

HOUSE BILL NO. 5496

February 22, 2024, Introduced by Rep. Schriver and referred to the Committee on Government Operations.

A bill to amend 1967 PA 270, entitled

"An act to provide for the collection, reporting, and release of certain information or data relating to health care research or education, patient safety, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the collection, reporting, and release of certain information or data; and to safeguard the confidential character of certain information or data,"

by amending section 1 (MCL 331.531), as amended by 2008 PA 541.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person, organization, or entity may provide to a

1 review entity information or data relating to the physical or
 2 psychological condition of ~~a person,~~ **an individual**, the necessity,
 3 appropriateness, or quality of health care rendered to ~~a person,~~ **an**
 4 **individual**, or the qualifications, competence, or performance of a
 5 health care provider.

6 (2) As used in this section, "review entity" means 1 of the
 7 following:

8 (a) A duly appointed peer review committee of 1 of the
 9 following:

10 (i) ~~The~~ **This** state.

11 (ii) A state or county association of health care
 12 professionals.

13 (iii) A health facility or agency licensed under article 17 of
 14 the public health code, 1978 PA 368, MCL 333.20101 to
 15 ~~333.22260.~~ **333.22121.**

16 (iv) A health care association.

17 (v) A health care network, a health care organization, or a
 18 health care delivery system composed of health professionals
 19 licensed under article 15 of the public health code, 1978 PA 368,
 20 MCL 333.16101 to 333.18838, or composed of health facilities
 21 licensed under article 17 of the public health code, 1978 PA 368,
 22 MCL 333.20101 to ~~333.22260,~~ **333.22121**, or both.

23 (vi) A health plan qualified under the program for medical
 24 assistance administered by the department of **health and** human
 25 services under the social welfare act, 1939 PA 280, MCL 400.1 to
 26 400.119b.

27 (b) A professional standards review organization qualified
 28 under federal or state law.

29 (c) A foundation or organization acting pursuant to the

1 approval of a state or county association of health care
2 professionals.

3 (d) A state department or agency whose jurisdiction
4 encompasses the information described in subsection (1).

5 (e) An organization established by a state association of
6 hospitals or physicians, or both, that collects and verifies the
7 authenticity of documents and other data concerning the
8 qualifications, competence, or performance of licensed health care
9 professionals and that acts as a health facility's agent ~~pursuant~~
10 ~~to~~ **under** the health care quality improvement act of 1986, ~~title IV~~
11 ~~of Public Law 99-660,~~ 42 USC 11101 to 11152.

12 (f) A professional corporation, limited liability partnership,
13 or partnership consisting of 10 or more ~~allopathic~~ physicians **of**
14 **medicine, physicians of** osteopathic ~~physicians,~~ **medicine and**
15 **surgery,** or podiatric physicians and surgeons licensed under
16 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to
17 333.18838, who regularly practice peer review consistent with the
18 requirements of article 17 of the public health code, 1978 PA 368,
19 MCL 333.20101 to ~~333.22260.~~ **333.22121.**

20 (g) An organization established by a state association of
21 pharmacists, that collects and verifies the authenticity of
22 documents and other data concerning the qualifications, competence,
23 or performance of licensed pharmacists and pharmacies.

24 (h) A qualified hospital patient safety organization that
25 collects data on serious adverse events under section 4.

26 (3) A person, organization, or entity is not civilly or
27 criminally liable **as follows:**

28 (a) For providing information or data pursuant to subsection
29 (1).

1 (b) For an act or communication within its scope as a review
2 entity.

3 (c) For releasing or publishing a record of the proceedings,
4 or of the reports, findings, or conclusions of a review entity,
5 subject to sections 2 and 3.

6 (4) The immunity from liability provided under subsection (3)
7 does not apply to a person, organization, or entity that acts with
8 malice.

9 (5) An entity described in subsection (2) (a) (v) or (vi) that
10 employs, contracts with, or grants privileges to a health
11 professional licensed or registered under article 15 of the public
12 health code, 1978 PA 368, MCL 333.16101 to 333.18838, shall report
13 each of the following to the department of ~~community health~~
14 **licensing and regulatory affairs** not more than 30 days after it
15 occurs:

16 (a) Disciplinary action taken by the entity against a health
17 professional licensed or registered under article 15 of the public
18 health code, 1978 PA 368, MCL 333.16101 to 333.18838, based on the
19 health professional's professional competence, disciplinary action
20 that results in a change of the health professional's employment
21 status, or disciplinary action based on conduct that adversely
22 affects the health professional's clinical privileges for a period
23 of more than 15 days. As used in this subdivision, "adversely
24 affects" means the reduction, restriction, suspension, revocation,
25 denial, or failure to renew the clinical privileges of a health
26 professional by an entity described in subsection (2) (a) (v) or (vi).

27 (b) Restriction or acceptance of the surrender of the clinical
28 privileges of a health professional under either of the following
29 circumstances:

1 (i) The health professional is under investigation by the
2 entity.

3 (ii) There is an agreement in which the entity agrees not to
4 conduct an investigation into the health professional's alleged
5 professional incompetence or improper professional conduct.

6 (c) A case in which a health professional resigns or
7 terminates a contract or whose contract is not renewed instead of
8 the entity taking disciplinary action against the health
9 professional.

10 (6) ~~Upon~~**On** request by another entity described in subsection
11 (2) seeking a reference for purposes of changing or granting staff
12 privileges, credentials, or employment, an entity described in
13 subsection (2) that employs, contracts with, or grants privileges
14 to health professionals licensed or registered under article 15 of
15 the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
16 shall notify the requesting entity of any disciplinary or other
17 action reportable under subsection (5) that it has taken against a
18 health professional employed by, under contract to, or granted
19 privileges by the entity.

20 (7) For the purpose of reporting disciplinary actions under
21 subsection (5), an entity described in subsection (2) (a) (v) or (vi)
22 shall include only the following in the information provided:

23 (a) The name of the health professional against whom
24 disciplinary action has been taken.

25 (b) A description of the disciplinary action taken.

26 (c) The specific grounds for the disciplinary action taken.

27 (d) The date of the incident that is the basis for the
28 disciplinary action.

29 (8) For the purpose of reporting disciplinary actions under

1 subsection (6), an entity described in subsection (2) shall include
2 in the report only the information described in subsection (7) (a)
3 to (d).

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. _____ or House Bill No. 5477 (request no.
6 01038'23) of the 102nd Legislature is enacted into law.