

HOUSE BILL NO. 5283

October 26, 2023, Introduced by Reps. Rogers, VanderWall, Prestin, Mueller, Roth, Rheingans, Wilson, McFall, Steckloff, Brabec, Hill, Paiz, Morgan, Arbit, Wozniak, Young, Morse, MacDonell and Farhat and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2501, 2505, and 2511 (MCL 333.2501, 333.2505, and 333.2511), sections 2501 and 2505 as added by 2006 PA 137 and section 2511 as added by 2006 PA 459.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2501. As used in this part:
- 2 (a) "Commission" means the health information technology
- 3 commission created under section 2503.

1 (b) "Department" means the department of ~~community~~ health **and**
 2 **human services.**

3 (c) "Health data utility" means a system that is operated by
 4 the health information exchange and that does all of the following:

5 (i) Facilitates the exchange of clinical and other health data.

6 (ii) Creates a unified health record for health care patients.

7 (iii) Allows for the exchange of information using multiple
 8 modalities, including, but not limited to, query searches and push
 9 notifications.

10 (iv) Increases connections between health care entities,
 11 including, but not limited to, school-based health centers, social
 12 care services, and health facilities or agencies located in a
 13 correctional institution.

14 (d) "Health information exchange" means the nonprofit entity
 15 that operates an inclusive health information technology
 16 infrastructure that serves as a health data aggregator and that is
 17 enabled to collect, normalize, and share disparate health data
 18 content from a diverse set of health data sources.

19 Sec. 2505. (1) The commission shall do each of the following:

20 (a) Develop and maintain a strategic plan in accordance with
 21 subsection (2) to guide the implementation ~~of an interoperable~~
 22 ~~health information technology system~~ **and ongoing maintenance of the**
 23 **health data utility** that will reduce medical errors, improve
 24 quality of care, and produce greater value for health care
 25 expenditures.

26 (b) Identify critical technical, scientific, economic, and
 27 other critical issues affecting the public and private adoption of
 28 health information technology, **including, but not limited to, all**
 29 **of the following regarding the health information exchange**

1 designated under subdivision (c):

2 (i) Participation with the health information exchange.

3 (ii) Data sharing through the health information exchange.

4 (iii) Utilization of the health data utility.

5 (c) Subject to subsection (3), designate the health
6 information exchange to operate the health data utility for this
7 state.

8 (d) Monitor the health information exchange described under
9 subdivision (c) by doing all of the following:

10 (i) Performing a quarterly review of key operational and
11 performance metrics.

12 (ii) Reviewing privacy and consent policies as needed.

13 (iii) Approving secondary data use in compliance with the health
14 insurance portability and accountability act of 1996, Public Law
15 101-191, including, but not limited to, secondary data use for
16 research.

17 (e) ~~(e)~~—Provide recommendations on policies and measures
18 necessary to achieve widespread adoption of health information
19 technology.

20 (f) ~~(d)~~—Increase the public's understanding of health
21 information technology.

22 (g) ~~(e)~~—Promote more efficient and effective communication
23 among ~~multiple—the~~ health care providers, **ecosystem**, including, but
24 not limited to, **health care providers**, hospitals, physicians,
25 payers, employers, pharmacies, laboratories, **community-based**
26 **organizations**, and any other health care entity.

27 (h) ~~(f)~~—Identify strategies to improve the ability to monitor
28 community health status, **including, but not limited to, by using**
29 **reporting and analytics from electronic health data from the health**

1 **data utility.**

2 (i) ~~(g)~~ Develop or design any other initiatives in furtherance
3 of the commission's purpose.

4 (j) ~~(h)~~ Annually ~~7~~ report and make recommendations to the
5 chairpersons of the standing committees of the house of
6 representatives and senate with jurisdiction over issues pertaining
7 to community health and information technology, the house of
8 representatives and senate appropriations subcommittees on
9 community health and information technology, and the senate and
10 house fiscal agencies.

11 (k) ~~(i)~~ Perform ~~any and all other activities in furtherance of~~
12 ~~the above or~~ **needed to implement subdivisions (a) to (j)** as
13 directed by ~~the department or the department of information~~
14 ~~technology, or both.~~ **a department of this state.**

15 (2) The strategic plan developed ~~pursuant to~~ **under** subsection
16 (1)(a) shall include, at a minimum, each of the following:

17 (a) The development or adoption of health care information
18 technology standards and strategies **to support, maintain, and**
19 **enhance the health data utility.**

20 (b) The ability to base medical decisions on the availability
21 of information at the time and place of care **utilizing the health**
22 **information exchange and the health data utility.**

23 (c) The use of evidence-based medical care.

24 (d) Measures to protect the privacy and security of personal
25 health information.

26 (e) Measures to prevent unauthorized access to health
27 information.

28 (f) Measures to ensure accurate patient identification.

29 (g) Methods to facilitate secure patient access to health

1 information.

2 (h) Measures to reduce health care costs by addressing
3 inefficiencies, redundancy in data capture and storage, medical
4 errors, inappropriate care, incomplete information, and
5 administrative, billing, and data collection costs.

6 (i) Incorporating health information technology **and health**
7 **data sharing** into the provision of care and the organization of the
8 health care workplace.

9 (j) The ability to identify priority areas in which health
10 information technology can provide benefits to consumers and a
11 recommended timeline for implementation.

12 (k) Measurable outcomes **utilizing the health data utility when**
13 **appropriate.**

14 (3) **The commission shall designate a health information**
15 **exchange under subsection (1)(c) that meets all of the following**
16 **requirements:**

17 (a) **Is capable of performing all of the following:**

18 (i) **Routing relevant real-time data.**

19 (ii) **Providing longitudinal electronic health records.**

20 (iii) **Reporting population health data and public health data.**

21 (iv) **Delivering health analytics and metrics in the aggregate.**

22 (b) **Complies with all applicable federal and state laws and**
23 **regulations for a standards-based health data exchange.**

24 (c) **Has a governing board with representatives that have**
25 **expertise in public health, that are associated with a governmental**
26 **agency, hospital, health plan, or pharmacy, or that are physicians,**
27 **behavioral health practitioners, or other health care**
28 **professionals.**

29 (d) **Maintains a high level of cybersecurity standards. This**

1 subdivision may be demonstrated by accreditation by a national
 2 health information security entity recognized by the commission as
 3 an accreditation that requires a high level of cybersecurity
 4 standards.

5 (e) Adheres to health information exchange industry standards
 6 for network performance.

7 Sec. 2511. (1) ~~There is established in the department the~~ **The**
 8 healthcare information technology and infrastructure development
 9 fund ~~to be administered by the~~ **is established in the department.**
 10 **The** commission **shall administer the healthcare information**
 11 **technology and infrastructure development fund** for the purpose of
 12 promoting the development and adoption of health care information
 13 technologies designed to improve the quality, safety, and
 14 efficiency of health care services, **including the health**
 15 **information exchange designated under section 2505(1)(c) to operate**
 16 **the health data utility.**

17 (2) Money in the fund ~~shall~~ **must** be used for ~~established~~
 18 ~~regional health information organizations~~ **the health information**
 19 **exchange designated under section 2505(1)(c) to operate the health**
 20 **data utility** and other projects authorized by the commission and
 21 may be expended by contract, loan, or grant, to develop, maintain,
 22 expand, and improve the state's health care information technology
 23 infrastructure and to assist health care facilities and health
 24 service providers in adopting health care information technologies
 25 shown to improve health care quality, safety, or efficiency. The
 26 commission shall develop criteria for the selection of projects to
 27 be funded from the fund and criteria for ~~eligible regional health~~
 28 ~~information organizations~~ **the health information exchange, health**
 29 **data utility,** and health care information technology and

1 infrastructure projects to be funded under this part.

2 (3) The director is authorized to accept any grant, devise,
3 bequest, donation, gift, services in kind, assignment of money,
4 bonds, or money appropriated by the legislature or received from
5 insurers, for deposit in and credit of the fund. The commission is
6 authorized to expend from the healthcare information technology and
7 infrastructure development fund any money deposited into the fund
8 for the purposes set forth in subsection (2). Money in the fund at
9 the close of the fiscal year shall remain in the fund and shall not
10 lapse to the general fund.

11 (4) Notwithstanding any provision of its articles of
12 incorporation, bylaws, or other enabling documents or laws to the
13 contrary, a health insurer, health maintenance organization, health
14 plan, or nonprofit health care corporation is authorized to
15 allocate sums of money derived from the collections of premiums to
16 the healthcare information technology and infrastructure
17 development fund. The commission is authorized to approve projects
18 ~~which are in conformance~~ **that conform** with this section.

19 (5) A member of the commission shall not make, participate in
20 making, or in any way attempt to use ~~his or her~~ **the member's**
21 position as a member of the commission to influence a decision
22 regarding a loan, grant, investment, or other expenditure under
23 this part to ~~his or her~~ **the member's** employer. A member, employee,
24 or agent of the commission shall not engage in any conduct that
25 constitutes a conflict of interest and shall immediately advise the
26 commission in writing of the details of any incident or
27 circumstances that may present the existence of a conflict of
28 interest with respect to the performance of the commission-related
29 work or duty of the member, employee, or agent of the commission. A

1 member who has a conflict of interest related to any matter before
2 the commission shall disclose the conflict of interest before the
3 commission takes any action with respect to the matter. ~~, which A~~
4 disclosure ~~shall become a~~ **is** part of the record of the commission's
5 official proceedings. The member with the conflict of interest
6 shall refrain from doing all of the following with respect to the
7 matter that is the basis of the conflict of interest:

8 (a) Voting in the commission's proceedings related to the
9 matter.

10 (b) Participating in the commission's discussion of and
11 deliberation on the matter.

12 (c) Being present at the meeting when the discussion,
13 deliberation, and voting on the matter take place.

14 (d) Discussing the matter with any other commission member.

15 (6) Failure of a member to comply with subsection (5)
16 constitutes misconduct in office subject to removal under section
17 2503.

18 (7) ~~When~~ **If** authorizing expenditures and investments under
19 this part, the commission shall not consider whether a recipient
20 has made a contribution or expenditure under the Michigan campaign
21 finance act, 1976 PA 388, MCL 169.201 to 169.282. Expenditures
22 under this part ~~shall~~ **must** not be used to finance or influence
23 political activities.

24 (8) The commission shall prepare and issue an annual report
25 not later than January 30 of each year outlining in specific detail
26 the amount of funds spent from the fund in the previous year, a
27 status report on the projects funded, progress to date in
28 implementing a statewide health care information infrastructure,
29 and recommendations for future investments and projects.