

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

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8 SYNOPSIS: Under existing law, the reporting of health  
9 care information to the State Health Planning and  
10 Development Agency (SHPDA) is voluntary.

11 This bill would provide for the mandatory  
12 statewide reporting of certain health care  
13 information to the State Health Planning and  
14 Development Agency (SHPDA).

15 The bill would establish the Health Care  
16 Information and Data Advisory Council.

17 The SHPDA, after obtaining advice and  
18 approval from the council, would be required to  
19 adopt rules for the required reporting and  
20 dissemination of the aggregated health care  
21 reports. SHPDA would lose its authority to require  
22 the reporting if the SHPDA fails to provide for  
23 electronic reporting by a certain date.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2           Relating to the State Health Planning and  
3 Development Agency (SHPDA); to provide for certain mandatory  
4 health care reporting to SHPDA; to designate the SHPDA as the  
5 agency to collect, compile, and analyze the collected reports;  
6 to establish and provide for the membership of the Health Care  
7 Information and Data Council; to require that the SHPDA, after  
8 receiving advice and guidance from the council, adopt rules to  
9 implement this act; to provide for penalties for failure make  
10 the required reports; and to require the SHPDA to meet certain  
11 deadlines or lose its authority to require the reporting.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. This act shall be cited and known as the  
14 "Alabama Health Planning Facilitation Act."

15           Section 2. The Legislature does hereby set out the  
16 following findings and reasons for passage of this act.

17           Alabama has adopted a system of health planning and  
18 development administered by the State Health Planning and  
19 Development Agency (SHPDA).

20           In addition, the Statewide Health Coordinating  
21 Council (SHCC) is charged with reviewing Alabama's health  
22 planning needs and writing the State Health Plan to assist the  
23 Certificate of Need Review Board.

24           The Certificate of Need Review Board is responsible  
25 for reviewing and approving certificate of need applications  
26 in Alabama.

1           There is no current systematic way for the SHPDA,  
2 SHCC, or the Certificate of Need Review Board to collect all  
3 the health care services information necessary for proper  
4 health care planning in Alabama, because reporting to SHPDA is  
5 voluntary.

6           The Legislature hereby finds and determines that  
7 collection of additional health care information is necessary  
8 for informed statewide health planning. The purpose of this  
9 law is to give SHPDA authority to require the reporting of  
10 certain information to SHDPA by the legal entities covered in  
11 this act.

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

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

17           (2) COVERED HEALTH CARE REPORTER. The term includes  
18 health care facilities as that term is defined in Section  
19 22-21-260(6), Code of Alabama 1975; new institutional health  
20 services subject to review as defined in Section 22-21-263,  
21 Code of Alabama 1975; a facility or institution for the care  
22 or treatment of any kind of mental or emotional illness or  
23 substance abuse or for providing services to persons with  
24 intellectual disabilities as defined in Section 22-50-17, Code  
25 of Alabama 1975; and facilities and distinct units as defined  
26 in Section 22-21-263(c), Code of Alabama 1975.

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

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

8 (5) SHPDA. The State Health Planning and Development  
9 Agency.

10 (6) STATE HEALTH COORDINATING COUNCIL. The council  
11 which is defined in Section 22-21-260(15), Code of Alabama  
12 1975.

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

21 (b) The council shall consist of the following  
22 members:

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

25 (2) Two members appointed by the Alabama Nursing  
26 Home Association.

1                   (3) One member appointed by the Assisted Living  
2 Association of Alabama.

3                   (4) One member appointed by the Alabama Hospice and  
4 Palliative Care Association.

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

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

8                   (7) One member appointed by the Alabama Ambulatory  
9 Surgery Center Association.

10                  (8) One member appointed by the Commissioner of  
11 Mental Health.

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

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

17                  (d) The terms of the appointed members shall be  
18 staggered as follows: The Chair of the Certificate of Need  
19 Review Board or his or her designee shall divide the members  
20 into two equal groups. The members of the first group shall be  
21 appointed for an initial term of two years. The members of the  
22 second group shall be appointed for an initial term of four  
23 years. Thereafter, the term of office of each member shall be  
24 for four years. A member may serve two consecutive terms. A  
25 member shall serve until a successor is appointed. If a  
26 vacancy occurs, the original appointing authority shall fill  
27 the vacancy for the remainder of the unexpired term.

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

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

22           Section 6. (a) A covered health care reporter shall  
23 submit the required reports directly to SHPDA. The reports may  
24 be submitted electronically after SHPDA has the capability to  
25 accept the reports in an electronic format. SHPDA shall  
26 provide for the acceptance of the electronic filing of the

1 mandatory reports within six months of the effective date of  
2 rules adopted to carry out this act.

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

7 Section 7. The SHPDA may not use or release any  
8 information obtained from the reports provided under this act  
9 which would enable any person to determine any covered health  
10 care reporter's negotiated discounts with specific insurers,  
11 health service corporations, or health benefit plans. The  
12 SHPDA may not require any reporting that could be used to  
13 identify a patient of a covered health care reporter.

14 Section 8. SHPDA shall impose an administrative  
15 penalty against a covered health care reporter that fails to  
16 comply with this act in an amount not to exceed five thousand  
17 dollars (\$5,000) if the covered health care reporter is a  
18 rural health care provider or ten thousand dollars (\$10,000)  
19 for all covered health care reporters and the covered health  
20 care reporter may not participate in the CON review process  
21 either as an applicant for a CON or in opposition to a CON  
22 application until the covered health care reporter is in  
23 compliance with this act. Within one year after the effective  
24 date of this act, SHPDA, following advice and guidance from  
25 the Health Care Information and Data Council, shall adopt  
26 rules pursuant to the Administrative Procedure Act necessary  
27 to implement this section.



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

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

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

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

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

25           Section 11. SHPDA may bring civil actions in any  
26 court of competent jurisdiction to enforce compliance with

1 this act or any requirement or appropriate request of SHPDA  
2 made pursuant to this act.

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

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

16 Section 14. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.