

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

1
2 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

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

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

1 (b) The council shall consist of the following
2 members:

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

5 (2) Two members appointed by the Alabama Nursing
6 Home Association.

7 (3) One member appointed by the Assisted Living
8 Association of Alabama.

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

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

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

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

16 (8) One member appointed by the Commissioner of
17 Mental Health.

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

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

23 (d) The terms of the appointed members shall be
24 staggered as follows: The Chair of the Certificate of Need
25 Review Board or his or her designee shall divide the members

1 into two equal groups. The members of the first group shall be
2 appointed for an initial term of two years. The members of the
3 second group shall be appointed for an initial term of four
4 years. Thereafter, the term of office of each member shall be
5 for four years. A member may serve two consecutive terms. A
6 member shall serve until a successor is appointed. If a
7 vacancy occurs, the original appointing authority shall fill
8 the vacancy for the remainder of the unexpired term.

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

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

1 this act shall be mandatory. Reporting to SHPDA shall be
2 required at least annually after the initial report and shall
3 cover the one-year period from the previous report as provided
4 by rules of SHPDA.

5 Section 6. (a) A covered health care reporter shall
6 submit the required reports directly to SHPDA. The reports may
7 be submitted electronically after SHPDA has the capability to
8 accept the reports in an electronic format. SHPDA shall
9 provide for the acceptance of the electronic filing of the
10 mandatory reports within six months of the effective date of
11 rules adopted to carry out this act.

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

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

1 Section 8. SHPDA shall impose an administrative
2 penalty against a covered health care reporter that fails to
3 comply with this act in an amount not to exceed five thousand
4 dollars (\$5,000) if the covered health care reporter is a
5 rural health care provider or ten thousand dollars (\$10,000)
6 for all covered health care reporters and the covered health
7 care reporter may not participate in the CON review process
8 either as an applicant for a CON or in opposition to a CON
9 application until the covered health care reporter is in
10 compliance with this act. Within one year after the effective
11 date of this act, SHPDA, following advice and guidance from
12 the Health Care Information and Data Council, shall adopt
13 rules pursuant to the Administrative Procedure Act necessary
14 to implement this section.

15 Section 9. Nothing in this act shall prohibit a
16 purchaser from obtaining information from a covered health
17 care reporter. The obligation of providing the purchaser, on
18 terms consistent with past practices, data or information
19 previously provided, or additional data or information not
20 currently provided to a purchaser by the covered health care
21 reporter pursuant to any existing or future arrangement,
22 agreement, or understanding shall not be affected by this act.

23 Section 10. (a) SHPDA shall utilize the data and
24 information received from covered health care reporters for
25 the benefit of the public and public officials. The data and

1 information obtained by SHPDA pursuant to this act, including
2 a summary, shall be reported to the SHCC and the Certificate
3 of Need Review Board at least annually.

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

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

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

14 Section 11. SHPDA may bring civil actions in any
15 court of competent jurisdiction to enforce compliance with
16 this act or any requirement or appropriate request of SHPDA
17 made pursuant to this act.

18 Section 12. This act shall not affect any current
19 law or laws which provide authority or jurisdiction for the
20 SHPDA, the Certificate of Need Review Board, or the SHCC
21 except as provided herein, or which provide requirements to
22 obtain a certificate of need in this state. This act shall be
23 supplemental to any existing laws.

24 Section 13. The information collected pursuant to
25 this act shall be used to assist the SHPDA, the Certificate of

1 Need Review Board, and the SHCC to provide health planning and
2 development services for the citizens of Alabama. The
3 information generated by these reports may not be used by
4 SHPDA or any other agency or unit of state government for any
5 other purpose.

6 Section 14. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 14-MAY-15, as amended.

Jeff Woodard
Clerk

Senate

04-JUN-15

Passed