professional Standards Review Organizations (PSROs)



# PSRO – Background

## (R 325.22114 & R 325.22211)

- "Professional standards review organization" means a committee established by a life support agency or a medical control authority for the purpose of improving the quality of medical care.
- Each life support agency (LSA) shall establish a PSRO
  - As part of the PSRO, each LSA shall collect data to assess the need for and quality of emergency medical services.
  - The data must be submitted to the MCA as determined by department-approved protocol.
- MCA must establish a quality improvement protocol to ensure a quality improvement program is in place and functional.
- Data submitted by the LSAs within the MCA area must be reviewed by the MCA PSRO for the purpose of improving the quality of medical care within the MCA area.



# PSRO – Data Requirements (R 325.22213)

- All data collected are confidential, not public record, not discoverable, and shall not be used as evidence in a civil action or administrative proceeding.
- An MCA must submit data to the department as prescribed by the department and approved by the emergency medical services coordination committee.
- MCAs have access to quality data residing within the Michigan Emergency Medical System Information System for incidents that occur within the MCA's geographic area.



# PSRO – Confidentiality (MCL 331.531)

- A person, organization, or entity may provide to a review entity information or data relating to the physical or psychological condition of a person, the necessity, appropriateness, or quality of health care rendered to a person, or the qualifications, competence, or performance of a health care provider.



# PSRO – Confidentiality (MCL 331.531)

- As used in this section, "review entity" means 1 of the following:
  - A professional standards review organization qualified under federal or state law.
- A person, organization, or entity is not civilly or criminally liable:
  - For providing information or data pursuant to subsection (1).
  - For an act or communication within its scope as a review entity.
  - For releasing or publishing a record of the proceedings, or of the reports, findings, or conclusions of a review entity, subject to sections 2 and 3 (see next slides).
    - The immunity from liability provided under subsection (3) does not apply to a person, organization, or entity that acts with malice.



# PSRO – Confidentiality (MCL 331.532)

- 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:
  - To advance health care research or health care education.
  - To maintain the standards of the health care professions.
  - To protect the financial integrity of any governmentally funded program.
  - To provide evidence relating to the ethics or discipline of a health care provider, entity, or practitioner.
  - 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.
  - To comply with section 20175 of the public health code, 1978 PA 368, MCL 333.20175 (Records Retention Requirements).

# PSRO – Confidentiality (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.



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.

# Open Meetings Act



# Open Meetings Act – Background (MCL 15.261)

- Purpose
  - Require public bodies to conduct business at open meetings
- Scope
  - Supersedes all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.
  - Public body may adopt an ordinance, resolution, rule, or charter provision which would require a greater degree of openness relative to meetings of public bodies (i.e., the Act sets the “floor” for what is required).



# Open Meetings Act – Definitions (MCL 15.262)

- "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, that is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function.
- "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.
- "Closed session" means a meeting or part of a meeting of a public body that is closed to the public.
- "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.



# Open Meetings Act – Attorney General Opinion

- Michigan Attorney General Opinion 7165 – December 27, 2004
- Question: Whether local medical control authorities created under the Public Health Code, MCL 333.1101 *et seq*, are public bodies subject to the Open Meetings Act (OMA), MCL 15.261 *et seq*.
- Opinion: Local medical control authorities are subject to the Open Meetings Act.
- Other Notable Statements:
  - Definition of public body does not include advisory boards or committees of a public body that do not exercise governmental or proprietary authority
  - Responsibility for the implementation and enforcement of protocols is placed squarely upon the MCAs. The Public Health Code authorizes and requires MCAs to make governmental decisions and to take actions to regulate and control the provision of emergency medical services

# Open Meetings Act – Requirements (MCL 15.263)



All meetings of a public body must be open to the public and must be held in a place available to the general public.



All decisions of a public body must be made at a meeting open to the public.



All deliberations of a public body constituting a quorum of its members must take place at a meeting open to the public except as provided in this section.



## Open Meetings Act – Requirements (MCL 15.263)

- All persons must be permitted to attend any meeting except as otherwise provided in this act.
  - The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting.
  - However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.
- A person must not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill condition precedent to attendance.
- A person must be permitted to address a meeting of a public body under rules established and recorded by the public body.
- A person must not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.



# Open Meetings Act – Notice (MCL 15.264)

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The following provisions shall apply with respect to public notice of meetings:

A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

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A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body.

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If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves...

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# Open Meetings Act – Notice (MCL 15.265)



A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.



For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.



If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

# Open Meetings Act – Closed Sessions (MCL 15.267)



A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session.



These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action.



These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.



# Open Meetings Act – Closed Sessions MCL 15.268)

Except as otherwise provided, a public body may meet in a closed session only for the following purposes:

- To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.
- To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
- To consider material exempt from discussion or disclosure by state or federal statute.

# Open Meetings Act – Minutes (MCL 15.269)



Each public body shall keep minutes of each meeting.



Minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held.



Minutes shall include all rollcall votes taken at the meeting.



The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer.

The public body shall make corrected minutes available at or before the next subsequent meeting after correction.

The corrected minutes shall show both the original entry and the correction.

# Open Meetings Act – Minutes (MCL 15.269)



Minutes are public records open to public inspection, and a public body shall make the minutes available at the address designated on posted public notices.



The public body shall make copies of the minutes available to the public at the reasonable estimated cost for printing and copying.



A public body shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer.



The public body shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the public body.

# Open Meetings Act – Disputed Acts (MCL 15.270)



Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.



In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

# Open Meetings Act – Disputed Acts (MCL 15.271)



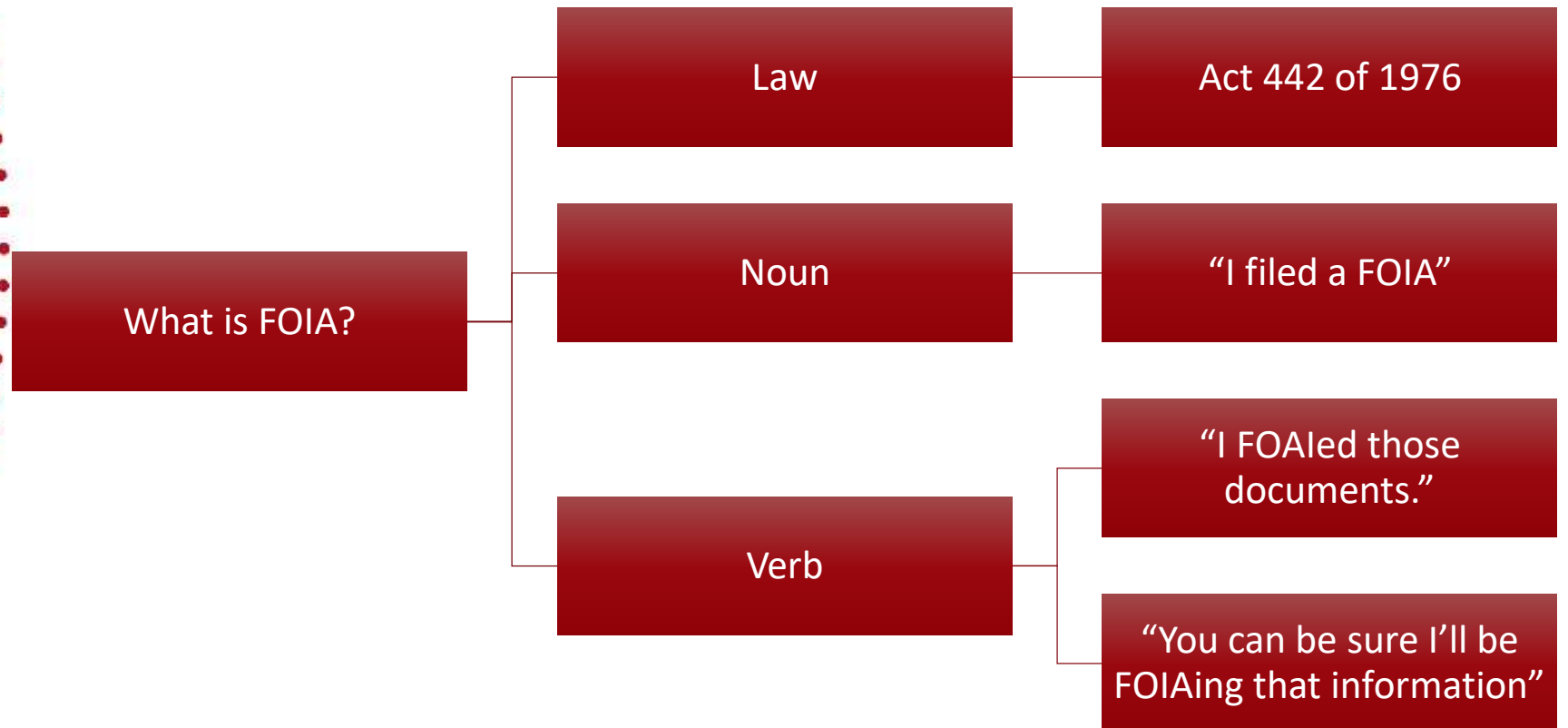
If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.



If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

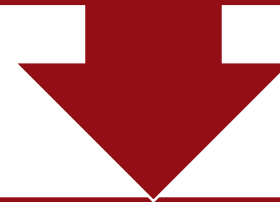
# Freedom of Information Act (FOIA)

# Freedom of Information Act (FOIA) - Overview



# Freedom of Information Act (FOIA) – Purpose (MCL 15.231)

It is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act.



The people shall be informed so that they may fully participate in the democratic process.

# Freedom of Information Act (FOIA) – Definitions (MCL 15.232)



"FOIA coordinator" means:

(ii) An individual designated by a public body to accept and process requests for public records under this act.



"Public body" means any of the following:

(iv) Any other body that is created by state or local authority or is primarily funded by or through state or local authority



"Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. This act separates public records into the following 2 classes:

(i) Those that are exempt from disclosure under section 13.  
(ii) All public records that are not exempt from disclosure under section 13 and that are subject to disclosure under this act.

# Freedom of Information Act (FOIA) – Definitions (MCL 15.232)



"Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, and every other means of recording, and includes letters, words, pictures, sounds, or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films or prints, microfilm, microfiche, magnetic or punched cards, discs, drums, hard drives, solid state storage components, or other means of recording or retaining meaningful content.



"Written request" means a writing that asks for information, and includes a writing transmitted by facsimile, electronic mail, or other electronic means

# Freedom of Information Act (FOIA) – Coordinator (MCL 15.236)



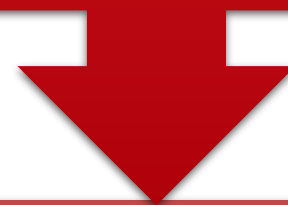
A public body...shall designate an individual as the public body's FOIA coordinator. The FOIA coordinator shall be responsible for accepting and processing requests for the public body's public records under this act and shall be responsible for approving a denial.



A FOIA coordinator may designate another individual to act on his or her behalf in accepting and processing requests for the public body's public records, and in approving a denial.

# Freedom of Information Act (FOIA) – Requests (MCL 15.233)

Other than for exempted information, upon providing a public body's FOIA coordinator with a written request that describes a public record sufficiently to enable the public body to find the public record, a person has a right to inspect, copy, or receive copies of the requested public record of the public body.



A request from a person, other than an individual who qualifies as indigent, must include the requesting person's complete name, address, and contact information, and, if the request is made by a person other than an individual, the complete name, address, and contact information of the person's agent who is an individual.

An address must be written in compliance with United States Postal Service addressing standards.

Contact information must include a valid telephone number or electronic mail address.

An employee of a public body who receives a request for a public record shall promptly forward that request to the freedom of information act coordinator.

# Freedom of Information Act (FOIA) – Requests (MCL 15.233)



A freedom of information act coordinator shall keep a copy of all written requests for public records on file for no less than 1 year.



A public body may make reasonable rules necessary to protect its public records and to prevent excessive and unreasonable interference with the discharge of its functions.



# Freedom of Information Act (FOIA) – Fees and Process (MCL 15.234)

- A public body shall:
  - Establish procedures and guidelines to implement this act.
  - Create a written public summary of the specific procedures and guidelines relevant to the general public:
    - Regarding how to submit written requests to the public body
    - Explaining how to understand a public body's written responses, deposit requirements, fee calculations, and avenues for challenge and appeal.
  - So, while a public body may charge a fee...
    - If the fee doesn't meet the requirements above, the public body cannot charge at all

# Freedom of Information Act (FOIA) – Fees and Process (MCL 15.234)



The written public summary shall be written in a manner so as to be easily understood by the general public.

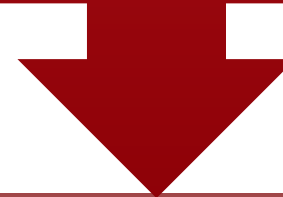


If the public body directly or indirectly administers or maintains an official internet presence, it shall post and maintain the procedures and guidelines and its written public summary on its website...may include the website link to the documents in lieu of providing paper copies in its response to written request.



# Freedom of Information Act (FOIA) – Response Requirements (MCL 15.235)

A person desiring to inspect or receive a copy of a public record shall make a written request for the public record to the FOIA coordinator of a public body.



Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

Granting the request.	Issuing a written notice to the requesting person denying the request.	Granting the request in part and issuing a written notice to the requesting person denying the request in part.	Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. • A public body shall not issue more than 1 notice of extension for a particular request
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## Freedom of Information Act (FOIA) – Response Requirements (MCL 15.235)

- Failure to respond to a request constitutes a public body's final determination to deny the request if either of the following applies:
  - The failure was willful and intentional.
  - The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information", "information", "FOIA", "copy", or a recognizable misspelling of such, or appropriate legal code reference to this act, on the front of an envelope or in the subject line of an electronic mail, letter, or facsimile cover page.



# Freedom of Information Act (FOIA) – Exemptions (MCL 15.243)

- A public body may exempt from disclosure as a public record under this act any of the following:
  - Information of a personal nature
  - If public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
  - Records or information specifically described and exempted from disclosure by statute (i.e., PSRO)
  - Information or records subject to the attorney-client privilege.
  - Information or records subject to other privilege recognized by statute or court rule.

# Freedom of Information Act (FOIA) – Failure to Comply (MCL 15.240b)



If the court determines that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence.



In determining the amount of the civil fine, the court shall consider the budget of the public body and whether the public body has previously been assessed penalties for violations of this act. The civil fine shall be deposited in the general fund of the state treasury.

# Freedom of Information Act (FOIA) – Separation of Documents (MCL 15.244)

If a public record contains material which is not exempt, as well as material which is exempt from disclosure, the public body shall separate the exempt and nonexempt material and make the nonexempt material available for examination and copying.

When designing a public record, a public body shall, to the extent practicable, facilitate a separation of exempt from nonexempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the public body shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

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# Presenter



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# Questions?

For more information on these topics visit [hallrender.com](https://hallrender.com).

