

HB 1409

2006

1                   A bill to be entitled  
2           An act relating to the Florida Health Information Network,  
3           Inc.; creating s. 408.064, F.S.; providing a short title  
4           and purpose; requiring the Agency for Health Care  
5           Administration to develop and implement a plan for the  
6           formation and operation of a health information network;  
7           requiring the agency to enter into a contract to implement  
8           the plan; creating the Florida Health Information Network,  
9           Inc., as a not-for-profit corporation; providing for a  
10          board of directors and for terms thereof; providing duties  
11          and responsibilities of the corporation; requiring a  
12          report to the Governor and Legislature; providing an  
13          appropriation; providing an effective date.

14  
15          WHEREAS, the cost of health care in Florida has grown  
16          substantially while the demand for a more coordinated system of  
17          health care has increased, and

18          WHEREAS, with the benefit of an effective system for  
19          sharing privacy-protected medical information among authorized  
20          health care stakeholders, health care providers and consumers,  
21          aided by computerized tools that automatically analyze available  
22          health information and by combining that data with clinical  
23          logic and practice guidelines based on current, sound medical  
24          science, will have access to the medical information needed to  
25          make sound decisions about health care, and

26          WHEREAS, the state's health care system would benefit from  
27          a reduction in the time it takes to evaluate promising medical  
28          techniques, devices, and drugs and to bring the products and

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29 | procedures that are proven safe and effective to the health care  
30 | marketplace more quickly, and

31 |       WHEREAS, the state's public health officers require  
32 | effective information systems to detect, monitor, and manage  
33 | emerging health threats most efficiently, and

34 |       WHEREAS, a successful medical response to large-scale  
35 | disasters such as hurricanes is enhanced by effective and timely  
36 | access to the medical records of those needing medical care, and

37 |       WHEREAS, providing consumers with effective access to their  
38 | personal health information and computerized tools that gather  
39 | data from their medical records and assist in interpreting and  
40 | monitoring the data in partnership with their health care  
41 | providers would permit consumers to become better informed and  
42 | more proactive in managing their health and wellness, thereby  
43 | reducing utilization of and adding efficiencies to the health  
44 | care system, and

45 |       WHEREAS, it is feasible and advisable for the state to  
46 | implement an effective integrated health information network  
47 | capable of drawing together critical health information from  
48 | multiple sources and presenting that information to authorized  
49 | parties in a usable format to support sound decisions about  
50 | health care by providers, consumers, public health officers, and  
51 | researchers while ensuring the privacy and security of personal  
52 | health information, and

53 |       WHEREAS, studies have shown that health information  
54 | networks are more likely to succeed if they are developed,  
55 | implemented, and operated by a neutral manager with broad  
56 | support among health care stakeholders, and

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57 WHEREAS, the Legislature declares that an integrated health  
58 information network is a necessary and important part of  
59 effectively addressing the challenges and opportunities facing  
60 the state's health care delivery system, and it is the policy of  
61 the state to promote the development and implementation of an  
62 integrated statewide health information network to be operated  
63 by a neutral manager as a public-private partnership, with  
64 reasonable oversight and regulation by the state to promote the  
65 safety, security, and integrity of the health information  
66 network, NOW, THEREFORE,

67  
68 Be It Enacted by the Legislature of the State of Florida:

69  
70 Section 1. Section 408.064, Florida Statutes, is created  
71 to read:

72 408.064 Florida Health Information Network Act; purpose;  
73 duties.--

74 (1) This section may be cited as the "Florida Health  
75 Information Network Act."

76 (2) The purpose of this section is to promote the  
77 establishment of a privacy-protected and secure integrated  
78 statewide network for the communication of electronic health  
79 information among authorized parties and to foster a coordinated  
80 public-private initiative for the development and operation of  
81 Florida's health information infrastructure.

82 (3) The agency is responsible for promoting the  
83 development of a health information network as a public-private  
84 partnership among the state's providers, payors, consumers,

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85 employers, public health officials, medical researchers, and  
86 other health care stakeholders. The agency shall develop and  
87 implement a plan for the formation and operation of a health  
88 information network and shall contract with the Florida Health  
89 Information Network, Inc., for the purpose of implementing the  
90 plan, in conformity with the legislative intent expressed in  
91 this section, for the period July 1, 2006, through June 30,  
92 2008.

93 (4) There is created a not-for-profit corporation, to be  
94 known as the "Florida Health Information Network, Inc.," which  
95 shall be registered, incorporated, organized, and operated in  
96 compliance with chapter 617, and which shall not be a unit or  
97 agency of state government. The affairs of the not-for-profit  
98 corporation shall be managed by a board of directors who shall  
99 serve without compensation. The initial board of directors shall  
100 be the Governor's Health Information Infrastructure Advisory  
101 Board which shall serve a term of 18 months. Upon expiration of  
102 the terms of the initial members, members shall be appointed to  
103 4-year staggered terms in accordance with s. 20.052 by majority  
104 vote as provided in the bylaws of the corporation. Any vacancy  
105 in office shall be filled for the remainder of the term by  
106 majority vote of the members. Any member may be reappointed.

107 (5) The Florida Health Information Network, Inc., shall:

108 (a) Institute a statewide health information network in  
109 the state by:

110 1. Devising and implementing a strategic plan for  
111 infrastructure development and periodically evaluating and  
112 modifying that plan.

113        2. Developing, operating, and maintaining the technical  
114 infrastructure necessary to perform the functions of the network  
115 consistent with the strategic plan.

116        3. Promoting an integrated approach to efforts to create a  
117 secure network for communication of electronic health  
118 information in the state.

119        4. Marketing the network to promote widespread use of the  
120 network.

121        5. Assisting in the development and expansion of existing  
122 local or regional health information networks and the creation  
123 of new networks.

124        (b) Develop and implement specific programs or strategies  
125 that address the creation, development, and expansion of  
126 regional or local health information networks and the  
127 recruitment of participants in the network.

128        (c) Specify standards among regional and local health  
129 information networks and other participants in the Florida  
130 Health Information Network, Inc., to promote effective statewide  
131 and interstate interoperability.

132        (d) Regularly assess the adoption of electronic health  
133 records systems and utilization of the statewide network by  
134 providers, consumers, public health officers, and other health  
135 care stakeholders to identify and regularly reevaluate the  
136 state's health information infrastructure strengths and  
137 weaknesses, assess opportunities to increase consumer access to  
138 the consumer's health records, and incorporate such information  
139 into its regular strategic planning process.

140       (e) Develop and enforce privacy, security, operational,  
141 and technical standards among regional and local health  
142 information networks to ensure effective statewide privacy, data  
143 security, efficiency, and interoperability across the network.  
144 The network's standards shall be guided by reference to widely  
145 adopted standards or standards accepted by recognized national  
146 standard-setting organizations.

147       (f) Develop annual budgets that include funding from  
148 public and private entities, including user fees.

149       (g) Take commercially reasonable measures to protect its  
150 intellectual property, including obtaining patents, trademarks,  
151 and copyrights where appropriate.

152       (h) Make recommendations for reform of the state's laws  
153 regarding medical records.

154       (6) The agency shall review the data gathered about the  
155 Florida Health Information Network, Inc., pursuant to paragraph  
156 (5)(d) and make recommendations for its continued development in  
157 a report to be submitted to the Governor, the President of the  
158 Senate, and the Speaker of the House of Representatives by June  
159 1, 2007.

160       Section 2. The sum of \$9,426,117 is appropriated from the  
161 General Revenue Fund to the Agency for Health Care  
162 Administration for the 2006-2007 fiscal year to carry out the  
163 purposes of this act.

164       Section 3. This act shall take effect July 1, 2006.