

HOUSE BILL No. 5336

October 19, 2005, Introduced by Reps. Newell, Farhat, Vander Veen, Meyer, Moore, Kooiman, Taub, Emmons, Kahn, Huizenga, Walker, Moolenaar, Casperson, David Law, Pearce, Jones, Steil, Wenke, Booher, Hansen, Stewart, Marleau, Caswell, Hildenbrand, Stakoe, Ward, Mortimer, Acciavatti, Ball, LaJoy, Nitz, Baxter, Proos, Caul, Green, Shaffer, Nofs, Sheen, Wojno and Accavitti and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 25 HEALTH INFORMATION TECHNOLOGY

SEC. 2501. AS USED IN THIS PART:

(A) "COMMISSION" MEANS THE HEALTH INFORMATION TECHNOLOGY
COMMISSION CREATED UNDER SECTION 2503.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

SEC. 2503. (1) THE HEALTH INFORMATION TECHNOLOGY COMMISSION IS
CREATED WITHIN THE DEPARTMENT TO PROMOTE THE DESIGN,
IMPLEMENTATION, OPERATION, AND MAINTENANCE OF FACILITIES FOR PUBLIC
AND PRIVATE USE OF HEALTH CARE INFORMATION IN THIS STATE. THE

1 COMMISSION SHALL CONSIST OF 13 MEMBERS APPOINTED BY THE GOVERNOR AS
2 FOLLOWS:

3 (A) THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE.

4 (B) THE DIRECTOR OF THE DEPARTMENT OF INFORMATION TECHNOLOGY
5 OR HIS OR HER DESIGNEE.

6 (C) ONE INDIVIDUAL REPRESENTING A NONPROFIT HEALTH CARE
7 CORPORATION OPERATING PURSUANT TO THE NONPROFIT HEALTH CARE
8 CORPORATION REFORM ACT, 1980 PA 350, MCL 550.1101 TO 550.1703.

9 (D) ONE INDIVIDUAL REPRESENTING THE MICHIGAN HEALTH AND
10 HOSPITAL ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.

11 (E) ONE INDIVIDUAL REPRESENTING THE MICHIGAN STATE MEDICAL
12 SOCIETY OR ITS SUCCESSOR ORGANIZATION.

13 (F) ONE INDIVIDUAL REPRESENTING THE MICHIGAN OSTEOPATHIC
14 ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.

15 (G) ONE INDIVIDUAL REPRESENTING THE MICHIGAN STATE CHAMBER OF
16 COMMERCE OR ITS SUCCESSOR ORGANIZATION.

17 (H) ONE INDIVIDUAL REPRESENTING THE UNIVERSITY OF MICHIGAN
18 MEDICAL SCHOOL.

19 (I) ONE INDIVIDUAL REPRESENTING THE MICHIGAN STATE UNIVERSITY
20 COLLEGE OF OSTEOPATHIC MEDICINE.

21 (J) ONE INDIVIDUAL REPRESENTING THE WAYNE STATE UNIVERSITY
22 SCHOOL OF MEDICINE.

23 (K) ONE INDIVIDUAL REPRESENTING THE MICHIGAN PHARMACISTS
24 ASSOCIATION OR ITS SUCCESSOR ORGANIZATION.

25 (L) ONE INDIVIDUAL REPRESENTING THE MICHIGAN ASSOCIATION OF
26 HEALTH PLANS OR ITS SUCCESSOR ORGANIZATION.

27 (M) ONE INDIVIDUAL REPRESENTING INSURERS THAT PROVIDE HEALTH

1 COVERAGE AND THE HEALTH CARE INSURANCE INDUSTRY.

2 (2) A MEMBER OF THE COMMISSION SHALL SERVE FOR A TERM OF 4
3 YEARS OR UNTIL A SUCCESSOR IS APPOINTED. OF THE MEMBERS FIRST
4 APPOINTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
5 THIS PART, 3 SHALL BE APPOINTED FOR A TERM OF 1 YEAR, 3 SHALL BE
6 APPOINTED FOR A TERM OF 2 YEARS, 3 SHALL BE APPOINTED FOR A TERM OF
7 3 YEARS, AND 4 SHALL BE APPOINTED FOR A TERM OF 4 YEARS. IF A
8 VACANCY OCCURS ON THE COMMISSION, THE GOVERNOR SHALL MAKE AN
9 APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE
10 ORIGINAL APPOINTMENT. THE GOVERNOR MAY REMOVE A MEMBER OF THE
11 COMMISSION FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE,
12 MISFEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

13 (3) AT THE FIRST MEETING OF THE COMMISSION, A MAJORITY OF THE
14 MEMBERS SHALL ELECT FROM ITS MEMBERS A CHAIRPERSON AND OTHER
15 OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST
16 MEETING, THE COMMISSION SHALL MEET AT LEAST QUARTERLY, OR MORE
17 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY A
18 MAJORITY OF THE MEMBERS. A MAJORITY OF THE MEMBERS OF THE
19 COMMISSION APPOINTED AND SERVING CONSTITUTE A QUORUM FOR THE
20 TRANSACTION OF BUSINESS AT A MEETING OF THE COMMISSION.

21 (4) ANY BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
22 CONDUCTED AT A PUBLIC MEETING HELD IN COMPLIANCE WITH THE OPEN
23 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. THE COMMISSION
24 SHALL GIVE PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE
25 MEETING IN THE MANNER REQUIRED BY THE OPEN MEETINGS ACT, 1976 PA
26 267, MCL 15.261 TO 15.275.

27 (5) THE COMMISSION SHALL MAKE AVAILABLE A WRITING PREPARED,

1 OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE COMMISSION IN
2 THE PERFORMANCE OF AN OFFICIAL FUNCTION AS THE COMMISSION TO THE
3 PUBLIC IN COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA
4 442, MCL 15.231 TO 15.246.

5 (6) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
6 COMPENSATION.

7 SEC. 2505. THE COMMISSION'S POWERS AND DUTIES SHALL INCLUDE
8 EACH OF THE FOLLOWING:

9 (A) THE DEVELOPMENT OF A COMMUNITY-BASED HEALTH INFORMATION
10 NETWORK TO FACILITATE COMMUNICATION OF PATIENT CLINICAL AND
11 FINANCIAL INFORMATION THAT IS DESIGNED TO DO ALL OF THE FOLLOWING:

12 (i) PROMOTE MORE EFFICIENT AND EFFECTIVE COMMUNICATION AMONG
13 MULTIPLE HEALTH CARE PROVIDERS, INCLUDING, BUT NOT LIMITED TO,
14 HOSPITALS, PHYSICIANS, PAYERS, EMPLOYERS, PHARMACIES, LABORATORIES,
15 AND ANY OTHER HEALTH CARE ENTITY.

16 (ii) CREATE EFFICIENCIES IN HEALTH CARE COSTS BY ELIMINATING
17 REDUNDANCY IN DATA CAPTURE AND STORAGE AND REDUCING ADMINISTRATIVE,
18 BILLING, AND DATA COLLECTION COSTS.

19 (iii) CREATE THE ABILITY TO MONITOR COMMUNITY HEALTH STATUS.

20 (iv) PROVIDE RELIABLE INFORMATION TO HEALTH CARE CONSUMERS AND
21 PURCHASERS REGARDING THE QUALITY AND COST-EFFECTIVENESS OF HEALTH
22 CARE, HEALTH PLANS, AND HEALTH CARE PROVIDERS.

23 (v) ENSURE THE CONFIDENTIALITY OF PROTECTED HEALTH
24 INFORMATION, INCLUDING, BUT NOT LIMITED TO, PATIENT IDENTIFIERS.

25 (B) THE DEVELOPMENT OR DESIGN OF ANY OTHER INITIATIVES IN
26 FURTHERANCE OF THE COMMISSION'S PURPOSE.

27 (C) ANNUALLY, REPORT AND MAKE RECOMMENDATIONS TO THE

1 CHAIRPERSONS OF THE STANDING COMMITTEES OF THE HOUSE OF
2 REPRESENTATIVES AND SENATE WITH JURISDICTION OVER ISSUES PERTAINING
3 TO COMMUNITY HEALTH AND INFORMATION TECHNOLOGY, THE HOUSE OF
4 REPRESENTATIVES AND SENATE APPROPRIATIONS SUBCOMMITTEES ON
5 COMMUNITY HEALTH AND INFORMATION TECHNOLOGY, AND THE SENATE AND
6 HOUSE FISCAL AGENCIES.

7 (D) PERFORM ANY AND ALL OTHER ACTIVITIES IN FURTHERANCE OF THE
8 ABOVE OR AS DIRECTED BY THE DEPARTMENT OR THE DEPARTMENT OF
9 INFORMATION TECHNOLOGY, OR BOTH.

10 SEC. 2507. THE COMMISSION OR A MEMBER OF THE COMMISSION SHALL
11 NOT BE PERSONALLY LIABLE FOR ANY ACTION AT LAW FOR DAMAGES
12 SUSTAINED BY A PERSON BECAUSE OF AN ACTION PERFORMED OR DONE BY THE
13 COMMISSION OR A MEMBER OF THE COMMISSION IN THE PERFORMANCE OF
14 THEIR RESPECTIVE DUTIES IN THE ADMINISTRATION AND IMPLEMENTATION OF
15 THIS PART.