

1 A bill to be entitled
 2 An act relating to the Florida Health Information Network
 3 Corporation; creating s. 408.064, F.S.; providing a short
 4 title; providing legislative intent; requiring the Agency
 5 for Health Care Administration to develop and implement a
 6 plan for the formation and operation of a health
 7 information network; requiring the agency to contract to
 8 implement the plan; creating the Florida Health
 9 Information Network Corporation, 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 that the corporation and any boards or
 13 committees formed by the corporation are subject to public
 14 records and meetings requirements; providing duties and
 15 responsibilities of the corporation; requiring a report to
 16 the Governor and Legislature; requiring the corporation to
 17 develop a business plan and submit the plan to the
 18 Governor and Legislature; providing conditions for funding
 19 the network; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 408.064, Florida Statutes, is created
 24 to read:

25 408.064 Florida Health Information Network Act; purpose;
 26 duties.--

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

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29 (2) It is the intent of the Legislature that the state
30 shall promote the establishment of a privacy-protected, secure,
31 and integrated statewide network for the communication of
32 electronic health information among authorized parties through a
33 coordinated public-private initiative that will develop and
34 operate the state's health information infrastructure.

35 (3) The agency is responsible for promoting the
36 development of a health information network as a public-private
37 partnership among the state's providers, payors, consumers,
38 employers, public health officials, medical researchers, and
39 other health care stakeholders. The agency shall develop a plan
40 and performance standards for the formation and operation of a
41 health information network and shall contract with the Florida
42 Health Information Network Corporation to implement the plan,
43 consistent with the performance standards for the period July 1,
44 2007, through June 30, 2010.

45 (4) There is created a not-for-profit corporation, to be
46 known as the "Florida Health Information Network Corporation,"
47 which shall be registered, incorporated, organized, and operated
48 in compliance with chapter 617.

49 (a) The affairs of the corporation shall be managed by a
50 board of directors who shall serve without compensation. The
51 board of directors shall biennially elect one of its members as
52 chairperson. The board of directors shall consist of the
53 following members:

54 1. The Secretary of Health Care Administration or the
55 secretary's designee.

56 2. The Secretary of Health or the secretary's designee.

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57 3. The Secretary of Elderly Affairs or the secretary's
58 designee.

59 4. Twelve members from the private or public sector, three
60 of whom shall be appointed by the Governor, four of whom shall
61 be appointed by the President of the Senate, four of whom shall
62 be appointed by the Speaker of the House of Representatives, and
63 one member who shall be appointed by the Chief Financial
64 Officer.

65 (b) Members shall be appointed for terms of 4 years,
66 except that, for members initially appointed by the Governor,
67 one shall be appointed for a term of 1 year, one shall be
68 appointed for a term of 2 years, and one shall be appointed for
69 a term of 3 years. Any member is eligible for reappointment. A
70 vacancy on the board of directors shall be filled for the
71 remainder of the unexpired term.

72 (c) Vacancies on the board shall be filled by appointment
73 by the Governor, the President of the Senate, the Speaker of the
74 House of Representatives, or the Chief Financial Officer,
75 respectively, depending on who appointed the member whose
76 vacancy is to be filled or whose term has expired.

77 (5) The Legislature specifically declares that the
78 corporation, and the boards, advisory committees, or similar
79 groups created by the corporation, are subject to the provisions
80 of chapter 119, relating to public records, and those provisions
81 of chapter 286 relating to public meetings and records.

82 (6) The corporation shall:

83 (a) Institute a statewide health information network by:

84 1. Devising, implementing, and regularly revising a

85 strategic plan for infrastructure development.

86 2. Developing and maintaining the technical infrastructure
87 necessary to perform the functions of the network consistent
88 with the strategic plan.

89 3. Promoting an integrated approach to creating a secure
90 network for the communication of electronic health information
91 in the state.

92 4. Implementing a marketing program to promote widespread
93 use of the network.

94 5. Assisting in the development and expansion of existing
95 regional or local health information networks and the creation
96 of new networks.

97 (b) Develop and implement specific programs or strategies
98 that address the creation, development, and expansion of
99 regional or local health information networks and the
100 recruitment of participants in the network.

101 (c) Regularly assess the adoption of electronic health
102 records systems and utilization of the statewide network by
103 providers, consumers, public health officers, and other health
104 care stakeholders to identify and evaluate the strengths and
105 weaknesses of the state's health information infrastructure;
106 promote increased consumer access to consumer health records;
107 and incorporate that information into its regular strategic
108 planning process.

109 (d) Develop and enforce interoperability, operational, and
110 technical standards among regional and local health information
111 networks to ensure effective statewide efficiency and
112 interoperability across networks

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113 (e) Develop an annual budget that includes funding from
114 public and private entities, including user fees.

115 (f) Implement commercially reasonable measures to protect
116 the corporation's intellectual property, including obtaining
117 patents, trademarks, and copyrights.

118 (g) Recommend reform of state law to reduce barriers to
119 participation in the network.

120 (h) Develop and maintain the technical infrastructure
121 necessary to perform the functions of the network consistent
122 with the strategic plan, including a record locator service,
123 access control systems, secure communications, audit and
124 reporting functions, and disaster recovery of core functions.

125 (i) Develop and enforce privacy and security standards for
126 participation in the network, including uniform policies and
127 procedures regarding the confidentiality of medical records,
128 authorization requirements for health information exchange
129 within the network, and technical standards for secure data
130 transmission and storage within the network.

131 (j) Ensure the technological standards of the network are
132 in alignment with widely adopted standards or standards accepted
133 by a recognized organization that establishes national standards
134 for electronic information networks.

135 (7) The agency shall review the operation and use of the
136 network and make recommendations for its continued development
137 in a report to be submitted to the Governor and the relevant
138 committees of the Senate and the House of Representatives by
139 June 30, 2009.

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140 (8) The corporation must develop a business plan to
141 operate the network without state funding after June 30, 2010.
142 The business plan must be submitted to the Governor and the
143 relevant committees of the Senate and the House of
144 Representatives by January 2, 2009.

145 (9) The corporation must seek funding through public and
146 private entities to accomplish its goals and duties. Funds
147 appropriated for the Florida Health Information Network grants
148 program within the agency shall not be used to directly fund the
149 operation of the corporation.

150 Section 2. This act shall take effect July 1, 2007.