

1 HB500
2 167118-3
3 By Representative Weaver
4 RFD: Health
5 First Read: 16-APR-15

1 planning needs and writing the State Health Plan to assist the
2 Certificate of Need Review Board.

3 The Certificate of Need Review Board is responsible
4 for reviewing and approving certificate of need applications
5 in Alabama.

6 There is no current systematic way for the SHPDA,
7 SHCC, or the Certificate of Need Review Board to collect all
8 the health care services information necessary for proper
9 health care planning in Alabama, because reporting to SHPDA is
10 voluntary.

11 The Legislature hereby finds and determines that
12 collection of additional health care information is necessary
13 for informed statewide health planning. The purpose of this
14 law is to give SHPDA authority to require the reporting of
15 certain information to SHDPA by the legal entities covered in
16 this act.

17 Section 3. For purposes of this act, the following
18 terms shall have the following meanings:

19 (1) CERTIFICATE OF NEED REVIEW BOARD. The board
20 which reviews all certificate of need applications as provided
21 in Section 22-21-260(14) Code of Alabama 1975.

22 (2) COVERED HEALTH CARE REPORTER. The term includes
23 health care facilities as that term is defined in Section
24 22-21-260(6), Code of Alabama 1975; new institutional health
25 services subject to review as defined in Section 22-21-263,
26 Code of Alabama 1975; a facility or institution for the care
27 or treatment of any kind of mental or emotional illness or

1 substance abuse or for providing services to persons with
2 intellectual disabilities as defined in Section 22-50-17, Code
3 of Alabama 1975; and facilities and distinct units as defined
4 in Section 22-21-263(c), Code of Alabama 1975.

5 (3) HEALTH CARE REPORTS. The written reports to
6 SHPDA which are required to be submitted by this act

7 (4) HEALTH CARE INFORMATION AND DATA ADVISORY
8 COUNCIL. The body created by this act which is charged with
9 advising and participating in the writing of rules necessary
10 to implement this act and reviewing reports prior to
11 dissemination by SHPDA.

12 (5) SHPDA. The State Health Planning and Development
13 Agency.

14 (6) STATE HEALTH COORDINATING COUNCIL. The council
15 which is defined in Section 22-21-260(15), Code of Alabama
16 1975.

17 Section 4. (a) There is established the Health Care
18 Information and Data Advisory Council to give advice and
19 guidance to SHPDA in adopting rules necessary to implement
20 this act, to review and serve as consultants to SHPDA on
21 matters related to any reports or publications prior to a
22 report or publication release, and to serve as consultants to
23 SHPDA on matters relating to the protection, collection, and
24 dissemination of health care reports.

25 (b) The council shall consist of the following
26 members:

1 (1) Two members appointed by the Alabama Hospital
2 Association.

3 (2) Two members appointed by the Alabama Nursing
4 Home Association.

5 (3) One member appointed by the Assisted Living
6 Association of Alabama.

7 (4) ~~One member~~ Two members appointed by the Alabama
8 Hospice and Palliative Care Association.

9 (5) One member appointed by the Home Care
10 Association of Alabama.

11 (6) One member appointed by the Chair of the SHCC.

12 (7) ~~One member~~ Two members appointed by the Alabama
13 Ambulatory Surgery Center Association.

14 (8) One member appointed by the Commissioner of
15 Mental Health.

16 (9) The Chair of the Certificate of Need Review
17 Board, or his or her designee.

18 (c) The council membership shall be inclusive and
19 reflect the racial, gender, geographic, urban/rural, and
20 economic diversity of the state.

21 (d) The terms of the appointed members shall be
22 staggered as follows: The Chair of the Certificate of Need
23 Review Board or his or her designee shall divide the members
24 into two equal groups. The members of the first group shall be
25 appointed for an initial term of two years. The members of the
26 second group shall be appointed for an initial term of four
27 years. Thereafter, the term of office of each member shall be

1 for four years. A member may serve two consecutive terms. A
2 member shall serve until a successor is appointed. If a
3 vacancy occurs, the original appointing authority shall fill
4 the vacancy for the remainder of the unexpired term.

5 (e) The council shall meet within 30 days after the
6 appointment of the council membership, elect a chair and
7 establish procedures and other policies necessary to carry on
8 the business of the council. A quorum shall be a majority of
9 the appointed members. Notice of meetings of the council shall
10 be given pursuant to the Alabama Open Meetings Act.

11 Section 5. The SHPDA, following advice and guidance
12 from the Health Care Information and Advisory Council, shall
13 adopt rules providing the specific information which shall be
14 submitted and the method of submission to SHPDA. All covered
15 health care reporters shall provide written reports as
16 required by SHPDA, at least annually. Within one year of the
17 adoption of rules pursuant to the Administrative Procedure
18 Act, covered health care reporters shall make the first report
19 due under this act. The first report due under this act
20 submitted by a covered health care reporter shall cover the
21 immediately preceding six months. Reporting to SHPDA under
22 this act shall be mandatory. Reporting to SHPDA shall be
23 required at least annually after the initial report and shall
24 cover the one-year period from the previous report as provided
25 by rules of SHPDA.

26 Section 6. (a) A covered health care reporter shall
27 submit the required reports directly to SHPDA. The reports may

1 be submitted electronically after SHPDA has the capability to
2 accept the reports in an electronic format. SHPDA shall
3 provide for the acceptance of the electronic filing of the
4 mandatory reports within six months of the effective date of
5 rules adopted to carry out this act.

6 (b) If SHPDA is unable to electronically accept the
7 mandatory reports within 12 months of adoption of the rules
8 necessary to carry out this act, this act shall be null and
9 void.

10 Section 7. ~~The SHPDA may not use or release any~~
11 ~~information obtained from the reports provided under this act~~
12 ~~which would enable any person to determine any covered health~~
13 ~~care reporter's~~ The SHPDA may not request any information from
14 a healthcare reporter that requires the submission of
15 proprietary or confidential matters, such as negotiated
16 discounts with specific insurers, health service corporations,
17 or health benefit plans. The SHPDA may not require any
18 reporting that could be used to identify a patient of a
19 covered health care reporter.

20 Section 8. SHPDA shall impose an administrative
21 penalty against a covered health care reporter that fails to
22 comply with this act in an amount not to exceed five thousand
23 dollars (\$5,000) if the covered health care reporter is a
24 rural health care provider or ten thousand dollars (\$10,000)
25 for all covered health care reporters and the covered health
26 care reporter may not participate in the CON review process
27 either as an applicant for a CON or in opposition to a CON

1 application until the covered health care reporter is in
2 compliance with this act. Within one year after the effective
3 date of this act, SHPDA, following advice and guidance from
4 the Health Care Information and Data Council, shall adopt
5 rules pursuant to the Administrative Procedure Act necessary
6 to implement this section.

7 Section 9. Nothing in this act shall prohibit a
8 purchaser from obtaining information from a covered health
9 care reporter. The obligation of providing the purchaser, on
10 terms consistent with past practices, data or information
11 previously provided, or additional data or information not
12 currently provided to a purchaser by the covered health care
13 reporter pursuant to any existing or future arrangement,
14 agreement, or understanding shall not be affected by this act.

15 Section 10. (a) SHPDA shall utilize the data and
16 information received from covered health care reporters for
17 the benefit of the public and public officials. The data and
18 information obtained by SHPDA pursuant to this act, including
19 a summary, shall be reported to the SHCC and the Certificate
20 of Need Review Board at least annually.

21 (b) SHPDA shall follow the advice and guidance of
22 the Health Care Information and Data Council as to what
23 reports, publications, or studies may be compiled using the
24 data required to be collected in this act.

25 (c) All approved reports, publications, or studies
26 prepared by SHPDA shall be public records and shall be made
27 available to the public for a reasonable fee.

1 (d) Covered health care reports from individual
2 providers shall continue to be available to the public and the
3 SHPDA may charge a reasonable fee for copies of these reports.

4 Section 11. SHPDA may bring civil actions in any
5 court of competent jurisdiction to enforce compliance with
6 this act or any requirement or appropriate request of SHPDA
7 made pursuant to this act.

8 Section 12. This act shall not affect any current
9 law or laws which provide authority or jurisdiction for the
10 SHPDA, the Certificate of Need Review Board, or the SHCC
11 except as provided herein, or which provide requirements to
12 obtain a certificate of need in this state. This act shall be
13 supplemental to any existing laws.

14 Section 13. The information collected pursuant to
15 this act shall be used to assist the SHPDA, the Certificate of
16 Need Review Board, and the SHCC to provide health planning and
17 development services for the citizens of Alabama. The
18 information generated by these reports may not be used by
19 SHPDA or any other agency or unit of state government for any
20 other purpose.

21 Section 14. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 16-APR-15

Read for the second time and placed
on the calendar 2 amendments 30-APR-15

Read for the third time and passed
as amended..... 14-MAY-15

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk