

HOUSE BILL No. 4363

March 3, 1999, Introduced by Reps. Stallworth, Thomas, Schauer, Daniels, Vaughn, Garza and Scott 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 sections 2907, 2909, and
2911.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2907. (1) THE MICHIGAN HEALTH DATA INSTITUTE FUND IS
2 ESTABLISHED IN THE STATE TREASURY. THE MICHIGAN HEALTH DATA
3 INSTITUTE FUND MAY RECEIVE GIFTS AND DEVISES AND OTHER MONEY AS
4 PROVIDED BY LAW. THE MONEY IN THE MICHIGAN HEALTH DATA INSTITUTE
5 FUND SHALL BE EXPENDED ONLY FOR THE OPERATION OF THE INSTITUTE
6 INCLUDING, BUT NOT LIMITED TO, THE PAYMENT OF A CONTRACT WITH THE
7 DATA CORPORATION.

8 (2) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
9 MICHIGAN HEALTH DATA INSTITUTE FUND. INTEREST AND EARNINGS FROM

1 THE MICHIGAN HEALTH DATA INSTITUTE FUND SHALL BE CREDITED TO THE
2 MICHIGAN HEALTH DATA INSTITUTE FUND.

3 (3) THE UNENCUMBERED BALANCE IN THE MICHIGAN HEALTH DATA
4 INSTITUTE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN
5 THE MICHIGAN HEALTH DATA INSTITUTE FUND AND SHALL NOT REVERT TO
6 THE GENERAL FUND.

7 (4) THE INSTITUTE MAY ACCEPT GIFTS AND DEVICES IN KIND.

8 (5) FUNDING FOR THE ONGOING OPERATIONS OF THE DATABASE SHALL
9 BE BROADLY DERIVED FROM PROVIDERS AND GROUP PURCHASERS. PURSUANT
10 TO SECTION 2919, FEES FOR ACCESS TO THE DATABASE SHALL BE SET BY
11 THE BOARD BASED ON EXTENT OF USE. HOWEVER, A CONSUMER IS ENTI-
12 TLED TO RECEIVE FREE OF CHARGE A SINGLE COPY OF A DESIGNATED
13 PUBLIC REPORT DEVELOPED AND DISTRIBUTED UNDER SECTION 2911. THIS
14 SUBSECTION DOES NOT PRECLUDE APPROPRIATIONS TO THE MICHIGAN
15 HEALTH DATA INSTITUTE FUND FOR THE COSTS OF DEVELOPING A DATA
16 PLAN.

17 SEC. 2909. (1) THE BOARD SHALL APPROVE A DRAFT OF THE FIRST
18 DATA PLAN FOR THE DATABASE. THE DRAFT SHALL INCORPORATE THE
19 SCOPE, CONTENT, FORMAT, USE, TIMETABLE, AND FINANCING OF THE
20 DATABASE, PURSUANT TO THE ELEMENTS PRESCRIBED BY SECTION 2915.

21 (2) EACH DATA PLAN APPROVED BY THE BOARD SHALL DESIGNATE
22 SPECIFICALLY THE DATA AND THE SOURCE OF THE DATA TO BE
23 SUBMITTED.

24 (3) AFTER THE FIRST DRAFT DATA PLAN IS APPROVED UNDER SUB-
25 SECTION (1), THE BOARD SHALL CONDUCT APPROPRIATE PUBLIC HEARINGS
26 ON THE DRAFT. AFTER CONSIDERING THE INFORMATION OBTAINED IN THE

1 PUBLIC HEARINGS, THE BOARD SHALL APPROVE A PROPOSED FIRST DATA
2 PLAN.

3 (4) THE BOARD SHALL SUBMIT THE PROPOSED FIRST DATA PLAN TO
4 THE GOVERNOR AND TO THE STANDING COMMITTEE OF EACH HOUSE OF THE
5 LEGISLATURE WITH JURISDICTION OVER PUBLIC HEALTH MATTERS WITHIN 9
6 MONTHS AFTER THE APPOINTMENT AND CONFIRMATION OF ALL INITIAL
7 BOARD MEMBERS. THE GOVERNOR OR THE LEGISLATURE MAY DISAPPROVE
8 THE PROPOSED FIRST DATA PLAN WITHIN 90 DAYS AFTER THE DATE OF
9 SUBMISSION. IF THE PROPOSED FIRST DATA PLAN IS NOT SUBMITTED ON
10 A LEGISLATIVE SESSION DAY, THE 90 DAYS COMMENCE ON THE FIRST LEG-
11 ISLATIVE SESSION DAY AFTER THE PROPOSED FIRST DATA PLAN IS
12 SUBMITTED. THE 90 DAYS SHALL INCLUDE NOT LESS THAN 9 LEGISLATIVE
13 SESSION DAYS. LEGISLATIVE DISAPPROVAL SHALL BE EXPRESSED BY CON-
14 CURRENT RESOLUTION WHICH SHALL BE ADOPTED BY EACH HOUSE OF THE
15 LEGISLATURE. IF THE PROPOSED FIRST DATA PLAN IS NOT DISAPPROVED
16 UNDER THIS SUBSECTION, IT IS EFFECTIVE UPON THE EXPIRATION OF THE
17 90-DAY PERIOD. AS USED IN THIS SUBSECTION, "LEGISLATIVE SESSION
18 DAY" MEANS EACH DAY IN WHICH A QUORUM OF EITHER THE HOUSE OF REP-
19 RESENTATIVES OR THE SENATE, FOLLOWING A CALL TO ORDER, OFFICIALLY
20 CONVENES IN LANSING TO CONDUCT LEGISLATIVE BUSINESS.

21 (5) IF THE PROPOSED FIRST DATA PLAN IS DISAPPROVED UNDER
22 SUBSECTION (4), THE BOARD SHALL MODIFY THE PLAN. THE BOARD SHALL
23 SUBMIT A MODIFIED FIRST DATA PLAN TO THE GOVERNOR AND THE LEGIS-
24 LATURE WITHIN 6 MONTHS AFTER THE DATE OF DISAPPROVAL.

25 (6) AFTER THE FIRST DATA PLAN IS APPROVED AND MADE EFFECTIVE
26 UNDER SUBSECTIONS (1) TO (5), THE BOARD SHALL PERIODICALLY
27 PROPOSE REVISED DATA PLANS. THE BOARD SHALL SUBMIT A PROPOSED

1 REVISED DATA PLAN TO THE GOVERNOR AND TO THE STANDING COMMITTEE
2 OF EACH HOUSE OF THE LEGISLATURE WITH JURISDICTION OVER PUBLIC
3 HEALTH MATTERS NOT LATER THAN 3 YEARS AFTER THE FIRST AND EACH
4 SUBSEQUENT DATA PLAN IS APPROVED AND MADE EFFECTIVE UNDER SUBSEC-
5 TIONS (1) TO (5). WHEN THE BOARD REVISES THE DATA PLAN, THE
6 BOARD SHALL PROCEED IN THE SAME MANNER AS REQUIRED FOR THE FIRST
7 DATA PLAN UNDER SUBSECTIONS (1) TO (5), EXCEPT THAT THE TIME FOR
8 GUBERNATORIAL AND LEGISLATIVE REVIEW AND DISAPPROVAL IS REDUCED
9 FROM 90 DAYS TO 60 DAYS.

10 SEC. 2911. (1) THE BOARD SHALL ESTABLISH A NONPROFIT CORPO-
11 RATION PURSUANT TO THE NONPROFIT CORPORATION ACT, 1982 PA 162,
12 MCL 450.2101 TO 450.3192. THE NAME OF THE NONPROFIT CORPORATION
13 SHALL BE THE MICHIGAN HEALTH DATABASE CORPORATION. THE PURPOSE
14 OF THE DATA CORPORATION SHALL BE TO ASSIST THE INSTITUTE IN THE
15 DEVELOPMENT AND IMPLEMENTATION OF THE MICHIGAN COMPARATIVE HEALTH
16 DATABASE. THE MEMBERS OF THE BOARD SHALL BE THE BOARD OF DIREC-
17 TORS OF THE NONPROFIT CORPORATION. EXCEPT AS OTHERWISE PROVIDED
18 BY LAW, THE BOARD SHALL CONTRACT WITH THE DATA CORPORATION AND
19 WITH OTHER PARTIES IN ORDER TO CARRY OUT ITS DUTIES UNDER THIS
20 PART.

21 (2) THE CONTRACT BETWEEN THE BOARD AND THE DATA CORPORATION
22 ENTERED INTO UNDER SUBSECTION (1) SHALL, AT A MINIMUM, PROVIDE
23 FOR ALL OF THE FOLLOWING:

24 (A) THE DATA CORPORATION SHALL PREPARE FOR SUBMISSION TO THE
25 BOARD A DRAFT OF EACH DATA PLAN.

26 (B) THE DATA CORPORATION SHALL, AS APPROPRIATE AND SUBJECT
27 TO THE CONFIDENTIALITY REQUIREMENTS OF SECTIONS 2919 AND 2921,

1 ARRANGE FOR THE DEVELOPMENT AND DISTRIBUTION OF PUBLICLY
 2 AVAILABLE, CONSISTENT, AND STANDARDIZED ANALYSES OF THE DATA IN
 3 THE DATABASE AND SHALL ESTABLISH AN APPROPRIATE PROCESS FOR COM-
 4 PUTER ACCESS TO THE DATABASE.

5 (C) THE DATA CORPORATION SHALL, TO THE MAXIMUM EXTENT APPRO-
 6 PRIATE, RELY ON CONTRACTS WITH OTHER PRIVATE ENTITIES INCLUDING,
 7 BUT NOT LIMITED TO, LOCAL AND REGIONAL COALITIONS AND OTHER
 8 GROUPS TO PERFORM ALL OR PART OF THE ANALYSES REQUIRED UNDER THIS
 9 PART INCLUDING, BUT NOT LIMITED TO, ANALYSES ON A REGIONAL
 10 BASIS. CONTRACTS UNDER THIS SUBSECTION SHALL BE OPENLY AND COM-
 11 PETITIVELY BID.

12 (D) THE DATA CORPORATION ANNUALLY SHALL ISSUE 1 OR MORE
 13 REPORTS THAT ANALYZE AND SUMMARIZE, FROM THE DATABASE, TIMELY
 14 HEALTH CARE EXPENDITURE DATA AND TIMELY DATA DESCRIBING IMPORTANT
 15 VARIATIONS IN BOTH THE DELIVERY OF HEALTH CARE AND THE HEALTH
 16 STATUS CHARACTERISTICS OF THE POPULATION.

17 Enacting section 1. This amendatory act does not take
 18 effect unless all of the following bills of the 90th Legislature
 19 are enacted into law:

20 (a) Senate Bill No. _____ or House Bill No. _____
 21 (request no. 00838'99).

22 (b) Senate Bill No. _____ or House Bill No. _____
 23 (request no. 00839'99).

24 (c) Senate Bill No. _____ or House Bill No. _____
 25 (request no. 00840'99).

26 (d) Senate Bill No. _____ or House Bill No. _____
 27 (request no. 00841'99).