

SUBSTITUTE FOR
HOUSE BILL NO. 6039

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 2511.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2511. (1) THERE IS ESTABLISHED IN THE DEPARTMENT THE
2 HEALTHCARE INFORMATION TECHNOLOGY AND INFRASTRUCTURE DEVELOPMENT
3 FUND TO BE ADMINISTERED BY THE COMMISSION FOR THE PURPOSE OF
4 PROMOTING THE DEVELOPMENT AND ADOPTION OF HEALTHCARE INFORMATION
5 TECHNOLOGIES DESIGNED TO IMPROVE THE QUALITY, SAFETY, AND
6 EFFICIENCY OF HEALTHCARE SERVICES.

7 (2) MONEY IN THE FUND SHALL BE USED FOR ESTABLISHED REGIONAL
8 HEALTH INFORMATION ORGANIZATIONS AND OTHER PROJECTS AUTHORIZED BY
9 THE COMMISSION AND MAY BE EXPENDED BY CONTRACT, LOAN, OR GRANT, TO
10 DEVELOP, MAINTAIN, EXPAND, AND IMPROVE THE STATE'S HEALTHCARE

1 INFORMATION TECHNOLOGY INFRASTRUCTURE AND TO ASSIST HEALTHCARE
2 FACILITIES AND HEALTH SERVICE PROVIDERS IN ADOPTING HEALTHCARE
3 INFORMATION TECHNOLOGIES SHOWN TO IMPROVE HEALTHCARE QUALITY,
4 SAFETY, OR EFFICIENCY. THE COMMISSION SHALL DEVELOP CRITERIA FOR
5 THE SELECTION OF PROJECTS TO BE FUNDED FROM THE FUND AND CRITERIA
6 FOR ELIGIBLE REGIONAL HEALTH INFORMATION ORGANIZATIONS AND
7 HEALTHCARE INFORMATION TECHNOLOGY AND INFRASTRUCTURE PROJECTS TO BE
8 FUNDED UNDER THIS PART.

9 (3) THE DIRECTOR IS AUTHORIZED TO ACCEPT ANY GRANT, DEVISE,
10 BEQUEST, DONATION, GIFT, SERVICES IN KIND, ASSIGNMENT OF MONEY,
11 BONDS, OR MONEY APPROPRIATED BY THE LEGISLATURE OR RECEIVED FROM
12 INSURERS, FOR DEPOSIT IN AND CREDIT OF THE FUND. THE COMMISSION IS
13 AUTHORIZED TO EXPEND FROM THE HEALTHCARE INFORMATION TECHNOLOGY AND
14 INFRASTRUCTURE DEVELOPMENT FUND ANY MONEY DEPOSITED INTO THE FUND
15 FOR THE PURPOSES SET FORTH IN SUBSECTION (2). MONEY IN THE FUND AT
16 THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT
17 LAPSE TO THE GENERAL FUND.

18 (4) NOTWITHSTANDING ANY PROVISION OF ITS ARTICLES OF
19 INCORPORATION, BYLAWS, OR OTHER ENABLING DOCUMENTS OR LAWS TO THE
20 CONTRARY, A HEALTH INSURER, HEALTH MAINTENANCE ORGANIZATION, HEALTH
21 PLAN, OR NONPROFIT HEALTH CARE CORPORATION IS AUTHORIZED TO
22 ALLOCATE SUMS OF MONEY DERIVED FROM THE COLLECTIONS OF PREMIUMS TO
23 THE HEALTHCARE INFORMATION TECHNOLOGY AND INFRASTRUCTURE
24 DEVELOPMENT FUND. THE COMMISSION IS AUTHORIZED TO APPROVE PROJECTS
25 WHICH ARE IN CONFORMANCE WITH THIS SECTION.

26 (5) A MEMBER OF THE COMMISSION SHALL NOT MAKE, PARTICIPATE IN
27 MAKING, OR IN ANY WAY ATTEMPT TO USE HIS OR HER POSITION AS A

1 MEMBER OF THE COMMISSION TO INFLUENCE A DECISION REGARDING A LOAN,
2 GRANT, INVESTMENT, OR OTHER EXPENDITURE UNDER THIS PART TO HIS OR
3 HER EMPLOYER. A MEMBER, EMPLOYEE, OR AGENT OF THE COMMISSION SHALL
4 NOT ENGAGE IN ANY CONDUCT THAT CONSTITUTES A CONFLICT OF INTEREST
5 AND SHALL IMMEDIATELY ADVISE THE COMMISSION IN WRITING OF THE
6 DETAILS OF ANY INCIDENT OR CIRCUMSTANCES THAT MAY PRESENT THE
7 EXISTENCE OF A CONFLICT OF INTEREST WITH RESPECT TO THE PERFORMANCE
8 OF THE COMMISSION-RELATED WORK OR DUTY OF THE MEMBER, EMPLOYEE, OR
9 AGENT OF THE COMMISSION. A MEMBER WHO HAS A CONFLICT OF INTEREST
10 RELATED TO ANY MATTER BEFORE THE COMMISSION SHALL DISCLOSE THE
11 CONFLICT OF INTEREST BEFORE THE COMMISSION TAKES ANY ACTION WITH
12 RESPECT TO THE MATTER, WHICH DISCLOSURE SHALL BECOME A PART OF THE
13 RECORD OF THE COMMISSION'S OFFICIAL PROCEEDINGS. THE MEMBER WITH
14 THE CONFLICT OF INTEREST SHALL REFRAIN FROM DOING ALL OF THE
15 FOLLOWING WITH RESPECT TO THE MATTER THAT IS THE BASIS OF THE
16 CONFLICT OF INTEREST:

17 (A) VOTING IN THE COMMISSION'S PROCEEDINGS RELATED TO THE
18 MATTER.

19 (B) PARTICIPATING IN THE COMMISSION'S DISCUSSION OF AND
20 DELIBERATION ON THE MATTER.

21 (C) BEING PRESENT AT THE MEETING WHEN THE DISCUSSION,
22 DELIBERATION, AND VOTING ON THE MATTER TAKE PLACE.

23 (D) DISCUSSING THE MATTER WITH ANY OTHER COMMISSION MEMBER.

24 (6) FAILURE OF A MEMBER TO COMPLY WITH SUBSECTION (5)
25 CONSTITUTES MISCONDUCT IN OFFICE SUBJECT TO REMOVAL UNDER SECTION
26 2503.

27 (7) WHEN AUTHORIZING EXPENDITURES AND INVESTMENTS UNDER THIS

1 PART, THE COMMISSION SHALL NOT CONSIDER WHETHER A RECIPIENT HAS
2 MADE A CONTRIBUTION OR EXPENDITURE UNDER THE MICHIGAN CAMPAIGN
3 FINANCE ACT, 1976 PA 388, MCL 169.201 TO 169.282. EXPENDITURES
4 UNDER THIS PART SHALL NOT BE USED TO FINANCE OR INFLUENCE POLITICAL
5 ACTIVITIES.

6 (8) THE COMMISSION SHALL PREPARE AND ISSUE AN ANNUAL REPORT
7 NOT LATER THAN JANUARY 30 OF EACH YEAR OUTLINING IN SPECIFIC DETAIL
8 THE AMOUNT OF FUNDS SPENT FROM THE FUND IN THE PREVIOUS YEAR, A
9 STATUS REPORT ON THE PROJECTS FUNDED, PROGRESS TO DATE IN
10 IMPLEMENTING A STATEWIDE HEALTHCARE INFORMATION INFRASTRUCTURE, AND
11 RECOMMENDATIONS FOR FUTURE INVESTMENTS AND PROJECTS.