

CHAMBER ACTION

1 The Health & Families Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Florida Health Information Network,
7 Inc.; creating s. 408.064, F.S.; providing a short title
8 and purpose; requiring the Agency for Health Care
9 Administration to develop and implement a plan for the
10 formation and operation of a health information network;
11 requiring the agency to enter into a contract to implement
12 the plan; creating the Florida Health Information Network,
13 Inc., as a not-for-profit corporation; providing for a
14 board of directors and for terms thereof; providing duties
15 and responsibilities of the corporation; requiring a
16 report to the Governor and Legislature; providing
17 conditions for funding of the network; providing an
18 effective date.

19
20 WHEREAS, the cost of health care in Florida has grown
21 substantially while the demand for a more coordinated system of
22 health care has increased, and

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

31 WHEREAS, the state's health care system would benefit from
32 a reduction in the time it takes to evaluate promising medical
33 techniques, devices, and drugs and to bring the products and
34 procedures that are proven safe and effective to the health care
35 marketplace more quickly, and

36 WHEREAS, the state's public health officers require
37 effective information systems to detect, monitor, and manage
38 emerging health threats most efficiently, and

39 WHEREAS, a successful medical response to large-scale
40 disasters such as hurricanes is enhanced by effective and timely
41 access to the medical records of those needing medical care, and

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

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

58 WHEREAS, studies have shown that health information
 59 networks are more likely to succeed if they are developed,
 60 implemented, and operated by a neutral manager with broad
 61 support among health care stakeholders, and

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

72

73 Be It Enacted by the Legislature of the State of Florida:

74

75 Section 1. Section 408.064, Florida Statutes, is created
 76 to read:

77 408.064 Florida Health Information Network Act; purpose;
 78 duties.--

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

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

87 (3) The agency is responsible for promoting the
 88 development of a health information network as a public-private
 89 partnership among the state's providers, payors, consumers,
 90 employers, public health officials, medical researchers, and
 91 other health care stakeholders. The agency shall develop and
 92 implement a plan for the formation and operation of a health
 93 information network and shall contract with the Florida Health
 94 Information Network, Inc., for the purpose of implementing the
 95 plan, in conformity with the legislative intent expressed in
 96 this section, for the period July 1, 2006, through June 30,
 97 2008.

98 (4) There is created a not-for-profit corporation, to be
 99 known as the "Florida Health Information Network, Inc.," which
 100 shall be registered, incorporated, organized, and operated in
 101 compliance with chapter 617, and which shall not be a unit or
 102 agency of state government. The affairs of the not-for-profit
 103 corporation shall be managed by a board of directors who shall
 104 serve without compensation. The initial board of directors shall

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105 be the Governor's Health Information Infrastructure Advisory
106 Board which shall serve a term of 18 months. Upon expiration of
107 the terms of the initial members, members shall be appointed to
108 4-year staggered terms in accordance with s. 20.052 by majority
109 vote as provided in the bylaws of the corporation. Any vacancy
110 in office shall be filled for the remainder of the term by
111 majority vote of the members. Any member may be reappointed.

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

113 (a) Institute a statewide health information network in
114 the state by:

115 1. Devising and implementing a strategic plan for
116 infrastructure development and periodically evaluating and
117 modifying that plan.

118 2. Developing, operating, and maintaining the technical
119 infrastructure necessary to perform the functions of the network
120 consistent with the strategic plan.

121 3. Promoting an integrated approach to efforts to create a
122 secure network for communication of electronic health
123 information in the state.

124 4. Marketing the network to promote widespread use of the
125 network.

126 5. Assisting in the development and expansion of existing
127 local or regional health information networks and the creation
128 of new networks.

129 (b) Develop and implement specific programs or strategies
130 that address the creation, development, and expansion of
131 regional or local health information networks and the
132 recruitment of participants in the network.

133 (c) Specify standards among regional and local health
134 information networks and other participants in the Florida
135 Health Information Network, Inc., to promote effective statewide
136 and interstate interoperability.

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

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

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

154 (g) Take commercially reasonable measures to protect its
155 intellectual property, including obtaining patents, trademarks,
156 and copyrights where appropriate.

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

159 (6) The agency shall review the data gathered about the
160 Florida Health Information Network, Inc., pursuant to paragraph

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161 (5) (d) and make recommendations for its continued development in
162 a report to be submitted to the Governor, the President of the
163 Senate, and the Speaker of the House of Representatives by June
164 1, 2007.

165 Section 2. The Florida Health Information Network, Inc.,
166 may be funded through the General Appropriations Act and may
167 seek funding through public and private entities to accomplish
168 its goals and duties. Appropriations for the Agency for Health
169 Care Administration's Florida Health Information Network, Inc.,
170 grants program shall not be used to fund the Florida Health
171 Information Network, Inc.

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