

# HOUSE BILL No. 5823

May 5, 1998, Introduced by Reps. Stallworth, Thomas, Hale and Kilpatrick 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 FUND MAY RECEIVE GIFTS  
3 AND DEVICES AND OTHER MONEY AS PROVIDED BY LAW. THE MONEY IN THE  
4 MICHIGAN HEALTH DATA INSTITUTE FUND SHALL BE EXPENDED ONLY FOR  
5 THE OPERATION OF THE INSTITUTE INCLUDING, BUT NOT LIMITED TO, THE  
6 PAYMENT OF A CONTRACT WITH THE DATA CORPORATION.

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

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

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

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

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

18       (2) EACH DATA PLAN APPROVED BY THE BOARD SHALL DESIGNATE  
19 SPECIFICALLY THE DATA AND THE SOURCE OF THE DATA TO BE  
20 SUBMITTED.

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

26       (4) THE BOARD SHALL SUBMIT THE PROPOSED FIRST DATA PLAN TO  
27 THE GOVERNOR AND THE STANDING COMMITTEE OF EACH HOUSE OF THE

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

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

21 (6) AFTER THE FIRST DATA PLAN IS APPROVED AND MADE EFFECTIVE  
22 UNDER SUBSECTIONS (1) TO (5), THE BOARD SHALL PERIODICALLY PRO-  
23 POSE REVISED DATA PLANS. THE BOARD SHALL SUBMIT A PROPOSED  
24 REVISED DATA PLAN TO THE GOVERNOR AND THE STANDING COMMITTEE OF  
25 EACH HOUSE OF THE LEGISLATURE WITH JURISDICTION OVER PUBLIC  
26 HEALTH MATTERS NOT LATER THAN 3 YEARS AFTER THE FIRST AND EACH  
27 SUBSEQUENT DATA PLAN IS APPROVED AND MADE EFFECTIVE UNDER

1 SUBSECTIONS (1) TO (5). WHEN THE BOARD REVISES THE DATA PLAN,  
2 THE BOARD SHALL PROCEED IN THE SAME MANNER AS REQUIRED FOR THE  
3 FIRST DATA PLAN UNDER SUBSECTIONS (1) TO (5), EXCEPT THAT THE  
4 TIME FOR GUBERNATORIAL AND LEGISLATIVE REVIEW AS DISAPPROVAL IS  
5 REDUCED FROM 90 DAYS TO 60 DAYS.

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

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

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

22 (B) THE DATA CORPORATION SHALL, AS APPROPRIATE AND SUBJECT  
23 TO THE CONFIDENTIALITY REQUIREMENTS OF SECTIONS 2919 AND 2921,  
24 ARRANGE FOR THE DEVELOPMENT AND DISTRIBUTION OF PUBLICLY AVAIL-  
25 ABLE, CONSISTENT, AND STANDARDIZED ANALYSES OF THE DATA IN THE  
26 DATA BASE AND SHALL ESTABLISH AN APPROPRIATE PROCESS FOR COMPUTER  
27 ACCESS TO THE DATA BASE.

1 (C) THE DATA CORPORATION SHALL, TO THE MAXIMUM EXTENT  
 2 APPROPRIATE, RELY ON CONTRACTS WITH OTHER PRIVATE ENTITIES  
 3 INCLUDING, BUT NOT LIMITED TO, LOCAL AND REGIONAL COALITIONS AND  
 4 OTHER GROUPS TO PERFORM ALL OR PART OF THE ANALYSES REQUIRED  
 5 UNDER THIS PART INCLUDING, BUT NOT LIMITED TO, ANALYSES ON A  
 6 REGIONAL BASIS. CONTRACTS UNDER THIS SUBSECTION SHALL BE OPENLY  
 7 AND COMPETITIVELY BID.

8 (D) THE DATA CORPORATION ANNUALLY SHALL ISSUE 1 OR MORE  
 9 REPORTS THAT ANALYZE AND SUMMARIZE, FROM THE DATA BASE, TIMELY  
 10 HEALTH CARE EXPENDITURE DATA AND TIMELY DATA DESCRIBING IMPORTANT  
 11 VARIATIONS IN BOTH THE DELIVERY OF HEALTH CARE AND THE HEALTH  
 12 STATUS CHARACTERISTICS OF THE POPULATION.

13 Enacting section 1. This amendatory act does not take  
 14 effect unless all of the following bills of the 89th Legislature  
 15 are enacted into law:

16 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
 17 (request no. 02089'97).

18 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
 19 (request no. 02090'97).

20 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
 21 (request no. 02091'97).

22 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
 23 (request no. 02092'97).