



# HOUSE BILL No. 4251

February 11, 1993, Introduced by Reps. Bennane, DeMars, Murphy, Stallworth, Brown, Bobier and Pitoniak and referred to the Committee on Public Health.

A bill to create a data collection and maintenance system pertaining to certain health professionals; and to prescribe the powers and duties of certain state departments and agencies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as "the  
2 health professional clearinghouse act".

3       Sec. 2. The health professional clearinghouse is estab-  
4 lished in the department of commerce, and shall contain each of  
5 the following:

6       (a) Information and unsolicited complaints maintained by the  
7 department of commerce pursuant to section 16177 of the public  
8 health code, Act No. 368 of the Public Acts of 1978, being  
9 section 333.16177 of the Michigan Compiled Laws.

10       (b) Annual surveys and studies of the professional  
11 performance of persons licensed or registered under the public

1 health code, Act No. 368 of the Public Acts of 1978, being  
2 sections 333.1101 to 333.25211 of the Michigan Compiled Laws,  
3 conducted pursuant to section 4.

4       Sec. 3. (1) The health professional clearinghouse board is  
5 created within the department of commerce and shall consist of 17  
6 members appointed by the governor with the advice and consent of  
7 the senate. The governor shall appoint each initial member  
8 within 90 days of the effective date of this act, and each member  
9 shall serve for a term of 2 years.

10       (2) If a vacancy occurs on the health professional clearing-  
11 house board, the governor shall make an appointment for the bal-  
12 ance of the unexpired term in the same manner as the original  
13 appointment.

14       (3) The governor may remove a member of the health profes-  
15 sional clearinghouse board for incompetency, dereliction of duty,  
16 malfeasance, misfeasance, or nonfeasance in office, or any other  
17 good cause.

18       (4) The health professional clearinghouse board shall con-  
19 sist of the following:

20       (a) A health care educator from a state supported 4-year  
21 college or university.

22       (b) An individual insured by a nonprofit health care corpo-  
23 ration organized under the nonprofit health care corporation  
24 reform act, Act No. 350 of the Public Acts of 1980, being sec-  
25 tions 550.1101 to 550.1704 of the Michigan Compiled Laws.

26       (c) A representative of a nonprofit health care corporation  
27 described in subdivision (b).

1 (d) A representative of the health insurance industry.

2 (e) An individual insured by a member of the health insur-  
3 ance industry.

4 (f) A representative of a hospital as that term is defined  
5 in section 20106 of the public health code, Act No. 368 of the  
6 Public Acts of 1978, being section 333.20106 of the Michigan  
7 Compiled Laws.

8 (g) A representative of physicians licensed under part 170  
9 or part 175 of the public health code, being sections 333.17001  
10 to 333.17088 and 333.17501 to 333.17556 of the Michigan Compiled  
11 Laws.

12 (h) A recipient of benefits under title XVIII of the social  
13 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b,  
14 1395b-2, 1395c to 1395i, 1395i-2 to 1395i-4, 1395j to 1395w-2,  
15 1395w-4 to 1395dd, 1395ff to 1395yy, and 1395bbb to 1395ccc.

16 (i) A recipient of benefits under title XIX of the social  
17 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396g  
18 and 1396i to 1396u.

19 (j) A representative of those employers having more than 500  
20 employees within the state.

21 (k) A representative of those employers having less than 500  
22 employees within the state.

23 (l) A representative of persons over the age of 65.

24 (m) A representative of an organization approved by the  
25 department of public health that provides advocacy services for  
26 children.

1 (n) A representative of those employees who are members of a  
2 labor union.

3 (o) A representative of those employees who are not members  
4 of a labor union.

5 (p) A representative of a consumer rights advocacy  
6 organization.

7 (q) A faculty member of the social science department of a  
8 state supported 4-year college or university.

9 (5) The health professional clearinghouse board shall meet  
10 within 30 days after all members have been appointed. At the  
11 first meeting the health professional clearinghouse board shall  
12 elect from its members a chairperson and other officers as it  
13 considers appropriate or necessary. After the first meeting, the  
14 health professional clearinghouse board shall meet at least quar-  
15 terly, or more frequently at the call of the chairperson, or if  
16 requested by 8 or more members.

17 (6) A majority of the health professional clearinghouse  
18 board constitutes a quorum for the transaction of business at a  
19 meeting of the board. A majority vote of the members present and  
20 serving is required for official action of the health profes-  
21 sional clearinghouse board.

22 (7) The business of the health professional clearinghouse  
23 board shall be conducted at a public meeting of that board, held  
24 in compliance with the open meetings act, Act No. 267 of the  
25 Public Acts of 1976, being sections 15.261 15.275 of the Michigan  
26 Compiled Laws.

1 (8) A writing prepared, owned, used, in the possession of,  
2 or retained by the health professional clearinghouse board in the  
3 performance of an official function is subject to the freedom of  
4 information act, Act No. 442 of the Public Acts of 1976, being  
5 sections 15.231 to 15.246 of the Michigan Compiled Laws.

6 (9) Members of the health professional clearinghouse board  
7 shall serve without compensation. However, members of that board  
8 may be reimbursed for their actual and necessary expenses  
9 incurred in the performance of their official duties as members  
10 of that board pursuant to the standard travel regulations of the  
11 department of management and budget.

12 Sec. 4. The health professional clearinghouse board shall  
13 do each of the following:

14 (a) Maintain and administer the health professional  
15 clearinghouse.

16 (b) Conduct annual studies of the quality of health care  
17 provided by persons licensed or registered under article 15 of  
18 the public health code, Act No. 368 of the Public Acts of 1978,  
19 being sections 333.16101 to 333.18838 of the Michigan Compiled  
20 Laws, and include in those studies each of the following:

21 (i) Random surveys of patient satisfaction with medical  
22 treatment or care provided by persons licensed or registered  
23 under article 15 of Act No. 368 of the Public Acts of 1978.

24 (ii) An analysis of the outcome of the medical treatment or  
25 care described in subparagraph (i).

26 (c) Within 6 months of the effective date of this act,  
27 conduct hearings for the promulgation of rules that do each of

1 the following pursuant to the administrative procedures act of  
2 1969, Act No. 306 of the Public Acts of 1969, being  
3 sections 24.201 to 24.328 of the Michigan Compiled Laws:

4 (i) At a minimum identify the procedures for dissemination  
5 of information in the health professional clearinghouse to mem-  
6 bers of the general public.

7 (ii) Establish procedures and protocols for the studies  
8 described in subdivision (b).

9 Sec. 5. The department of commerce shall at least once  
10 annually prepare a list of all persons licensed or registered  
11 under article 15 of the public health code, Act No. 368 of the  
12 Public Acts of 1978, being sections 333.16101 to 333.18838 of the  
13 Michigan Compiled Laws, and provide a copy of that list to each  
14 public library in this state. As used in this section, "public  
15 library" means that term as defined in section 2 of the state aid  
16 to public libraries act, Act No. 89 of the Public Acts of 1977,  
17 being section 397.552 of the Michigan Compiled Laws.

18 Sec. 6. This act shall not take effect unless Senate Bill  
19 No. \_\_\_\_\_ or House Bill No. 4250 (request no. 01632'93) of the  
20 87th Legislature is enacted into law.