



HOUSE BILL No. 4388

February 14, 1995, Introduced by Reps. Bennane, DeMars, Baird, Martinez, Stallworth, Yokich, Saunders and Parks and referred to the Committee on Health Policy.

A bill to create a data collection and maintenance system pertaining to certain health professionals; to create the health professional clearinghouse board; to prescribe powers and duties of the board and certain state departments and agencies; and to provide for the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 health professional clearinghouse act".

3 Sec. 2. The health professional clearinghouse is estab-
4 lished in the department of commerce, and shall contain each of
5 the following:

6 (a) Information maintained by the department of commerce
7 pursuant to section 16177a of the public health code, Act No. 368
8 of the Public Acts of 1978, being section 333.16177a of the
9 Michigan Compiled Laws.

1 (b) Allegations maintained by the department of commerce as
2 part of an individual historical record under section 16211(2) of
3 Act No. 368 of the Public Acts of 1978, being section 333.16211
4 of the Michigan Compiled Laws.

5 (c) Annual surveys and studies conducted under section 4 of
6 the professional performance of individuals licensed or regis-
7 tered under article 15 of Act No. 368 of the Public Acts of 1978,
8 being sections 333.16101 to 333.18838 of the Michigan Compiled
9 Laws.

10 Sec. 3. (1) The health professional clearinghouse board is
11 created within the department of commerce and shall consist of 17
12 members appointed by the governor with the advice and consent of
13 the senate, pursuant to subsection (4). The governor shall
14 appoint each initial member within 90 days after the effective
15 date of this act. Each member shall serve for a term of 2
16 years.

17 (2) If a vacancy occurs on the health professional clearing-
18 house board, the governor shall make an appointment for the bal-
19 ance of the unexpired term in the same manner as the original
20 appointment.

21 (3) The governor may remove a member of the health profes-
22 sional clearinghouse board for incompetency, dereliction of duty,
23 malfeasance, misfeasance, or nonfeasance in office, or any other
24 good cause.

25 (4) The health professional clearinghouse board shall con-
26 sist of the following:

1 (a) A health care educator from a state supported 4-year
2 college or university.

3 (b) An individual who receives health care benefits under a
4 certificate issued by a nonprofit health care corporation orga-
5 nized under the nonprofit health care corporation reform act, Act
6 No. 350 of the Public Acts of 1980, being sections 550.1101 to
7 550.1704 of the Michigan Compiled Laws.

8 (c) A representative of a nonprofit health care corporation
9 described in subdivision (b).

10 (d) A representative of the health insurance industry.

11 (e) An individual insured by a member of the health insur-
12 ance industry.

13 (f) A representative of a hospital licensed under article 17
14 of Act No. 368 of the Public Acts of 1978, being
15 sections 333.20101 to 333.22260 of the Michigan Compiled Laws.

16 (g) A physician licensed under part 170 or part 175 of the
17 public health code, being sections 333.17001 to 333.17088 and
18 333.17501 to 333.17556 of the Michigan Compiled Laws.

19 (h) A recipient of benefits under title XVIII of the social
20 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b,
21 1395b-2, 1395c to 1395i, 1395i-2 to 1395i-4, 1395j to 1395t,
22 1395u to 1395w-2, and 1395w-4 to 1395ccc.

23 (i) A recipient of benefits under title XIX of the social
24 security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396g
25 and 1396i to 1396v.

26 (j) A representative of those employers within the state
27 having 500 or more employees.

1 (k) A representative of those employers within the state
2 having fewer than 500 employees.

3 (l) A representative of persons over the age of 65.

4 (m) A representative of an organization that provides advo-
5 cacy services for children.

6 (n) A representative of those employees who are members of a
7 labor union.

8 (o) A representative of those employees who are not members
9 of a labor union.

10 (p) A representative of a consumer rights advocacy
11 organization.

12 (q) A faculty member of the social science department of a
13 state supported 4-year college or university.

14 (5) The health professional clearinghouse board shall meet
15 within 30 days after all members have been appointed. At the
16 first meeting, the health professional clearinghouse board shall
17 elect from its members a chairperson and other officers as it
18 considers appropriate or necessary. After the first meeting, the
19 health professional clearinghouse board shall meet at least quar-
20 terly, or more frequently at the call of the chairperson, or if
21 requested by 8 or more members.

22 (6) A majority of the health professional clearinghouse
23 board constitutes a quorum for the transaction of business at a
24 meeting of the board. A majority vote of the members present and
25 serving is required for official action of the health profes-
26 sional clearinghouse board.

1 (7) The business of the health professional clearinghouse
2 board shall be conducted at a public meeting of that board, held
3 in compliance with the open meetings act, Act No. 267 of the
4 Public Acts of 1976, being sections 15.261 15.275 of the Michigan
5 Compiled Laws.

6 (8) A writing prepared, owned, used, in the possession of,
7 or retained by the health professional clearinghouse board in the
8 performance of an official function is subject to the freedom of
9 information act, Act No. 442 of the Public Acts of 1976, being
10 sections 15.231 to 15.246 of the Michigan Compiled Laws.

11 (9) Members of the health professional clearinghouse board
12 shall serve without compensation. However, members may be reim-
13 bursed for their actual and necessary expenses incurred in the
14 performance of their official duties as members of the board pur-
15 suant to the standard travel regulations of the department of
16 management and budget.

17 Sec. 4. The health professional clearinghouse board shall
18 do each of the following:

19 (a) Maintain and administer the health professional
20 clearinghouse.

21 (b) Conduct annual studies of the quality of health care
22 provided by persons licensed or registered under article 15 of
23 the public health code, Act No. 368 of the Public Acts of 1978,
24 being sections 333.16101 to 333.18838 of the Michigan Compiled
25 Laws, and include in those studies each of the following:

1 (i) Random surveys of patient satisfaction with medical
2 treatment or care provided by persons licensed or registered
3 under article 15 of Act No. 368 of the Public Acts of 1978.

4 (ii) An analysis of the outcome of the medical treatment or
5 care described in subparagraph (i).

6 (c) Promulgate rules pursuant to the administrative proce-
7 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
8 sections 24.201 to 24.328 of the Michigan Compiled Laws, that do
9 each of the following and submit those rules for public hearing
10 under Act No. 306 of the Public Acts of 1969 within 6 months
11 after the effective date of this act:

12 (i) Establish procedures for the dissemination of informa-
13 tion in the health professional clearinghouse to members of the
14 general public.

15 (ii) Establish procedures and protocols for the studies
16 described in subdivision (b).

17 Sec. 5. The department of commerce shall at least once
18 annually prepare a list of all persons licensed or registered
19 under article 15 of the public health code, Act No. 368 of the
20 Public Acts of 1978, being sections 333.16101 to 333.18838 of the
21 Michigan Compiled Laws, and provide a copy of that list to each
22 public library in this state. As used in this section, "public
23 library" means that term as defined in section 2 of the state aid
24 to public libraries act, Act No. 89 of the Public Acts of 1977,
25 being section 397.552 of the Michigan Compiled Laws.

1 Sec. 6. This act shall not take effect unless Senate Bill
2 No. _____ or House Bill No. 4389 (request no. 00145'95) of the
3 88th Legislature is enacted into law.