

1 WHEREAS, the state's health care system would benefit
2 from a reduction in the time it takes to evaluate promising
3 medical techniques, devices, and drugs and to bring the
4 products and procedures that are proven safe and effective to
5 the health care marketplace more quickly, and

6 WHEREAS, the state's public health officers require
7 effective information systems to detect, monitor, and manage
8 emerging health threats most efficiently, and

9 WHEREAS, a successful medical response to large-scale
10 disasters such as hurricanes is enhanced by effective and
11 timely access to the medical records of those needing medical
12 care, and

13 WHEREAS, providing consumers with effective access to
14 their personal health information and computerized tools that
15 gather data from their medical records and assist in
16 interpreting and monitoring the data in partnership with their
17 health care providers would permit consumers to become better
18 informed and more proactive in managing their health and
19 wellness, thereby reducing utilization of and adding
20 efficiencies to the health care system, and

21 WHEREAS, it is feasible and advisable for the state to
22 implement an effective integrated health information network
23 capable of drawing together critical health information from
24 multiple sources and presenting that information to authorized
25 parties in a usable format to support sound decisions about
26 health care by providers, consumers, public health officers,
27 and researchers while ensuring the privacy and security of
28 personal health information, and

29 WHEREAS, studies have shown that health information
30 networks are more likely to succeed if they are developed,
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1 implemented, and operated by a neutral manager with broad
2 support among health care stakeholders, and

3 WHEREAS, the Legislature declares that an integrated
4 health information network is a necessary and important part
5 of effectively addressing the challenges and opportunities
6 facing the state's health care delivery system, and it is the
7 policy of the state to promote the development and
8 implementation of an integrated statewide health information
9 network to be operated by a neutral manager as a
10 public-private partnership, with reasonable oversight and
11 regulation by the state to promote the safety, security, and
12 integrity of the health information network, NOW, THEREFORE,

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

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16 Section 1. Section 408.064, Florida Statutes, is
17 created to read:

18 408.064 Florida Health Information Network Act;
19 purpose; duties.--

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

22 (2) The purpose of this section is to promote the
23 establishment of a privacy-protected and secure integrated
24 statewide network for the communication of electronic health
25 information among authorized parties and to foster a
26 coordinated public-private initiative for the development and
27 operation of Florida's health information infrastructure.

28 (3) The agency is responsible for promoting the
29 development of a health information network as a
30 public-private partnership among the state's providers,
31 payors, consumers, employers, public health officials, medical

1 researchers, and other health care stakeholders. The agency
2 shall develop and implement a plan for the formation and
3 operation of a health information network and shall contract
4 with the Florida Health Information Network, Inc., for the
5 purpose of implementing the plan, in conformity with the
6 legislative intent expressed in this section, for the period
7 July 1, 2006, through June 30, 2008.

8 (4) There is created a not-for-profit corporation, to
9 be known as the "Florida Health Information Network, Inc.,"
10 which shall be registered, incorporated, organized, and
11 operated in compliance with chapter 617, and which shall not
12 be a unit or agency of state government. The affairs of the
13 not-for-profit corporation shall be managed by a board of
14 directors who shall serve without compensation. The initial
15 board of directors shall be the Governor's Health Information
16 Infrastructure Advisory Board which shall serve a term of 18
17 months. Upon expiration of the terms of the initial members,
18 members shall be appointed to 4-year staggered terms in
19 accordance with s. 20.052 by majority vote as provided in the
20 bylaws of the corporation. Any vacancy in office shall be
21 filled for the remainder of the term by majority vote of the
22 members. Any member may be reappointed.

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

25 (a) Institute a statewide health information network
26 in the state by:

27 1. Devising and implementing a strategic plan for
28 infrastructure development and periodically evaluating and
29 modifying that plan.
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1 2. Developing, operating, and maintaining the
2 technical infrastructure necessary to perform the functions of
3 the network consistent with the strategic plan.

4 3. Promoting an integrated approach to efforts to
5 create a secure network for communication of electronic health
6 information in the state.

7 4. Marketing the network to promote widespread use of
8 the network.

9 5. Assisting in the development and expansion of
10 existing local or regional health information networks and the
11 creation of new networks.

12 (b) Develop and implement specific programs or
13 strategies that address the creation, development, and
14 expansion of regional or local health information networks and
15 the recruitment of participants in the network.

16 (c) Specify standards among regional and local health
17 information networks and other participants in the Florida
18 Health Information Network, Inc., to promote effective
19 statewide and interstate interoperability.

20 (d) Regularly assess the adoption of electronic health
21 records systems and utilization of the statewide network by
22 providers, consumers, public health officers, and other health
23 care stakeholders to identify and regularly reevaluate the
24 state's health information infrastructure strengths and
25 weaknesses, assess opportunities to increase consumer access
26 to the consumer's health records, and incorporate such
27 information into its regular strategic planning process.

28 (e) Develop and enforce privacy, security,
29 operational, and technical standards among regional and local
30 health information networks to ensure effective statewide
31 privacy, data security, efficiency, and interoperability

1 across the network. The network's standards shall be guided by
2 reference to widely adopted standards or standards accepted by
3 recognized national standard-setting organizations.

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

6 (g) Take commercially reasonable measures to protect
7 its intellectual property, including obtaining patents,
8 trademarks, and copyrights where appropriate.

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

11 (6) The agency shall review the data gathered about
12 the Florida Health Information Network, Inc., pursuant to
13 paragraph (5)(d) and make recommendations for its continued
14 development in a report to be submitted to the Governor, the
15 President of the Senate, and the Speaker of the House of
16 Representatives by June 1, 2007.

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

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