

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 term "agency"; creating s.
8 408.0514, F.S.; requiring the agency to coordinate with
9 regional extension centers to implement the use of
10 electronic health records; amending s. 408.061, F.S.;
11 deleting a reference to an administrative rule relating to
12 certain data reported by health care facilities; amending
13 s. 408.0611, F.S.; revising provisions relating to a
14 clearinghouse on information on electronic prescribing;
15 requiring the State Consumer Health Information and Policy
16 Advisory Council or a workgroup representing electronic
17 prescribing and other health information technology
18 stakeholders to participate in quarterly meetings on the
19 implementation of electronic prescribing; requiring the
20 agency to provide a report on the agency's Internet
21 website; amending s. 408.062, F.S.; requiring the agency
22 to post certain information on health care expenditures on
23 the agency's Internet website; amending s. 408.063, F.S.;
24 deleting the requirement that the agency annually publish
25 a report on state health expenditures; providing an
26 effective date.
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28 WHEREAS, the use of electronic health information
 29 technology has improved the quality of health care, and

30 WHEREAS, coordinating federally funded training and
 31 outreach activities with a state-based health information
 32 technology program will advance the adoption and meaningful use
 33 of electronic health records, and

34 WHEREAS, the Agency for Health Care Administration is
 35 responsible for developing a strategy for the implementation of
 36 an electronic health information network in this state, NOW,
 37 THEREFORE,

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

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 41 Section 1. Paragraph (h) of subsection (8) of section
 42 408.05, Florida Statutes, is amended to read:

43 408.05 Florida Center for Health Information and Policy
 44 Analysis.—

45 (8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY
 46 COUNCIL.—

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

49 1. Developing ~~To develop~~ a mission statement, goals, and a
 50 plan of action for the identification, collection,
 51 standardization, sharing, and coordination of health-related
 52 data across federal, state, and local government and private
 53 sector entities.

54 2. Developing the agency's strategic plan for the adoption
 55 and use of electronic health records, as specified in s.

56 | 408.062(5).

57 | ~~3.2. Developing~~ ~~To develop~~ a review process that ensures
58 | ~~to ensure~~ cooperative planning among agencies that collect or
59 | maintain health-related data.

60 | ~~4.3. Establishing~~ ~~To create~~ ad hoc, issue-oriented
61 | technical workgroups as needed ~~on an as-needed basis~~ to make
62 | recommendations to the council.

63 | Section 2. Subsection (2) of section 408.051, Florida
64 | Statutes, is amended to read:

65 | 408.051 Florida Electronic Health Records Exchange Act.—

66 | (2) DEFINITIONS.—As used in this section and ss. 408.0512-
67 | 408.0514, the term:

68 | (a) "Agency" means the Agency for Health Care
69 | Administration.

70 | (b) ~~(e)~~ "Certified electronic health record technology"
71 | means a qualified electronic health record that is certified
72 | pursuant to s. 3001(c)(5) of the Public Health Service Act as
73 | meeting standards adopted under s. 3004 of that ~~such~~ act which
74 | are applicable to the type of record involved, such as an
75 | ambulatory electronic health record for office-based physicians
76 | or an inpatient hospital electronic health record for hospitals.

77 | (c) ~~(a)~~ "Electronic health record" means a record of an
78 | individual's ~~a person's~~ medical treatment which is created by a
79 | licensed health care provider and stored in an interoperable and
80 | accessible digital format.

81 | (d) "Health record" means any information, recorded in any
82 | form or medium, which relates to the past, present, or future
83 | health of an individual for the primary purpose of providing

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84 health care and health-related services.

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

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

92 (g) "Patient representative" means a parent of a minor
93 patient, a court-appointed guardian for the patient, a health
94 care surrogate, or a person holding a power of attorney or
95 notarized consent appropriately executed by the patient granting
96 permission for ~~to~~ a health care facility or health care provider
97 to disclose the patient's health care information to that
98 person. In the case of a deceased patient, the term also means
99 the personal representative of the estate of the deceased
100 patient; the deceased patient's surviving spouse, surviving
101 parent, or surviving adult child; the parent or guardian of a
102 surviving minor child of the deceased patient; the attorney for
103 the patient's surviving spouse, parent, or adult child; or the
104 attorney for the parent or guardian of a surviving minor child.

105 (h) ~~(b)~~ "Qualified electronic health record" means an
106 electronic record of health-related information concerning an
107 individual which includes patient demographic and clinical
108 health information, such as medical history and problem lists,
109 and which has the capacity to provide clinical decision support,
110 to support physician order entry, to capture and query
111 information relevant to health care quality, and to exchange

112 | electronic health information with, and integrate such
 113 | information from, other sources.

114 | Section 3. Section 408.0514, Florida Statutes, is created
 115 | to read:

116 | 408.0514 Regional extension centers.—The agency shall
 117 | coordinate with federally funded regional extension centers
 118 | operating in this state to increase provider readiness in
 119 | implementing the use of electronic health records in order to
 120 | enable provider participation in health information exchange and
 121 | electronic prescribing, including, but not limited to, readiness
 122 | to prepare, use, and report performance measures required to
 123 | qualify for federal and state electronic health record adoption
 124 | incentive programs.

125 | Section 4. Paragraph (a) of subsection (1) of section
 126 | 408.061, Florida Statutes, is amended to read:

127 | 408.061 Data collection; uniform systems of financial
 128 | reporting; information relating to physician charges;
 129 | confidential information; immunity.—

130 | (1) The agency shall require the submission by health care
 131 | facilities, health care providers, and health insurers of data
 132 | necessary to carry out the agency's duties. Specifications for
 133 | data to be collected under this section shall be developed by
 134 | the agency with the assistance of technical advisory panels
 135 | including representatives of affected entities, consumers,
 136 | purchasers, and such other interested parties as may be
 137 | determined by the agency.

138 | (a) Data submitted by health care facilities, including
 139 | ~~the~~ facilities as defined in chapter 395, must ~~shall~~ include,

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140 but ~~is~~ are not limited to: case-mix data;; patient admission and
141 discharge data;; hospital emergency department data, which
142 includes ~~shall include~~ the number of patients treated in the
143 hospital's emergency department and ~~of a licensed hospital~~
144 reported by patient acuity level;; data on hospital-acquired
145 infections as specified by rule;; data on complications as
146 specified by rule;; data on readmissions as specified by rule,
147 which includes ~~with~~ patient and provider-specific identifiers;;
148 ~~included,~~ actual charge data by diagnostic groups;; financial
149 data;; accounting data;; operating expenses;; expenses incurred
150 for rendering services to patients who cannot or do not pay;;
151 interest charges;; depreciation expenses based on the expected
152 useful life of the property and equipment involved;; and
153 demographic data. The agency shall adopt nationally recognized
154 risk adjustment methodologies or software consistent with the
155 standards of the Agency for Healthcare Research and Quality and
156 as selected by the agency for all data submitted under ~~as~~
157 ~~required by~~ this section. Data may be obtained from documents
158 such as, but not limited to: leases, contracts, debt
159 instruments, itemized patient bills, medical record abstracts,
160 and related diagnostic information. Reported data elements shall
161 be reported electronically, and ~~in accordance with rule 59E-~~
162 ~~7.012, Florida Administrative Code. Data submitted shall be~~
163 ~~certified by~~ the chief executive officer or an appropriate and
164 duly authorized representative or employee of the licensed
165 facility must certify that the information submitted is true and
166 accurate.

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

169 408.0611 Electronic prescribing clearinghouse.—

170 (3) The agency shall work in collaboration with private
 171 sector electronic prescribing initiatives and relevant
 172 stakeholders to create a clearinghouse of information on
 173 electronic prescribing for health care practitioners, health
 174 care facilities, regional health information organizations,
 175 health care consumers, and pharmacies, and regional extension
 176 centers that promote adoption of electronic health records.
 177 ~~These stakeholders shall include organizations that represent~~
 178 ~~health care practitioners, organizations that represent health~~
 179 ~~care facilities, organizations that represent pharmacies,~~
 180 ~~organizations that operate electronic prescribing networks,~~
 181 ~~organizations that create electronic prescribing products, and~~
 182 ~~regional health information organizations.~~ Specifically, the
 183 agency shall, ~~by October 1, 2007:~~

184 (a) Provide on its website:

185 1. Information regarding the process of electronic
 186 prescribing and the availability of electronic prescribing
 187 products, including no-cost or low-cost products;

188 2. Information regarding the advantages of electronic
 189 prescribing, including using medication history data to prevent
 190 drug interactions, prevent allergic reactions, and deter doctor
 191 and pharmacy shopping for controlled substances;

192 3. Links to federal and private sector websites that
 193 provide guidance on selecting an appropriate electronic
 194 prescribing product; and

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

197 (b) Convene quarterly meetings of the State Consumer
 198 Health Information and Policy Advisory Council or a workgroup
 199 representing electronic prescribing and other health information
 200 technology stakeholders to assess and accelerate the
 201 implementation of electronic prescribing.

202 (4) Pursuant to s. 408.061, the agency shall monitor the
 203 implementation of electronic prescribing by health care
 204 practitioners, health care facilities, and pharmacies. By
 205 January 31 of each year, the agency shall report metrics on the
 206 ~~progress of~~ implementation of electronic prescribing on the
 207 agency's Internet website ~~to the Governor and the Legislature.~~
 208 The information reported must ~~pursuant to this subsection~~ shall
 209 include federal and private sector electronic prescribing
 210 initiatives and, to the extent that data is readily available
 211 from organizations that operate electronic prescribing networks,
 212 the number of health care practitioners using electronic
 213 prescribing and the number of prescriptions electronically
 214 transmitted.

215 Section 6. Paragraph (e) of subsection (1) of section
 216 408.062, Florida Statutes, is amended to read:

217 408.062 Research, analyses, studies, and reports.—

218 (1) The agency shall conduct research, analyses, and
 219 studies relating to health care costs and access to and quality
 220 of health care services as access and quality are affected by
 221 changes in health care costs. Such research, analyses, and
 222 studies shall include, but not be limited to:

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

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

228 408.063 Dissemination of health care information.—

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

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

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

235 (5)(6) ~~The staff of the Agency~~ staff may conduct or
 236 sponsor consumer information and education seminars at locations
 237 throughout the state and ~~may~~ hold public hearings to solicit
 238 consumer concerns or complaints relating to health care costs
 239 and make recommendations to the agency for study, action, or
 240 investigation.

241 Section 8. This act shall take effect July 1, 2010.