

By Senator Atwater

25-1294A-07

See HB

1 A bill to be entitled

2 An act relating to the Florida Health

3 Information Network, Inc.; creating s. 408.064,

4 F.S.; providing a short title; providing

5 legislative intent; requiring the Agency for

6 Health Care Administration to develop and

7 implement a plan for the formation and

8 operation of a health information network;

9 requiring the agency to enter into a contract

10 to implement the plan; creating the Florida

11 Health Information Network, Inc., as a

12 not-for-profit corporation; providing for a

13 board of directors; providing for appointment

14 and terms of board members; providing duties

15 and responsibilities of the corporation;

16 requiring a report to the Governor and

17 Legislature; providing for certain funds and

18 assets to revert to the state upon dissolution

19 of the network; providing conditions for

20 funding of the network; providing an effective

21 date.

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

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25 Section 1. Section 408.064, Florida Statutes, is

26 created to read:

27 408.064 Florida Health Information Network Act;

28 purpose; duties.--

29 (1) This section may be cited as the "Florida Health

30 Information Network Act."

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1 (2) It is the intent of the Legislature that the state
2 shall promote the establishment of a privacy-protected and
3 secure integrated statewide network for the communication of
4 electronic health information among authorized parties and to
5 foster a coordinated public-private initiative for the
6 development and operation of Florida's health information
7 infrastructure.

8 (3) The agency is responsible for promoting the
9 development of a health information network as a
10 public-private partnership among the state's providers,
11 payors, consumers, employers, public health officials, medical
12 researchers, and other health care stakeholders. The agency
13 shall develop a plan and performance standards for the
14 formation and operation of a health information network and
15 shall contract with the Florida Health Information Network,
16 Inc., for the purpose of implementing the plan, consistent
17 with the performance standards for the period July 1, 2007,
18 through June 30, 2009.

19 (4) There is created a not-for-profit corporation, to
20 be known as the "Florida Health Information Network, Inc.,"
21 which shall be registered, incorporated, organized, and
22 operated in compliance with chapter 617. The affairs of the
23 not-for-profit corporation shall be managed by a board of
24 directors who shall serve without compensation. The board of
25 directors shall consist of the following members:

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

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

30 (c) The Secretary of Elderly Affairs or the
31 secretary's designee.

1 (d) Twelve members from the private or public sector,
2 seven of whom shall be appointed by the Governor, two of whom
3 shall be appointed by the President of the Senate, two of whom
4 shall be appointed by the Speaker of the House of
5 Representatives, and one of whom shall be appointed by the
6 Chief Financial Officer. Vacancies on the board shall be
7 filled by appointment by the Governor, the President of the
8 Senate, the Speaker of the House of Representatives, or the
9 Chief Financial Officer, respectively, depending on who
10 appointed the member whose vacancy is to be filled or whose
11 term has expired. Members shall be appointed for terms of 4
12 years. Any member is eligible for reappointment. A vacancy on
13 the board of directors shall be filled for the remainder of
14 the unexpired term.

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

17 (a) Institute a statewide health information network
18 in the state by:

19 1. Devising and implementing a strategic plan for
20 infrastructure development and periodically evaluating and
21 modifying that plan.

22 2. Developing and maintaining the technical
23 infrastructure necessary to perform the functions of the
24 network consistent with the strategic plan.

25 3. Promoting an integrated approach to efforts to
26 create a secure network for communication of electronic health
27 information in the state.

28 4. Marketing the network to promote widespread use of
29 the network.

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1 5. Assisting in the development and expansion of
2 existing local or regional health information networks and the
3 creation of new networks.

4 (b) Develop and implement specific programs or
5 strategies that address the creation, development, and
6 expansion of regional or local health information networks and
7 the recruitment of participants in the network.

8 (c) Specify standards among regional and local health
9 information networks and other participants in the Florida
10 Health Information Network, Inc., to promote effective
11 statewide and interstate interoperability.

12 (d) Regularly assess the adoption of electronic health
13 records systems and utilization of the statewide network by
14 providers, consumers, public health officers, and other health
15 care stakeholders to identify and regularly reevaluate the
16 state's health information infrastructure strengths and
17 weaknesses, assess opportunities to increase consumer access
18 to the consumer's health records, and incorporate such
19 information into its regular strategic planning process.

20 (e) Develop and enforce privacy, security,
21 operational, and technical standards among regional and local
22 health information networks to ensure effective statewide
23 privacy, data security, efficiency, and interoperability
24 across networks. The network's standards shall be guided by
25 reference to widely adopted standards or standards accepted by
26 recognized national standard-setting organizations.

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

29 (g) Take commercially reasonable measures to protect
30 its intellectual property, including obtaining patents,
31 trademarks, and copyrights where appropriate.

1 (h) Make recommendations for reform of the state's
2 laws regarding medical records and the collection of medical
3 records data.

4 (6) The agency shall review the data gathered about
5 the Florida Health Information Network, Inc., pursuant to
6 paragraph (5)(d) and make recommendations for its continued
7 development in a report to be submitted to the Governor, the
8 President of the Senate, and the Speaker of the House of
9 Representatives by June 1, 2008.

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

13 Section 2. The Florida Health Information Network,
14 Inc., may be funded through the General Appropriations Act and
15 may seek funding through public and private entities to
16 accomplish its goals and duties. Appropriations for the Agency
17 for Health Care Administration's Florida Health Information
18 Network grants program shall not be used to fund the Florida
19 Health Information Network, Inc.

20 Section 3. This act shall take effect July 1, 2007.
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