



HOUSE BILL No. 4976

June 16, 1995, Introduced by Reps. Bennane, Green, Wetters, Hammerstrom, Gernaat, Lowe, Hanley, DeLange, Pitoniak, DeMars, Bush, Baird, Dalman, Freeman, Byl and McBryde and referred to the Committee on Health Policy.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding sections 2907, 2909, and 2911.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding sections 2907, 2909, and 2911
4 to read as follows:

5 SEC. 2907. (1) THE MICHIGAN HEALTH DATA INSTITUTE FUND IS
6 ESTABLISHED IN THE STATE TREASURY. THE FUND MAY RECEIVE GIFTS
7 AND DEVISES AND OTHER MONEY AS PROVIDED BY LAW. THE MONEY IN THE
8 MICHIGAN HEALTH DATA INSTITUTE FUND SHALL BE EXPENDED ONLY FOR

1 THE OPERATION OF THE INSTITUTE INCLUDING, BUT NOT LIMITED TO, THE
2 PAYMENT OF A CONTRACT WITH THE DATA CORPORATION.

3 (2) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
4 MICHIGAN HEALTH DATA INSTITUTE FUND. INTEREST AND EARNINGS FROM
5 THE FUND SHALL BE CREDITED TO THE FUND.

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

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

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

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

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

26 (3) AFTER THE FIRST DRAFT DATA PLAN IS APPROVED UNDER
27 SUBSECTION (1), THE BOARD SHALL CONDUCT APPROPRIATE PUBLIC

1 HEARINGS ON THE DRAFT. AFTER CONSIDERING THE INFORMATION
2 OBTAINED IN THE PUBLIC HEARINGS, THE BOARD SHALL APPROVE A PRO-
3 POSED FIRST DATA PLAN.

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

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

26 (6) AFTER THE FIRST DATA PLAN IS APPROVED AND MADE EFFECTIVE
27 UNDER SUBSECTIONS (1) TO (5), THE BOARD SHALL PERIODICALLY

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

11 SEC. 2911. (1) THE BOARD SHALL ESTABLISH A NONPROFIT CORPO-
12 RATION PURSUANT TO THE NONPROFIT CORPORATION ACT, ACT NO. 162 OF
13 THE PUBLIC ACTS OF 1982, BEING SECTIONS 450.2101 TO 450.3192 OF
14 THE MICHIGAN COMPILED LAWS. THE NAME OF THE NONPROFIT CORPORA-
15 TION SHALL BE THE MICHIGAN HEALTH DATA BASE CORPORATION. THE
16 PURPOSE OF THE DATA CORPORATION SHALL BE TO ASSIST THE INSTITUTE
17 IN THE DEVELOPMENT AND IMPLEMENTATION OF THE MICHIGAN COMPARATIVE
18 HEALTH DATA BASE. THE MEMBERS OF THE BOARD SHALL BE THE BOARD OF
19 DIRECTORS OF THE NONPROFIT CORPORATION. EXCEPT AS OTHERWISE PRO-
20 VIDED BY LAW, THE BOARD SHALL CONTRACT WITH THE DATA CORPORATION
21 AND WITH OTHER PARTIES IN ORDER TO CARRY OUT ITS DUTIES UNDER
22 THIS PART.

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

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

1 (B) THE DATA CORPORATION SHALL, AS APPROPRIATE AND SUBJECT
2 TO THE CONFIDENTIALITY REQUIREMENTS OF SECTIONS 2919 AND 2921,
3 ARRANGE FOR THE DEVELOPMENT AND DISTRIBUTION OF PUBLICLY AVAIL-
4 ABLE, CONSISTENT, AND STANDARDIZED ANALYSES OF THE DATA IN THE
5 DATA BASE AND SHALL ESTABLISH AN APPROPRIATE PROCESS FOR COMPUTER
6 ACCESS TO THE DATA BASE.

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

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

19 Section 2. This amendatory act shall not take effect unless
20 all of the following bills of the 88th Legislature are enacted
21 into law:

22 (a) Senate Bill No. _____ or House Bill No. 4975
23 (request no. 03676'95 *).

24 (b) Senate Bill No. _____ or House Bill No. 4979
25 (request no. 03677'95 *).

26 (c) Senate Bill No. _____ or House Bill No. 4978
27 (request no. 03678'95 *).

1 (d) Senate Bill No. _____ or House Bill No. 4977
2 (request no. 03679'95).