

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Hudson offered the following:

2

3 **Amendment to Amendment (803594) (with title amendment)**

4 Remove lines 5-289 and insert:

5 Section 1. Subsection (7) and paragraph (h) of subsection

6 (8) of section 408.05, Florida Statutes, are amended to read:

7 408.05 Florida Center for Health Information and Policy

8 Analysis.—

9 (7) BUDGET; FEES.—

10 ~~(a) The Legislature intends that funding for the Florida~~

11 ~~Center for Health Information and Policy Analysis be~~

12 ~~appropriated from the General Revenue Fund.~~

13 (a) ~~(b)~~ The Florida Center for Health Information and
14 Policy Analysis may apply for and receive and accept grants,
15 gifts, and other payments, including property and services, from
16 any governmental or other public or private entity or person and
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17 make arrangements as to the use of same, including the
18 undertaking of special studies and other projects relating to
19 health-care-related topics. ~~Funds obtained pursuant to this~~
20 ~~paragraph may not be used to offset annual appropriations from~~
21 ~~the General Revenue Fund.~~

22 ~~(b)(e)~~ The center may charge such reasonable fees for
23 services as the agency prescribes by rule. The established fees
24 may not exceed the reasonable cost for such services. ~~Fees~~
25 ~~collected may not be used to offset annual appropriations from~~
26 ~~the General Revenue Fund.~~

27 (8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY
28 COUNCIL.—

29 (h) The council's duties and responsibilities include, but
30 are not limited to, ~~the following:~~

31 1. Developing ~~To develop~~ a mission statement, goals, and a
32 plan of action for the identification, collection,
33 standardization, sharing, and coordination of health-related
34 data across federal, state, and local government and private
35 sector entities.

36 2. Developing the agency's strategic plan for the adoption
37 and use of electronic health records, as specified in s.
38 408.062(5).

39 ~~3.2.~~ Developing ~~To develop~~ a review process that ensures
40 ~~to ensure~~ cooperative planning among agencies that collect or
41 maintain health-related data.

42 ~~4.3.~~ Establishing ~~To create~~ ad hoc, issue-oriented
43 technical workgroups as needed ~~on an as-needed basis~~ to make
44 recommendations to the council.

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45 Section 2. Subsection (2) of section 408.051, Florida
46 Statutes, is amended to read:

47 408.051 Florida Electronic Health Records Exchange Act.—

48 (2) DEFINITIONS.—As used in this section and ss. 408.0512-
49 408.0514, the term:

50 (a) "Agency" means the Agency for Health Care
51 Administration.

52 (b) ~~(e)~~ "Certified electronic health record technology"
53 means a qualified electronic health record that is certified
54 pursuant to s. 3001(c)(5) of the Public Health Service Act as
55 meeting standards adopted under s. 3004 of that ~~such~~ act which
56 are applicable to the type of record involved, such as an
57 ambulatory electronic health record for office-based physicians
58 or an inpatient hospital electronic health record for hospitals.

59 (c) ~~(a)~~ "Electronic health record" means a record of an
60 individual's ~~a person's~~ medical treatment which is created by a
61 licensed health care provider and stored in an interoperable and
62 accessible digital format.

63 (d) "Health record" means any information, recorded in any
64 form or medium, which relates to the past, present, or future
65 health of an individual for the primary purpose of providing
66 health care and health-related services.

67 (e) "Identifiable health record" means a ~~any~~ health record
68 that identifies the patient or for ~~with respect to~~ which there
69 is a reasonable basis to believe the information can be used to
70 identify the patient.

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71 (f) "Patient" means an individual who has sought, is
72 seeking, is undergoing, or has undergone care or treatment in a
73 health care facility or by a health care provider.

74 (g) "Patient representative" means a parent of a minor
75 patient, a court-appointed guardian for the patient, a health
76 care surrogate, or a person holding a power of attorney or
77 notarized consent appropriately executed by the patient granting
78 permission for ~~to~~ a health care facility or health care provider
79 to disclose the patient's health care information to that
80 person. In the case of a deceased patient, the term also means
81 the personal representative of the estate of the deceased
82 patient; the deceased patient's surviving spouse, surviving
83 parent, or surviving adult child; the parent or guardian of a
84 surviving minor child of the deceased patient; the attorney for
85 the patient's surviving spouse, parent, or adult child; or the
86 attorney for the parent or guardian of a surviving minor child.

87 (h) ~~(b)~~ "Qualified electronic health record" means an
88 electronic record of health-related information concerning an
89 individual which includes patient demographic and clinical
90 health information, such as medical history and problem lists,
91 and which has the capacity to provide clinical decision support,
92 to support physician order entry, to capture and query
93 information relevant to health care quality, and to exchange
94 electronic health information with, and integrate such
95 information from, other sources.

96 Section 3. Section 408.0514, Florida Statutes, is created
97 to read:

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98 408.0514 Regional extension centers.—The agency shall
99 coordinate with federally funded regional extension centers
100 operating in this state to increase provider readiness in
101 implementing the use of electronic health records in order to
102 enable provider participation in health information exchange and
103 electronic prescribing, including, but not limited to, readiness
104 to prepare, use, and report performance measures required to
105 qualify for federal and state electronic health record adoption
106 incentive programs.

107 Section 4. Paragraph (a) of subsection (1) of section
108 408.061, Florida Statutes, is amended to read:

109 408.061 Data collection; uniform systems of financial
110 reporting; information relating to physician charges;
111 confidential information; immunity.—

112 (1) The agency shall require the submission by health care
113 facilities, health care providers, and health insurers of data
114 necessary to carry out the agency's duties. Specifications for
115 data to be collected under this section shall be developed by
116 the agency with the assistance of technical advisory panels
117 including representatives of affected entities, consumers,
118 purchasers, and such other interested parties as may be
119 determined by the agency.

120 (a) Data submitted by health care facilities, including
121 ~~the~~ facilities as defined in chapter 395, must ~~shall~~ include,
122 but is ~~are~~ not limited to: case-mix data;; patient admission and
123 discharge data;; hospital emergency department data,; which
124 includes ~~shall include~~ the number of patients treated in the
125 hospital's emergency department and ~~of a licensed hospital~~

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126 reported by patient acuity level;~~;~~ data on hospital-acquired
127 infections as specified by rule;~~;~~ data on complications as
128 specified by rule;~~;~~ data on readmissions as specified by rule,
129 which includes ~~with~~ patient and provider-specific identifiers;
130 ~~included,~~ actual charge data by diagnostic groups;~~;~~ financial
131 data;~~;~~ accounting data;~~;~~ operating expenses;~~;~~ expenses incurred
132 for rendering services to patients who cannot or do not pay;~~;~~
133 interest charges;~~;~~ depreciation expenses based on the expected
134 useful life of the property and equipment involved;~~;~~ and
135 demographic data. The agency shall adopt nationally recognized
136 risk adjustment methodologies or software consistent with the
137 standards of the Agency for Healthcare Research and Quality and
138 as selected by the agency for all data submitted under ~~as~~
139 ~~required by~~ this section. Data may be obtained from documents
140 such as, but not limited to: leases, contracts, debt
141 instruments, itemized patient bills, medical record abstracts,
142 and related diagnostic information. Reported data elements shall
143 be reported electronically, and ~~in accordance with rule 59E-~~
144 ~~7.012, Florida Administrative Code. Data submitted shall be~~
145 ~~certified by~~ the chief executive officer or an appropriate and
146 duly authorized representative or employee of the licensed
147 facility must certify that the information submitted is true and
148 accurate.

149 Section 5. Subsections (3) and (4) of section 408.0611,
150 Florida Statutes, are amended to read:

151 408.0611 Electronic prescribing clearinghouse.—

152 (3) The agency shall work in collaboration with private
153 sector electronic prescribing initiatives and relevant

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154 stakeholders to create a clearinghouse of information on
155 electronic prescribing for health care practitioners, health
156 care facilities, regional health information organizations,
157 health care consumers, and pharmacies, and regional extension
158 centers that promote adoption of electronic health records.

159 ~~These stakeholders shall include organizations that represent~~
160 ~~health care practitioners, organizations that represent health~~
161 ~~care facilities, organizations that represent pharmacies,~~
162 ~~organizations that operate electronic prescribing networks,~~
163 ~~organizations that create electronic prescribing products, and~~
164 ~~regional health information organizations.~~ Specifically, the
165 agency shall, ~~by October 1, 2007:~~

166 (a) Provide on its website:

167 1. Information regarding the process of electronic
168 prescribing and the availability of electronic prescribing
169 products, including no-cost or low-cost products;

170 2. Information regarding the advantages of electronic
171 prescribing, including using medication history data to prevent
172 drug interactions, prevent allergic reactions, and deter doctor
173 and pharmacy shopping for controlled substances;

174 3. Links to federal and private sector websites that
175 provide guidance on selecting an appropriate electronic
176 prescribing product; and

177 4. Links to state, federal, and private sector incentive
178 programs for the implementation of electronic prescribing.

179 (b) Convene quarterly meetings of the State Consumer
180 Health Information and Policy Advisory Council or a workgroup
181 representing electronic prescribing and other health information

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182 technology stakeholders to assess and accelerate the
183 implementation of electronic prescribing.

184 (4) Pursuant to s. 408.061, the agency shall monitor the
185 implementation of electronic prescribing by health care
186 practitioners, health care facilities, and pharmacies. By
187 January 31 of each year, the agency shall report metrics on the
188 ~~progress of~~ implementation of electronic prescribing on the
189 agency's Internet website ~~to the Governor and the Legislature.~~
190 The information reported must ~~pursuant to this subsection~~ shall
191 include federal and private sector electronic prescribing
192 initiatives and, to the extent that data is readily available
193 from organizations that operate electronic prescribing networks,
194 the number of health care practitioners using electronic
195 prescribing and the number of prescriptions electronically
196 transmitted.

197 Section 6. Paragraph (e) of subsection (1) of section
198 408.062, Florida Statutes, is amended to read:

199 408.062 Research, analyses, studies, and reports.—

200 (1) The agency shall conduct research, analyses, and
201 studies relating to health care costs and access to and quality
202 of health care services as access and quality are affected by
203 changes in health care costs. Such research, analyses, and
204 studies shall include, but not be limited to:

205 (e) Total health care expenditures in the state according
206 to the sources of payment and the type of expenditure shall be
207 published on the agency's Internet website.

208 Section 7. Subsections (5) and (6) of section 408.063,
209 Florida Statutes, are amended to read:

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408.063 Dissemination of health care information.—

~~(5) The agency shall publish annually a comprehensive report of state health expenditures. The report shall identify:~~

~~(a) The contribution of health care dollars made by all payors.~~

~~(b) The dollars expended by type of health care service in Florida.~~

(5) ~~(6)~~ The staff of the Agency staff may conduct or sponsor consumer information and education seminars at locations throughout the state and ~~may~~ hold public hearings to solicit consumer concerns or complaints relating to health care costs and make recommendations to the agency for study, action, or investigation.

T I T L E A M E N D M E N T

Remove lines 295-350 and insert:

An act relating to electronic health information; amending s. 408.05, F.S.; removing a statement of legislative intent; removing certain restrictions on the use of certain funds and fees received by the Florida Center for Health Information and Policy Analysis; requiring the State Consumer Health Information and Policy Advisory Council to develop the Agency for Health Care Administration's strategic plan relating to electronic health records; amending s. 408.051, F.S.; defining the term "agency"; creating s. 408.0514, F.S.; requiring the agency to coordinate with regional extension centers to

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238 implement the use of electronic health records; amending
239 s. 408.061, F.S.; deleting a reference to an
240 administrative rule relating to certain data reported by
241 health care facilities; amending s. 408.0611, F.S.;
242 revising provisions relating to a clearinghouse on
243 information on electronic prescribing; requiring the State
244 Consumer Health Information and Policy Advisory Council or
245 a workgroup representing electronic prescribing and other
246 health information technology stakeholders to participate
247 in quarterly meetings on the implementation of electronic
248 prescribing; requiring the agency to provide a report on
249 the agency's Internet website; amending s. 408.062, F.S.;
250 requiring the agency to post certain information on health
251 care expenditures on the agency's Internet website;
252 amending s. 408.063, F.S.; deleting the requirement that
253 the agency annually publish a report on state health
254 expenditures; providing an effective date.

255

256 WHEREAS, the use of electronic health information
257 technology has improved the quality of health care, and

258 WHEREAS, coordinating federally funded training and
259 outreach activities with a state-based health information
260 technology program will advance the adoption and meaningful use
261 of electronic health records, and

262 WHEREAS, the Agency for Health Care Administration is
263 responsible for developing a strategy for the implementation of
264 an electronic health information network in this state, NOW,

265 THEREFORE,

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