

1 A bill to be entitled
2 An act relating to electronic health information; amending
3 s. 408.05, F.S.; removing a statement of legislative
4 intent; removing certain restrictions on the use of
5 certain funds and fees received by the Florida Center for
6 Health Information and Policy Analysis; requiring the
7 State Consumer Health Information and Policy Advisory
8 Council to develop the Agency for Health Care
9 Administration's strategic plan relating to electronic
10 health records; amending s. 408.051, F.S.; defining the
11 term "agency"; creating s. 408.0514, F.S.; requiring the
12 agency to coordinate with regional extension centers to
13 implement the use of electronic health records; amending
14 s. 408.061, F.S.; deleting a reference to an
15 administrative rule relating to certain data reported by
16 health care facilities; amending s. 408.0611, F.S.;
17 revising provisions relating to a clearinghouse on
18 information on electronic prescribing; requiring the State
19 Consumer Health Information and Policy Advisory Council or
20 a workgroup representing electronic prescribing and other
21 health information technology stakeholders to participate
22 in quarterly meetings on the implementation of electronic
23 prescribing; requiring the agency to provide a report on
24 the agency's Internet website; amending s. 408.062, F.S.;
25 requiring the agency to post certain information on health
26 care expenditures on the agency's Internet website;
27 amending s. 408.063, F.S.; deleting the requirement that

28 | the agency annually publish a report on state health
 29 | expenditures; providing an effective date.

30 |
 31 | WHEREAS, the use of electronic health information
 32 | technology has improved the quality of health care, and

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

37 | WHEREAS, the Agency for Health Care Administration is
 38 | responsible for developing a strategy for the implementation of
 39 | an electronic health information network in this state, NOW,
 40 | THEREFORE,

41 |
 42 | Be It Enacted by the Legislature of the State of Florida:

43 |
 44 | Section 1. Subsection (7) and paragraph (h) of subsection
 45 | (8) of section 408.05, Florida Statutes, are amended to read:

46 | 408.05 Florida Center for Health Information and Policy
 47 | Analysis.—

48 | (7) BUDGET; FEES.—

49 | ~~(a) The Legislature intends that funding for the Florida~~
 50 | ~~Center for Health Information and Policy Analysis be~~
 51 | ~~appropriated from the General Revenue Fund.~~

52 | (a) ~~(b)~~ The Florida Center for Health Information and
 53 | Policy Analysis may apply for and receive and accept grants,
 54 | gifts, and other payments, including property and services, from
 55 | any governmental or other public or private entity or person and

56 make arrangements as to the use of same, including the
 57 undertaking of special studies and other projects relating to
 58 health-care-related topics. ~~Funds obtained pursuant to this~~
 59 ~~paragraph may not be used to offset annual appropriations from~~
 60 ~~the General Revenue Fund.~~

61 (b) ~~(e)~~ The center may charge such reasonable fees for
 62 services as the agency prescribes by rule. The established fees
 63 may not exceed the reasonable cost for such services. ~~Fees~~
 64 ~~collected may not be used to offset annual appropriations from~~
 65 ~~the General Revenue Fund.~~

66 (8) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY
 67 COUNCIL.—

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

70 1. Developing ~~To develop~~ a mission statement, goals, and a
 71 plan of action for the identification, collection,
 72 standardization, sharing, and coordination of health-related
 73 data across federal, state, and local government and private
 74 sector entities.

75 2. Developing the agency's strategic plan for the adoption
 76 and use of electronic health records, as specified in s.
 77 408.062 (5).

78 3.2. Developing ~~To develop~~ a review process that ensures
 79 ~~to ensure~~ cooperative planning among agencies that collect or
 80 maintain health-related data.

81 4.3. Establishing ~~To create~~ ad hoc, issue-oriented
 82 technical workgroups as needed ~~on an as-needed basis~~ to make
 83 recommendations to the council.

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

86 408.051 Florida Electronic Health Records Exchange Act.—

87 (2) DEFINITIONS.—As used in this section and ss. 408.0512-
 88 408.0514, the term:

89 (a) "Agency" means the Agency for Health Care
 90 Administration.

91 (b) ~~(e)~~ "Certified electronic health record technology"
 92 means a qualified electronic health record that is certified
 93 pursuant to s. 3001(c)(5) of the Public Health Service Act as
 94 meeting standards adopted under s. 3004 of that ~~such~~ act which
 95 are applicable to the type of record involved, such as an
 96 ambulatory electronic health record for office-based physicians
 97 or an inpatient hospital electronic health record for hospitals.

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

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

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

110 (f) "Patient" means an individual who has sought, is
 111 seeking, is undergoing, or has undergone care or treatment in a

112 health care facility or by a health care provider.

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

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

135 Section 3. Section 408.0514, Florida Statutes, is created
 136 to read:

137 408.0514 Regional extension centers.—The agency shall
 138 coordinate with federally funded regional extension centers
 139 operating in this state to increase provider readiness in

140 implementing the use of electronic health records in order to
 141 enable provider participation in health information exchange and
 142 electronic prescribing, including, but not limited to, readiness
 143 to prepare, use, and report performance measures required to
 144 qualify for federal and state electronic health record adoption
 145 incentive programs.

146 Section 4. Paragraph (a) of subsection (1) of section
 147 408.061, Florida Statutes, is amended to read:

148 408.061 Data collection; uniform systems of financial
 149 reporting; information relating to physician charges;
 150 confidential information; immunity.—

151 (1) The agency shall require the submission by health care
 152 facilities, health care providers, and health insurers of data
 153 necessary to carry out the agency's duties. Specifications for
 154 data to be collected under this section shall be developed by
 155 the agency with the assistance of technical advisory panels
 156 including representatives of affected entities, consumers,
 157 purchasers, and such other interested parties as may be
 158 determined by the agency.

159 (a) Data submitted by health care facilities, including
 160 ~~the~~ facilities as defined in chapter 395, must ~~shall~~ include,
 161 but is ~~are~~ not limited to: case-mix data;; patient admission and
 162 discharge data;; hospital emergency department data, which
 163 includes ~~shall include~~ the number of patients treated in the
 164 hospital's emergency department and ~~of a licensed hospital~~
 165 reported by patient acuity level;; data on hospital-acquired
 166 infections as specified by rule;; data on complications as
 167 specified by rule;; data on readmissions as specified by rule,

168 which includes ~~with~~ patient and provider-specific identifiers;
 169 ~~included,~~ actual charge data by diagnostic groups;~~;~~ financial
 170 data;~~;~~ accounting data;~~;~~ operating expenses;~~;~~ expenses incurred
 171 for rendering services to patients who cannot or do not pay;~~;~~
 172 interest charges;~~;~~ depreciation expenses based on the expected
 173 useful life of the property and equipment involved;~~;~~ and
 174 demographic data. The agency shall adopt nationally recognized
 175 risk adjustment methodologies or software consistent with the
 176 standards of the Agency for Healthcare Research and Quality and
 177 as selected by the agency for all data submitted under ~~as~~
 178 ~~required by~~ this section. Data may be obtained from documents
 179 such as, but not limited to: leases, contracts, debt
 180 instruments, itemized patient bills, medical record abstracts,
 181 and related diagnostic information. Reported data elements shall
 182 be reported electronically, and ~~in accordance with rule 59E-~~
 183 ~~7.012, Florida Administrative Code. Data submitted shall be~~
 184 ~~certified by~~ the chief executive officer or an appropriate and
 185 duly authorized representative or employee of the licensed
 186 facility must certify that the information submitted is true and
 187 accurate.

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

190 408.0611 Electronic prescribing clearinghouse.—

191 (3) The agency shall work in collaboration with private
 192 sector electronic prescribing initiatives and relevant
 193 stakeholders to create a clearinghouse of information on
 194 electronic prescribing for health care practitioners, health
 195 care facilities, regional health information organizations,

196 health care consumers, and pharmacies, and regional extension
 197 centers that promote adoption of electronic health records.
 198 ~~These stakeholders shall include organizations that represent~~
 199 ~~health care practitioners, organizations that represent health~~
 200 ~~care facilities, organizations that represent pharmacies,~~
 201 ~~organizations that operate electronic prescribing networks,~~
 202 ~~organizations that create electronic prescribing products, and~~
 203 ~~regional health information organizations.~~ Specifically, the
 204 agency shall, ~~by October 1, 2007:~~

- 205 (a) Provide on its website:
 - 206 1. Information regarding the process of electronic
 - 207 prescribing and the availability of electronic prescribing
 - 208 products, including no-cost or low-cost products;
 - 209 2. Information regarding the advantages of electronic
 - 210 prescribing, including using medication history data to prevent
 - 211 drug interactions, prevent allergic reactions, and deter doctor
 - 212 and pharmacy shopping for controlled substances;
 - 213 3. Links to federal and private sector websites that
 - 214 provide guidance on selecting an appropriate electronic
 - 215 prescribing product; and
 - 216 4. Links to state, federal, and private sector incentive
 - 217 programs for the implementation of electronic prescribing.

218 (b) Convene quarterly meetings of the State Consumer
 219 Health Information and Policy Advisory Council or a workgroup
 220 representing electronic prescribing and other health information
 221 technology stakeholders to assess and accelerate the
 222 implementation of electronic prescribing.

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

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224 implementation of electronic prescribing by health care
 225 practitioners, health care facilities, and pharmacies. By
 226 January 31 of each year, the agency shall report metrics on the
 227 ~~progress of~~ implementation of electronic prescribing on the
 228 agency's Internet website ~~to the Governor and the Legislature.~~
 229 The information reported must ~~pursuant to this subsection shall~~
 230 include federal and private sector electronic prescribing
 231 initiatives and, to the extent that data is readily available
 232 from organizations that operate electronic prescribing networks,
 233 the number of health care practitioners using electronic
 234 prescribing and the number of prescriptions electronically
 235 transmitted.

236 Section 6. Paragraph (e) of subsection (1) of section
 237 408.062, Florida Statutes, is amended to read:

238 408.062 Research, analyses, studies, and reports.—

239 (1) The agency shall conduct research, analyses, and
 240 studies relating to health care costs and access to and quality
 241 of health care services as access and quality are affected by
 242 changes in health care costs. Such research, analyses, and
 243 studies shall include, but not be limited to:

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

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

249 408.063 Dissemination of health care information.—

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

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

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

256 (5)~~(6)~~ The ~~staff of the~~ Agency staff may conduct or
257 sponsor consumer information and education seminars at locations
258 throughout the state and ~~may~~ hold public hearings to solicit
259 consumer concerns or complaints relating to health care costs
260 and make recommendations to the agency for study, action, or
261 investigation.

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