

HOUSE BILL No. 5415

December 4, 1997, Introduced by Reps. Baird, Wallace, Schroer, Baade, Scott, Wojno, Quarles, Bogardus, Anthony, Martinez, Brater, Schauer, Leland, Hale, Vaughn, Ciaramitaro, Goschka and LaForge and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16241a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16241A. (1) THE DEPARTMENT SHALL ESTABLISH AN ELEC-
2 TRONIC DATA BASE ACCESSIBLE BY COMPUTER AND TOLL-FREE TELEPHONE
3 TO DISSEMINATE THE INFORMATION DESCRIBED IN SUBSECTIONS (2) AND
4 (3). THE ELECTRONIC DATA BASE SHALL BE ACCESSIBLE 24 HOURS A
5 DAY, 7 DAYS A WEEK.

6 (2) THE DEPARTMENT SHALL INCLUDE IN THE ELECTRONIC DATA BASE
7 ALL OF THE FOLLOWING INFORMATION REGARDING A PARTICULAR LICENSEE
8 OR REGISTRANT:

9 (A) EACH FINAL DISCIPLINARY ACTION TAKEN AGAINST THE
10 LICENSEE OR REGISTRANT BY THE DEPARTMENT UNDER THIS ARTICLE OR,
11 IF THE DEPARTMENT HAS ACCESS TO THE INFORMATION, EACH FINAL

1 ADMINISTRATIVE DISCIPLINARY ACTION TAKEN AGAINST THE LICENSEE OR
2 REGISTRANT BY A PROFESSIONAL REGULATORY AGENCY OF ANOTHER STATE
3 OR COUNTRY SINCE THE LICENSEE OR REGISTRANT RECEIVED HIS OR HER
4 INITIAL HEALTH PROFESSIONAL LICENSE OR REGISTRATION.

5 (B) EACH CRIMINAL CONVICTION AGAINST THE LICENSEE OR REGIS-
6 TRANT SINCE THE LICENSEE OR REGISTRANT RECEIVED HIS OR HER INI-
7 TIAL HEALTH PROFESSIONAL LICENSE OR REGISTRATION.

8 (C) EACH JUDGMENT AGAINST THE LICENSEE OR REGISTRANT FINDING
9 THE LICENSEE OR REGISTRANT NEGLIGENT IN AN ACTION FOR MALPRACTICE
10 AND EACH COURT APPROVED SETTLEMENT IN AN ACTION FOR MALPRACTICE
11 INVOLVING THE LICENSEE OR REGISTRANT SINCE THE LICENSEE OR REGIS-
12 TRANT RECEIVED HIS OR HER INITIAL HEALTH PROFESSIONAL LICENSE OR
13 REGISTRATION.

14 (D) ANY LOSS OF HOSPITAL PRIVILEGES.

15 (3) THE INFORMATION DESCRIBED IN SUBSECTION (2) CONSISTS OF
16 ALL OF THE FOLLOWING REPORTED TO OR OBTAINED BY THE DEPARTMENT
17 UNDER THIS ARTICLE OR UNDER THE INSURANCE CODE OF 1956, 1956 PA
18 218, MCL 500.100 TO 500.8302:

19 (A) THE INFORMATION ON CRIMINAL CONVICTIONS AND DISCIPLINARY
20 LICENSING AND REGISTRATION ACTIONS WITHIN THE PAST 10 YEARS THAT
21 ARE REQUIRED TO BE REPORTED UNDER SECTION 16222(3).

22 (B) THE INFORMATION ON Licensure AND REGISTRATION REVOCAs-
23 TIONS, SUSPENSIONS, REPRIMANDS, FINES, RESTITUTIONS, AND PROBA-
24 TIONS WITHIN THE PAST 10 YEARS THAT ARE REQUIRED TO BE REPORTED
25 UNDER SECTION 16241(6) AND (7).

26 (C) THE INFORMATION ON MALPRACTICE JUDGMENTS AND SETTLEMENTS
27 WITHIN THE PAST 10 YEARS THAT ARE REQUIRED TO BE REPORTED UNDER

1 SECTION 16243(2) OR UNDER THE INSURANCE CODE OF 1956, 1956 PA
2 218, MCL 500.100 TO 500.8302. A STATEMENT SHALL BE INCLUDED THAT
3 INDICATES THAT THE SETTLEMENT OF A CLAIM MAY OCCUR FOR A VARIETY
4 OF REASONS, WHICH REASONS DO NOT NECESSARILY REFLECT NEGATIVELY
5 ON PROFESSIONAL COMPETENCE OR CONDUCT, AND THAT PAYMENT IN SET-
6 TLEMENT OF A MALPRACTICE CLAIM SHOULD NOT BE CONSTRUED AS CREAT-
7 ING A PRESUMPTION THAT MALPRACTICE HAS OCCURRED. PENDING MAL-
8 PRACTICE CLAIMS SHALL NOT BE LISTED OR DISCLOSED.

9 (D) NAMES OF MEDICAL SCHOOLS AND DATES OF GRADUATION.

10 (E) GRADUATE MEDICAL EDUCATION.

11 (F) SPECIALTY BOARD CERTIFICATION.

12 (G) NUMBER OF YEARS OF PRACTICE.

13 (H) NAMES OF HOSPITALS WHERE THE LICENSEE HAS PRIVILEGES.

14 (I) APPOINTMENTS TO MEDICAL SCHOOL FACULTIES AND INDICATION
15 AS TO WHETHER THE LICENSEE HAD A RESPONSIBILITY FOR MEDICAL EDU-
16 CATION WITHIN THE PAST 10 YEARS.

17 (J) INFORMATION REGARDING PUBLICATIONS IN PEER-REVIEWED MED-
18 ICAL LITERATURE WITHIN THE PAST 10 YEARS.

19 (K) INFORMATION REGARDING PROFESSIONAL OR COMMUNITY SERVICE
20 ACTIVITIES AND AWARDS.

21 (L) THE LOCATION OF THE LICENSEE'S PRIMARY PRACTICE
22 SETTING.

23 (M) THE IDENTIFICATION OF ANY TRANSLATING SERVICES THAT MAY
24 BE AVAILABLE AT THE LICENSEE'S PRIMARY PRACTICE LOCATION.

25 (N) AN INDICATION OF WHETHER THE LICENSEE PARTICIPATES IN
26 THE MEDICAID PROGRAM.

1 (4) WHEN COLLECTING INFORMATION OR COMPILING REPORTS
2 INTENDED TO COMPARE INDIVIDUAL LICENSEES OR REGISTRANTS, THE
3 DEPARTMENT SHALL REQUIRE THAT ALL OF THE FOLLOWING OCCUR:

4 (A) LICENSEE AND REGISTRANT ORGANIZATIONS THAT ARE REPRESENTATIVE OF THE TARGET GROUP BE MEANINGFULLY INVOLVED IN THE DEVELOPMENT OF ALL ASPECTS OF THE PROFILE METHODOLOGY INCLUDING, BUT NOT LIMITED TO, COLLECTION METHODS, FORMATTING, AND METHODS AND MEANS FOR RELEASE AND DISSEMINATION.

9 (B) THE ENTIRE METHODOLOGY FOR COLLECTING AND ANALYZING THE DATA BE DISCLOSED TO ALL RELEVANT LICENSEE AND REGISTRANT ORGANIZATIONS AND TO EACH LICENSEE OR REGISTRANT UNDER REVIEW.

12 (C) DATA COLLECTION AND ANALYTICAL METHODOLOGIES BE USED THAT MEET ACCEPTED STANDARDS OF VALIDITY AND RELIABILITY.

14 (D) THE LIMITATIONS OF THE DATA SOURCES AND ANALYTIC METHODOLOGIES USED TO DEVELOP LICENSEE AND REGISTRANT PROFILES BE CLEARLY IDENTIFIED AND ACKNOWLEDGED, INCLUDING, BUT NOT LIMITED TO, THE APPROPRIATE AND INAPPROPRIATE USES OF THE DATA.

18 (E) TO THE GREATEST EXTENT POSSIBLE, LICENSEE AND REGISTRANT PROFILING INITIATIVES UTILIZE STANDARD-BASED NORMS DERIVED FROM WIDELY ACCEPTED PRACTICE GUIDELINES DEVELOPED BY LICENSEE AND REGISTRANT ORGANIZATIONS.

22 (F) LICENSEE AND REGISTRANT PROFILES AND ANY OTHER INFORMATION COMPILED REGARDING PERFORMANCE BE SHARED WITH EACH LICENSEE OR REGISTRANT UNDER REVIEW BEFORE DISSEMINATION, AN OPPORTUNITY FOR CORRECTIONS AND ADDITIONS OF HELPFUL EXPLANATORY COMMENTS BE PROVIDED EACH LICENSEE OR REGISTRANT BEFORE PUBLICATION, AND EACH

1 PROFILE ONLY INCLUDE DATA THAT REFLECTS CARE UNDER THE CONTROL OF
2 THE LICENSEE OR REGISTRANT FOR WHOM SUCH PROFILE IS PREPARED.

3 (G) COMPARISONS AMONG LICENSEE AND REGISTRANT PROFILES BE
4 ADJUSTED FOR PATIENT CASE-MIX AND OTHER RELEVANT RISK FACTORS AND
5 CONTROL FOR LICENSEE AND REGISTRANT PEER GROUPS, WHEN
6 APPROPRIATE.

7 (H) EFFECTIVE SAFEGUARDS TO PROTECT AGAINST THE UNAUTHORIZED
8 USE OR DISCLOSURE OF LICENSEE AND REGISTRANT PROFILES BE DEVEL-
9 OPED AND IMPLEMENTED.

10 (I) EFFECTIVE SAFEGUARDS TO PROTECT THE DISSEMINATION OF
11 INCONSISTENT, INCOMPLETE, INVALID, INACCURATE, OR SUBJECTIVE PRO-
12 FILE DATA BE DEVELOPED AND IMPLEMENTED.

13 (J) THE QUALITY AND ACCURACY OF LICENSEE AND REGISTRANT PRO-
14 FILES, DATA SOURCES, AND METHODOLOGIES BE EVALUATED REGULARLY.

15 (K) THERE BE A DETERMINATION MADE BY THE DEPARTMENT THAT THE
16 BENEFITS OF PROFILING OUTWEIGH THE COSTS OF DEVELOPING AND DIS-
17 SEMINATING THE PROFILES.