

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2016-4

333.26369 Creation of office of chief medical executive within department of health and human services; carrying out of authority, powers, and duties of chief medical executive by new chief medical executive under MCL 333.2202; abolishment of position of chief medical executive.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 4 of Article V of the Michigan Constitution of 1963 authorizes establishment of temporary commissions or agencies for special purposes; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, protecting and promoting the public health is an essential function of government; and

WHEREAS, the creation of an Office of the Chief Medical Executive in the Department of Health and Human Services will help to protect and promote public health in Michigan by advising the Governor and the Department on public health issues, assessing the state of public health in Michigan, and communicating health information to the public; and

WHEREAS, the establishment of a Public Health Advisory Commission will help to protect and promote public health in Michigan by providing advice and assistance on best practices for the organization of functions and the delivery of public health services by state and local governments;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Commission" means the Public Health Advisory Commission created under Section III of this Order.

B. "Department" means the Department of Health and Human Services.

C. "Director" means the Director of the Department of Health and Human Services.

D. "Office" means the Office of Chief Medical Executive created under Section II of this Order.

II. CREATION OF THE OFFICE OF CHIEF MEDICAL EXECUTIVE

A. The Office of Chief Medical Executive is created within the Department of Health and Human Services.

B. The head of the Office shall be the new Chief Medical Executive. The new Chief Medical Executive shall be a physician appointed by the Governor who shall serve at the pleasure of the Governor. The new Chief Medical Executive shall carry out the functions vested in the Office by this Order, as otherwise provided by law, and as directed by the Director and the Governor. The new Chief Medical Executive shall serve as a member of the Governor's Cabinet.

C. The new Chief Medical Executive shall be a full-time employee of the Department who shall be exempt from and not within the classified state civil service.

D. The new Chief Medical Executive shall carry out any and all authority, powers, duties, functions, and responsibilities of the Chief Medical Executive under Subsection 2202(2) of the Public Health Code, 1978 PA 368, as amended, MCL 333.2202. The position of Chief Medical Executive established by Subsection 2202(2) of the Public Health Code, 1978 PA 368, as amended, MCL 333.2202, is abolished.

E. The Office shall disseminate public health information, including, but not limited to, advocating disease prevention and promoting the Department's public health initiatives.

F. The Office shall, where appropriate, collaborate with public and private public health stakeholders in Michigan, including, but not limited to, institutions of higher learning, hospitals, and professional organizations.

G. The Office shall establish performance measures and other objective criteria to inform the public about the state of public health in Michigan and the Department's public health initiatives. The Office shall publish those measures and other information the Director considers appropriate on the Department's website.

H. The Office shall issue an annual report to the Governor, the legislature, and the public addressing the state of public health in Michigan and outlining the accomplishments and strategic goals of the Department relating to public health.

I. The Office shall otherwise assist in the development and implementation of the Department's public health mission and values to protect, promote, and preserve the health of Michigan residents.

J. The Department shall ensure that the Office has adequate funding and staffing to accomplish the

responsibilities set forth in this Order.

III. CREATION OF THE PUBLIC HEALTH ADVISORY COMMISSION

A. The Public Health Advisory Commission is created as a temporary commission pursuant to Article V, Section 4 of the Michigan Constitution of 1963 and shall serve as an advisory body within the Executive Office of the Governor.

B. The Commission shall be an independent and autonomous entity with the intent that its authority, powers, duties, and responsibilities be exercised free from the direction and supervision of the principal departments in the executive branch and shall be composed of twenty-four (24) members appointed as follows:

1. The new Chief Medical Executive shall be a voting member and shall serve as the chairperson of the Commission.

2. The Governor shall appoint eighteen (18) voting members to the Commission serving at the pleasure of the Governor.

3. The following five (5) department heads or their designees from within their respective departments who shall serve as non-voting, ex officio members:

- The Department of Agriculture and Rural Development
- The Department of Environmental Quality
- The Department of Health and Human Services
- The Department of Licensing and Regulatory Affairs
- The Department of State Police, or a designee from the Division of Emergency Management and Homeland Security, within the Department of State Police.

C. A vacancy on the Commission shall be filled in the same manner as the original appointment.

D. The eighteen voting members of the Commission appointed by the Governor shall include at least one member residing in each of Michigan's Regional Prosperity Initiative zones.

E. The eighteen voting members of the Commission appointed by the Governor shall include at least one member representing each of the following categories:

- A physician
- A registered nurse
- A licensed pharmacist
- A veterinarian
- A representative of a nationally-accredited medical school
- A representative of a school of public health from an institution of higher education in the state
- A local public health official
- A person with experience in hospital administration
- A local director of public works
- An epidemiologist
- A toxicologist
- A food safety expert
- An expert in environmental health; and
- A representative of a non-profit health or environmental organization.

IV. CHARGE TO THE COMMISSION

The Commission shall act in an advisory capacity to the Governor and the state of Michigan, and shall do all of the following:

1. Provide advice about emerging issues in public health, or other public health advice, as requested by the Governor or the Director.

2. Complete an assessment of the current public health service delivery system in Michigan, at both the state and local level, including a review of (i) the organization of public health functions within and across the executive departments of this state, (ii) the division of responsibilities between state and local public health authorities, and (iii) the regulatory framework established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 et seq.

3. Research and benchmark other states to identify best practices in public health governance.

4. Recommend changes to (i) the organization of public health functions within and across the executive departments of this state, (ii) the division of responsibilities between state and local public health authorities, and (iii) the regulatory framework established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 et seq. , as necessary to best protect and promote public health in Michigan.

5. Prioritize the Commission's recommendations for implementation.

6. Provide other information or advice as directed by the Governor.

7. No later than April 1, 2017, the Commission shall complete its work and issue a final report to the Governor for his consideration. A copy of the final report shall be transmitted to the Legislature.

8. Ninety (90) days after issuance and transference of its final report, the Commission shall be deemed to have met the charges placed upon it by this Order and shall cease operations.

V. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed by personnel from and assisted by state departments and agencies as directed by the Office of the Governor.

B. The Commission may select from among its members a Vice Chairperson.

C. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission. Meetings of the Commission may be held anywhere within the state of Michigan.

D. The Commission may establish workgroups or committees assigning Commission members to and inviting public participation on these workgroups or committees as the Commission deems necessary.

E. The Commission may adopt, reject, or modify recommendations made by the workgroups or committees.

F. A majority of the voting members of the Commission serving constitutes a quorum for the transaction of the Commission's business, notwithstanding the existence of one or more vacancies. The Commission shall act by majority vote of its present and voting members.

G. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

H. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. Subject to the Governor's approval, the Commission may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, institutions of higher education, and the nonprofit sector.

I. Members of the Commission shall serve without compensation. Subject to the Governor's approval and available funding, members of the Commission may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

J. Subject to the Governor's approval, the Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts as necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Governor deems advisable and necessary in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Technology, Management and Budget.

K. The Commission may accept grants of funds, donations of funds, property, labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

L. A member of the Commission shall not use for personal gain information obtained by the member while performing business of the Commission, nor shall a member of the Commission disclose confidential information obtained by the member while conducting Commission business, except as necessary to perform Commission business.

M. Members of the Commission, staff, or contractors shall refer all legal, legislative, and media contact relating to Commission actions or activities to the Office of the Governor.

VI. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Commission.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order shall not abate by any reason or by the taking effect of this Order.

C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder the Order. This Executive Order shall become effective upon filing.

History: 2016, E.R.O. No. 2016-4, Eff. Nov. 22, 2016.

Compiler's note: Executive Reorganization Order No. 2016-4 was promulgated September 22, 2016, as Executive Order No. 2016-19, Eff. Nov. 22, 2016.

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