

# SENATE BILL No. 953

February 1, 2000, Introduced by Senators KOIVISTO, A. SMITH, DINGELL, EMERSON, DE BEAUSSAERT, BYRUM and MURPHY and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to create the office of patient advocacy; to prescribe its powers and duties; and to prescribe the powers and duties of certain state agencies and departments.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "office of patient advocacy act".

3       Sec. 3. As used in this act:

4       (a) "Consumer" means a resident of this state who is under  
5 managed care.

6       (b) "Health care plan" means a policy, certificate, con-  
7 tract, or health plan offered by any of the following:

8       (i) A health maintenance organization licensed under  
9 part 210 of the public health code, 1978 PA 368, MCL 333.21001 to  
10 333.21098.

1       (ii) A health care corporation operating pursuant to the  
2 nonprofit health care corporation reform act, 1980 PA 350, MCL  
3 550.1101 to 550.1704.

4       (iii) A health insurer licensed under the insurance code of  
5 1956, 1956 PA 218, MCL 500.100 to 500.8302.

6       (c) "Office" means the office of patient advocacy created in  
7 section 5.

8       Sec. 5. (1) The office of patient advocacy is created  
9 within the department of attorney general.

10       (2) The principal executive officer of the office is the  
11 patient advocate who shall be appointed by the attorney general.

12       (3) The attorney general shall establish procedures for  
13 approving the office's budget, expending funds, and employing the  
14 patient advocate and personnel for the office.

15       Sec. 7. The office shall do all of the following:

16       (a) Advise the legislature on issues concerning health care  
17 plans.

18       (b) Review and comment on health care plan issues involving  
19 the department of community health or the insurance bureau of the  
20 department of consumer and industry services.

21       (c) Research and investigate matters that affect the quali-  
22 ty, delivery, costs, management, and operation of health care  
23 plans as they affect consumers.

24       (d) Provide technical assistance and act as a resource to  
25 consumers regarding health care plans including all of the  
26 following:

1       (i) Educating consumers about their rights and  
2 responsibilities.

3       (ii) Assisting consumers with filing grievances or appeals  
4 of health care plan determinations.

5       (iii) Disseminating information and reports concerning  
6 health care plans and issues.

7       (e) Establish a statewide toll-free telephone line to give  
8 state residents access to the office.

9       (f) Perform other functions as determined by the attorney  
10 general.

11       Sec. 9. (1) Correspondence between the office and a con-  
12 sumer is confidential and exempt from disclosure under the free-  
13 dom of information act, 1976 PA 442, MCL 15.231 to 15.246.

14       (2) The office shall maintain confidentiality with respect  
15 to all matters and the identities of complainants or persons from  
16 whom information is acquired, except to the extent disclosure is  
17 necessary to enable the office to perform the duties of the  
18 office or to support recommendations resulting from an  
19 investigation.

20       Sec. 11. By April 1 of each year, the office shall submit  
21 to the attorney general and the legislature a report on the  
22 actions of the office in the immediately preceding calendar year,  
23 on issues and matters under section 7(a), (b), and (c), and on  
24 the need for any suggested legislative action.