

RESOLUTION # _____

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

CERTIFICATE OF NEED COMMISSION

COMMISSIONERS

RESOLUTION AMENDING BYLAWS

At a Regular meeting of the Michigan Department of Health and Human Services Certificate of Need Commission Commissioners held in person on 3 / 14 /2024 at 9:30 a.m. at 333 S. Grand Ave., 1st Fl., Grand Conference Room, Lansing, MI 48933

WHEREAS, pursuant to MCL 333.22213, the Certificate of Need Commission (hereinafter "CON Commission") adopted Bylaws in part to govern its voting procedures, conflict of interest, and meetings requirements.

WHEREAS, at the December 7, 2023, CON Commission meeting, the commissioners discussed the requirement contained in the CON Commission Bylaws requiring SACs to hold their meetings consistent with the open meetings act, and also discussed the conflict-of-interest provisions related to pending LOI and pending applications.

WHEREAS CON Commissioner Guido-Allen proposed an amendment to the Bylaws to be drafted by the Department of Attorney General to facilitate NEWTACs and SACs to meet remotely and permit members to sit on said committees regardless to pending LOI and applications.

WHEREAS, the amendments are as follows:

ARTICLE VII B.3. Currently reads:

The chairperson appoints the members of a SAC consistent with statutory requirements and the criteria outlined in this subpart.

a. The Department determines whether a candidate for a SAC meets the following criteria:

a. The Department determines whether a candidate for a SAC meets the following criteria:

i. The candidate has not served on more than 2 SACs within any 2-year period.

ii. The candidate is not a lobbyist registered under 1978 PA 472, MCL 4.411 TO 4.431.

iii. The candidate is not affiliated with a program with a Letter of Intent (LOI) or a pending application in the CON process related to the standard(s) being reviewed.

ARTICLE VII B.3. As amended will read:

The chairperson appoints the members of a SAC consistent with statutory

requirements and the criteria outlined in this subpart.

a. The Department determines whether a candidate for a SAC meets the following criteria:

i. The candidate has not served on more than 2 SACs within any 2-year period.

ii. The candidate is not a lobbyist registered under 1978 PA 472, MCL 4.411 TO 4.431.

ARTICLE VII C. Currently reads:

Members of the NEWTAC and a SAC are subject to the following provisions:

1. Conflicts of interest consistent with Article IX of these Bylaws.

2. Teleconferencing consistent with Article V(F) of these Bylaws.

3. Michigan Open Meetings Act, 1976 PA 267, as amended, MCL 15.261, et seq.

ARTICLE VII C. As amended will read:

Members of the NEWTAC and a SAC are subject to the following provisions:

1. Conflicts of interest consistent with Article IX of these Bylaws.

2. Teleconferencing consistent with Article V(F) of these Bylaws, except that teleconferencing may be at the discretion of the SAC and NEWTAC, and compliance with the Michigan Open Meetings Act, 1976 PA 267, as amended, MCL 15.261, et seq. shall not be required.

In all other respects the Bylaws remains unchanged.

THEREFORE, IT IS RESOLVED

- 1) The above amendments are adopted and may be incorporated into the respective provisions in the Bylaws.
- 2) All other resolutions in conflict herewith are repealed to the extent of said conflict.

This RESOLUTION offered by commissioner McKenzie.

Supported by commissioner Engelhardt-Kalbfleisch.

Upon a roll call vote, the following voted:

Falahee, McKenzie, Egnelhardt-Kalbfleisch, Guido-Allen,
Aye: Drake, Haney, Ferguson, Turner-Bailey, Kondur, Salwin

Nay: None

Abstained: None

The chairman declared the resolution adopted.

I hereby certify the foregoing constitutes a true and complete copy of a resolution adopted by the Certificate of Need Commission held at a regular or special meeting as indicated above, at the above location, and on the above date.

Date: 3/14/2024

by: James B. Falahee, Jr.

Name: James B. Falahee, Jr.

Secretary of Commission

Tiffani Stanton

Tiffani Stanton