

HB 911

2010

1 A bill to be entitled
2 An act relating to electronic health information; amending
3 s. 408.05, F.S.; requiring the State Consumer Health
4 Information and Policy Advisory Council to develop the
5 Agency for Health Care Administration's strategic plan
6 relating to electronic health records; amending s.
7 408.051, F.S.; defining the terms "agency" and "health
8 information exchange participation agreement"; creating s.
9 408.0513, F.S.; requiring the agency to develop uniform
10 elements of a Florida Health Information Exchange
11 Participation Agreement for use by health care providers;
12 requiring the agency to post the agreement on the agency's
13 Internet website; providing for immunity from civil
14 liability for accessing or releasing certain health
15 records; providing that health care providers are not
16 required to incorporate the uniform elements of the
17 agreement; creating s. 408.0514, F.S.; requiring the
18 agency to coordinate with regional extension centers to
19 implement the use of electronic health records;
20 authorizing the agency to establish guidelines for center
21 services and state Medicaid participation and use of such
22 services; amending s. 408.061, F.S.; deleting a reference
23 to an administrative rule relating to certain data
24 reported by health care facilities; amending s. 408.0611,
25 F.S.; revising provisions relating to a clearinghouse on
26 information on electronic prescribing; requiring the State
27 Consumer Health Information and Policy Advisory Council or
28 a workgroup representing electronic prescribing and other

HB 911

2010

29 health information technology stakeholders to participate
 30 in quarterly meetings on the implementation of electronic
 31 prescribing; requiring the agency to provide a report on
 32 the agency's Internet website; amending s. 408.062, F.S.;
 33 requiring the agency to post certain information on health
 34 care expenditures on the agency's Internet website;
 35 amending s. 408.063, F.S.; deleting the requirement that
 36 the agency annually publish a report on state health
 37 expenditures; providing an effective date.

38
 39 WHEREAS, the use of electronic health information
 40 technology has improved the quality of health care, and

41 WHEREAS, coordinating federally funded training and
 42 outreach activities with a state-based health information
 43 technology program will advance the adoption and meaningful use
 44 of electronic health records, and

45 WHEREAS, the Agency for Health Care Administration is
 46 responsible for developing a strategy for the implementation of
 47 an electronic health information network in this state, NOW,
 48 THEREFORE,

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Paragraph (h) of subsection (8) of section
 53 408.05, Florida Statutes, is amended to read:

54 408.05 Florida Center for Health Information and Policy
 55 Analysis.—

56 (8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY

HB 911

2010

57 COUNCIL.—

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

60 1. Developing ~~To develop~~ a mission statement, goals, and a
 61 plan of action for the identification, collection,
 62 standardization, sharing, and coordination of health-related
 63 data across federal, state, and local government and private
 64 sector entities.

65 2. Developing the agency's strategic plan for the adoption
 66 and use of electronic health records, as specified in s.
 67 408.062(5).

68 ~~3.2.~~ Developing ~~To develop~~ a review process that ensures
 69 ~~to ensure~~ cooperative planning among agencies that collect or
 70 maintain health-related data.

71 ~~4.3.~~ Establishing ~~To create~~ ad hoc, issue-oriented
 72 technical workgroups as needed ~~on an as-needed basis~~ to make
 73 recommendations to the council.

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

76 408.051 Florida Electronic Health Records Exchange Act.—

77 (2) DEFINITIONS.—As used in this section and ss. 408.0512-
 78 408.0514, the term:

79 (a) "Agency" means the Agency for Health Care
 80 Administration.

81 ~~(b)(e)~~ "Certified electronic health record technology"
 82 means a qualified electronic health record that is certified
 83 pursuant to s. 3001(c)(5) of the Public Health Service Act as
 84 meeting standards adopted under s. 3004 of that ~~such~~ act which

HB 911

2010

85 are applicable to the type of record involved, such as an
86 ambulatory electronic health record for office-based physicians
87 or an inpatient hospital electronic health record for hospitals.

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

92 (d) "Health information exchange participation agreement"
93 means a comprehensive, multiparty trust agreement that can be
94 used by health care providers and other organizations, both
95 public and private, that wish to participate in a health
96 information exchange network. The agreement provides the legal
97 framework that governs participation in the network by requiring
98 the signatories to abide by a common set of terms and conditions
99 to support the secure, interoperable exchange of health care
100 data among authorized participants.

101 (e)~~(d)~~ "Health record" means any information, recorded in
102 any form or medium, which relates to the past, present, or
103 future health of an individual for the primary purpose of
104 providing health care and health-related services.

105 (f)~~(e)~~ "Identifiable health record" means a ~~any~~ health
106 record that identifies the patient or for ~~with respect to~~ which
107 there is a reasonable basis to believe the information can be
108 used to identify the patient.

109 (g)~~(f)~~ "Patient" means an individual who has sought, is
110 seeking, is undergoing, or has undergone care or treatment in a
111 health care facility or by a health care provider.

112 (h)~~(g)~~ "Patient representative" means a parent of a minor

HB 911

2010

113 patient, a court-appointed guardian for the patient, a health
 114 care surrogate, or a person holding a power of attorney or
 115 notarized consent appropriately executed by the patient granting
 116 permission for ~~to~~ a health care facility or health care provider
 117 to disclose the patient's health care information to that
 118 person. In the case of a deceased patient, the term also means
 119 the personal representative of the estate of the deceased
 120 patient; the deceased patient's surviving spouse, surviving
 121 parent, or surviving adult child; the parent or guardian of a
 122 surviving minor child of the deceased patient; the attorney for
 123 the patient's surviving spouse, parent, or adult child; or the
 124 attorney for the parent or guardian of a surviving minor child.

125 ~~(i)-(b)~~ "Qualified electronic health record" means an
 126 electronic record of health-related information concerning an
 127 individual which includes patient demographic and clinical
 128 health information, such as medical history and problem lists,
 129 and which has the capacity to provide clinical decision support,
 130 to support physician order entry, to capture and query
 131 information relevant to health care quality, and to exchange
 132 electronic health information with, and integrate such
 133 information from, other sources.

134 Section 3. Section 408.0513, Florida Statutes, is created
 135 to read:

136 408.0513 Florida Health Information Exchange Participation
 137 Agreement.—

138 (1) By July 1, 2011, the agency shall identify and
 139 describe elements of a Florida Health Information Exchange
 140 Participation Agreement (or Florida HIE Participation Agreement)

HB 911

2010

141 for use by health care providers in the state which specifies
 142 the terms and conditions for the exchange of health information.

143 (2) The agency shall adopt by rule the elements for a
 144 Florida HIE Participation Agreement and make the uniform
 145 elements available on the agency's Internet website, pursuant to
 146 s. 408.05. The elements of the agreement must include a
 147 requirement to use the universal patient authorization form, as
 148 provided in s. 408.051(4), when such form is adopted by rule.

149 (3) A health care provider that participates in the
 150 exchange of health information in reliance on a Florida HIE
 151 Participation Agreement containing all of the uniform elements
 152 does not violate any right of confidentiality and is immune from
 153 civil liability for accessing or releasing an identifiable
 154 health record under the agreement.

155 (4) A health care provider is not required under this
 156 section to incorporate one or more of the uniform elements
 157 adopted and distributed by the agency in a Florida HIE
 158 Participation Agreement.

159 Section 4. Section 408.0514, Florida Statutes, is created
 160 to read:

161 408.0514 Regional extension centers.—

162 (1) The agency shall coordinate with federally funded
 163 regional extension centers operating in this state to increase
 164 provider readiness in implementing the use of electronic health
 165 records in order to enable provider participation in health
 166 information exchange and electronic prescribing, including, but
 167 not limited to, readiness to prepare, use, and report

168 performance measures required to qualify for federal and state
 169 electronic health record adoption incentive programs.

170 (2) The agency may establish guidelines for services
 171 provided to Medicaid providers by regional extension centers and
 172 conditions for state Medicaid participation and use of such
 173 services.

174 Section 5. Paragraph (a) of subsection (1) of section
 175 408.061, Florida Statutes, is amended to read:

176 408.061 Data collection; uniform systems of financial
 177 reporting; information relating to physician charges;
 178 confidential information; immunity.—

179 (1) The agency shall require the submission by health care
 180 facilities, health care providers, and health insurers of data
 181 necessary to carry out the agency's duties. Specifications for
 182 data to be collected under this section shall be developed by
 183 the agency with the assistance of technical advisory panels
 184 including representatives of affected entities, consumers,
 185 purchasers, and such other interested parties as may be
 186 determined by the agency.

187 (a) Data submitted by health care facilities, including
 188 ~~the~~ facilities as defined in chapter 395, must ~~shall~~ include,
 189 but is ~~are~~ not limited to: case-mix data;; patient admission and
 190 discharge data;; hospital emergency department data, which
 191 includes ~~shall include~~ the number of patients treated in the
 192 hospital's emergency department and ~~of a licensed hospital~~
 193 reported by patient acuity level;; data on hospital-acquired
 194 infections as specified by rule;; data on complications as
 195 specified by rule;; data on readmissions as specified by rule,

196 which includes ~~with~~ patient and provider-specific identifiers;
 197 ~~included,~~ actual charge data by diagnostic groups;~~;~~ financial
 198 data;~~;~~ accounting data;~~;~~ operating expenses;~~;~~ expenses incurred
 199 for rendering services to patients who cannot or do not pay;~~;~~
 200 interest charges;~~;~~ depreciation expenses based on the expected
 201 useful life of the property and equipment involved;~~;~~ and
 202 demographic data. The agency shall adopt nationally recognized
 203 risk adjustment methodologies or software consistent with the
 204 standards of the Agency for Healthcare Research and Quality and
 205 as selected by the agency for all data submitted under ~~as~~
 206 ~~required by~~ this section. Data may be obtained from documents
 207 such as, but not limited to: leases, contracts, debt
 208 instruments, itemized patient bills, medical record abstracts,
 209 and related diagnostic information. Reported data elements shall
 210 be reported electronically, and ~~in accordance with rule 59E-~~
 211 ~~7.012, Florida Administrative Code. Data submitted shall be~~
 212 ~~certified by~~ the chief executive officer or an appropriate and
 213 duly authorized representative or employee of the licensed
 214 facility must certify that the information submitted is true and
 215 accurate.

216 Section 6. Subsections (3) and (4) of section 408.0611,
 217 Florida Statutes, are amended to read:

218 408.0611 Electronic prescribing clearinghouse.—

219 (3) The agency shall work in collaboration with private
 220 sector electronic prescribing initiatives and relevant
 221 stakeholders to create a clearinghouse of information on
 222 electronic prescribing for health care practitioners, health
 223 care facilities, regional health information organizations,

HB 911

2010

224 health care consumers, and pharmacies, and regional extension
225 centers that promote adoption of electronic health records.
226 ~~These stakeholders shall include organizations that represent~~
227 ~~health care practitioners, organizations that represent health~~
228 ~~care facilities, organizations that represent pharmacies,~~
229 ~~organizations that operate electronic prescribing networks,~~
230 ~~organizations that create electronic prescribing products, and~~
231 ~~regional health information organizations.~~ Specifically, the
232 agency shall, ~~by October 1, 2007:~~

233 (a) Provide on its website:

234 1. Information regarding the process of electronic
235 prescribing and the availability of electronic prescribing
236 products, including no-cost or low-cost products;

237 2. Information regarding the advantages of electronic
238 prescribing, including using medication history data to prevent
239 drug interactions, prevent allergic reactions, and deter doctor
240 and pharmacy shopping for controlled substances;

241 3. Links to federal and private sector websites that
242 provide guidance on selecting an appropriate electronic
243 prescribing product; and

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

246 (b) Convene quarterly meetings of the State Consumer
247 Health Information and Policy Advisory Council or a workgroup
248 representing electronic prescribing and other health information
249 technology stakeholders to assess and accelerate the
250 implementation of electronic prescribing.

251 (4) Pursuant to s. 408.061, the agency shall monitor the

HB 911

2010

252 implementation of electronic prescribing by health care
 253 practitioners, health care facilities, and pharmacies. By
 254 January 31 of each year, the agency shall report metrics on the
 255 ~~progress of~~ implementation of electronic prescribing on the
 256 agency's Internet website ~~to the Governor and the Legislature.~~
 257 The information reported must ~~pursuant to this subsection shall~~
 258 include federal and private sector electronic prescribing
 259 initiatives and, to the extent that data is readily available
 260 from organizations that operate electronic prescribing networks,
 261 the number of health care practitioners using electronic
 262 prescribing and the number of prescriptions electronically
 263 transmitted.

264 Section 7. Paragraph (e) of subsection (1) of section
 265 408.062, Florida Statutes, is amended to read:

266 408.062 Research, analyses, studies, and reports.—

267 (1) The agency shall conduct research, analyses, and
 268 studies relating to health care costs and access to and quality
 269 of health care services as access and quality are affected by
 270 changes in health care costs. Such research, analyses, and
 271 studies shall include, but not be limited to:

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

275 Section 8. Subsections (5) and (6) of section 408.063,
 276 Florida Statutes, are amended to read:

277 408.063 Dissemination of health care information.—

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

HB 911

2010

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

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

284 (5)~~(6)~~ The ~~staff of the~~ Agency staff may conduct or
285 sponsor consumer information and education seminars at locations
286 throughout the state and ~~may~~ hold public hearings to solicit
287 consumer concerns or complaints relating to health care costs
288 and make recommendations to the agency for study, action, or
289 investigation.

290 Section 9. This act shall take effect July 1, 2010.