

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 providing legislative intent; requiring the Agency for  
5 Health Care Administration to develop and implement a plan  
6 for the formation and operation of a health information  
7 network; requiring the agency to enter into a contract to  
8 implement the plan; creating the Florida Health  
9 Information Network, Inc., as a not-for-profit  
10 corporation; providing for a board of directors; providing  
11 for appointment of board members; providing for terms;  
12 providing duties and responsibilities of the corporation;  
13 requiring a report to the Governor and Legislature;  
14 providing for certain funds and assets to revert to the  
15 state upon dissolution of the network; providing  
16 conditions for funding of the network; providing an  
17 effective date.

18  
19 WHEREAS, the cost of health care in Florida has grown  
20 substantially while the demand for a more coordinated system of  
21 health care has increased, and

22 WHEREAS, with the benefit of an effective system for  
23 sharing privacy-protected medical information among authorized  
24 health care stakeholders, health care providers and consumers,  
25 aided by computerized tools that automatically analyze available  
26 health information and by combining that data with clinical  
27 logic and practice guidelines based on current, sound medical

28 science, will have access to the medical information needed to  
29 make sound decisions about health care, and

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

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

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

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

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

55 | researchers while ensuring the privacy and security of personal  
 56 | health information, and

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

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

71 |

72 | Be It Enacted by the Legislature of the State of Florida:

73 |

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

76 |       408.064 Florida Health Information Network Act; purpose;  
 77 | duties.--

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

80 |       (2) It is the intent of the Legislature that the state  
 81 | shall promote the establishment of a privacy-protected and

82 secure integrated statewide network for the communication of  
83 electronic health information among authorized parties and to  
84 foster a coordinated public-private initiative for the  
85 development and operation of Florida's health information  
86 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 a plan  
92 and performance standards for the formation and operation of a  
93 health information network and shall contract with the Florida  
94 Health Information Network, Inc., for the purpose of  
95 implementing the plan, consistent with the performance standards  
96 for the period July 1, 2006, through June 30, 2008.

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

104 (a) The Secretary of Health Care Administration or the  
105 secretary's designee.

106 (b) The Secretary of Health or the secretary's designee.

107 (c) The Secretary of Elderly Affairs or the secretary's  
108 designee.

109        (d) Twelve members from the private or public sector,  
 110 seven of whom shall be appointed by the Governor, two of whom  
 111 shall be appointed by the President of the Senate, two of whom  
 112 shall be appointed by the Speaker of the House of  
 113 Representatives, and one member who shall be appointed by the  
 114 Chief Financial Officer. Vacancies on the board shall be filled  
 115 by appointment by the Governor, the President of the Senate, the  
 116 Speaker of the House of Representatives, or the Chief Financial  
 117 Officer, respectively, depending on who appointed the member  
 118 whose vacancy is to be filled or whose term has expired. Members  
 119 shall be appointed for terms of 4 years. Any member is eligible  
 120 for reappointment. A vacancy on the board of directors shall be  
 121 filled for the remainder of the unexpired term.

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

123        (a) Institute a statewide health information network in  
 124 the state by:

125        1. Devising and implementing a strategic plan for  
 126 infrastructure development and periodically evaluating and  
 127 modifying that plan.

128        2. Developing and maintaining the technical infrastructure  
 129 necessary to perform the functions of the network consistent  
 130 with the strategic plan.

131        3. Promoting an integrated approach to efforts to create a  
 132 secure network for communication of electronic health  
 133 information in the state.

134        4. Marketing the network to promote widespread use of the  
 135 network.

136 5. Assisting in the development and expansion of existing  
137 local or regional health information networks and the creation  
138 of new networks.

139 (b) Develop and implement specific programs or strategies  
140 that address the creation, development, and expansion of  
141 regional or local health information networks and the  
142 recruitment of participants in the network.

143 (c) Specify standards among regional and local health  
144 information networks and other participants in the Florida  
145 Health Information Network, Inc., to promote effective statewide  
146 and interstate interoperability.

147 (d) Regularly assess the adoption of electronic health  
148 records systems and utilization of the statewide network by  
149 providers, consumers, public health officers, and other health  
150 care stakeholders to identify and regularly reevaluate the  
151 state's health information infrastructure strengths and  
152 weaknesses, assess opportunities to increase consumer access to  
153 the consumer's health records, and incorporate such information  
154 into its regular strategic planning process.

155 (e) Develop and enforce privacy, security, operational,  
156 and technical standards among regional and local health  
157 information networks to ensure effective statewide privacy, data  
158 security, efficiency, and interoperability across networks. The  
159 network's standards shall be guided by reference to widely  
160 adopted standards or standards accepted by recognized national  
161 standard-setting organizations.

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

164       (g) Take commercially reasonable measures to protect its  
165 intellectual property, including obtaining patents, trademarks,  
166 and copyrights where appropriate.

167       (h) Make recommendations for reform of the state's laws  
168 regarding medical records and the collection of medical records  
169 data.

170       (6) The agency shall review the data gathered about the  
171 Florida Health Information Network, Inc., pursuant to paragraph  
172 (5)(d) and make recommendations for its continued development in  
173 a report to be submitted to the Governor, the President of the  
174 Senate, and the Speaker of the House of Representatives by June  
175 1, 2007.

176       (7) Upon dissolution of the Florida Health Information  
177 Network, Inc., all assets shall revert to the state and funds  
178 shall revert to the General Revenue Fund.

179       Section 2. The Florida Health Information Network, Inc.,  
180 may be funded through the General Appropriations Act and may  
181 seek funding through public and private entities to accomplish  
182 its goals and duties. Appropriations for the Agency for Health  
183 Care Administration's Florida Health Information Network grants  
184 program shall not be used to fund the Florida Health Information  
185 Network, Inc.

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