

By Senator Ring

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1 A bill to be entitled
2 An act relating to electronic health information;
3 amending s. 408.05, F.S.; requiring the State Consumer
4 Health Information and Policy Advisory Council to
5 develop the Agency for Health Care Administration's
6 strategic plan relating to electronic health records;
7 amending s. 408.051, F.S.; defining the terms "agency"
8 and "enterprise integration"; creating s. 408.0513,
9 F.S.; requiring the agency to develop a uniform
10 enterprise integration agreement; creating s.
11 408.0514, F.S.; requiring the agency to coordinate
12 with regional extension centers and develop guidelines
13 for center services and Medicaid participation and use
14 of such services; amending s. 408.061, F.S.; deleting
15 a rule reference 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
19 State Consumer Health Information and Policy Advisory
20 Council to participate in quarterly meetings on the
21 implementation of electronic prescribing; amending s.
22 408.062, F.S.; revising certain requirements relating
23 to research, analyses, studies, and reports conducted
24 by the agency; amending s. 408.063, F.S.; deleting the
25 requirement that the agency annually publish a report
26 on state health expenditures; providing an effective
27 date.

28
29 WHEREAS, electronic health information technology has

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30 proven to improve the quality of health care, and

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

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

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

41
42 Section 1. Paragraph (h) of subsection (8) of section
43 408.05, Florida Statutes, is amended to read:

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

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

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

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

55 2. Developing the agency's strategic plan for the adoption
56 and use of electronic health records, as specified in s.
57 408.062(5).

58 3.2. ~~Developing~~ ~~To develop~~ a review process that ensures ~~to~~

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59 ~~ensure~~ cooperative planning among agencies that collect or
60 maintain health-related data.

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

64 Section 2. Subsection (2) of section 408.051, Florida
65 Statutes, is reordered and amended to read:

66 408.051 Florida Electronic Health Records Exchange Act.—

67 (2) DEFINITIONS.—As used in this section and ss. 408.0512-
68 408.0514, the term:

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

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

75 (d) "Enterprise integration" means the electronic linkage
76 of health care providers, health plans, governmental entities,
77 and other interested parties in order to enable the electronic
78 exchange and use of health information among all components of
79 the health care infrastructure in accordance with applicable
80 law. The term includes related application protocols and other
81 related standards.

82 (i) ~~(b)~~ "Qualified electronic health record" means an
83 electronic record of health-related information concerning an
84 individual which includes patient demographic and clinical
85 health information, such as medical history and problem lists,
86 and which has the capacity to provide clinical decision support,
87 to support physician order entry, to capture and query

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88 information relevant to health care quality, and to exchange
89 electronic health information with, and integrate such
90 information from, other sources.

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

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

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

109 (h)~~(g)~~ "Patient representative" means a parent of a minor
110 patient, a court-appointed guardian for the patient, a health
111 care surrogate, or a person holding a power of attorney or
112 notarized consent appropriately executed by the patient granting
113 permission for ~~to~~ a health care facility or health care provider
114 to disclose the patient's health care information to that
115 person. In the case of a deceased patient, the term also means
116 the personal representative of the estate of the deceased

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117 patient; the deceased patient's surviving spouse, surviving
118 parent, or surviving adult child; the parent or guardian of a
119 surviving minor child of the deceased patient; the attorney for
120 the patient's surviving spouse, parent, or adult child; or the
121 attorney for the parent or guardian of a surviving minor child.

122 Section 3. Section 408.0513, Florida Statutes, is created
123 to read:

124 408.0513 Uniform enterprise integration agreement.—By July
125 1, 2011, the agency shall develop a uniform enterprise
126 integration agreement for use by health care providers in
127 specifying the terms and conditions of enterprise integration.

128 (1) The agreement must include a requirement to use the
129 patient authorization form adopted by rule pursuant to s.
130 408.051(4).

131 (2) The agency shall adopt the enterprise integration
132 agreement by rule and make the agreement available on the
133 agency's website pursuant to s. 408.05.

134 (3) A health care provider that participates in enterprise
135 integration in reliance on the enterprise integration agreement
136 does not violate any right of confidentiality and is immune from
137 civil liability for accessing or releasing an identifiable
138 health record under this subsection.

139 (4) A health care provider is not required to use the
140 enterprise integration agreement.

141 Section 4. Section 408.0514, Florida Statutes, is created
142 to read:

143 408.0514 Regional extension centers.—

144 (1) The agency shall coordinate with federally funded,
145 regional extension centers operating in this state to increase

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146 provider readiness in implementing the use of electronic health
147 records in order to enable provider participation in enterprise
148 integration and electronic prescribing, including readiness to
149 prepare, use, and report performance measures required for
150 qualifying for federal and state electronic health-record-
151 adoption incentive programs.

152 (2) The agency may establish guidelines for services
153 provided by Medicaid regional extension centers and conditions
154 for state Medicaid participation and use of such services.

155 Section 5. Paragraph (a) of subsection (1) of section
156 408.061, Florida Statutes, is amended to read:

157 408.061 Data collection; uniform systems of financial
158 reporting; information relating to physician charges;
159 confidential information; immunity.—

160 (1) The agency shall require the submission by health care
161 facilities, health care providers, and health insurers of data
162 necessary to carry out the agency's duties. Specifications for
163 data to be collected under this section shall be developed by
164 the agency with the assistance of technical advisory panels
165 including representatives of affected entities, consumers,
166 purchasers, and such other interested parties as may be
167 determined by the agency.

168 (a) Data submitted by health care facilities, including ~~the~~
169 facilities as defined in chapter 395, must ~~shall~~ include, but is
170 ~~are~~ not limited to: case-mix data;; patient admission and
171 discharge data;; hospital emergency department data, which
172 includes ~~shall include~~ the number of patients treated in the
173 hospital's emergency department and ~~of a licensed hospital~~
174 reported by patient acuity level;; data on hospital-acquired

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175 infections as specified by rule;; data on complications as
176 specified by rule;; data on readmissions as specified by rule,
177 which includes, ~~with~~ patient and provider-specific identifiers;
178 ~~included,~~ actual charge data by diagnostic groups;; financial
179 data;; accounting data;; operating expenses;; expenses incurred
180 for rendering services to patients who cannot or do not pay;;
181 interest charges;; depreciation expenses based on the expected
182 useful life of the property and equipment involved;; and
183 demographic data. The agency shall adopt nationally recognized
184 risk adjustment methodologies or software consistent with the
185 standards of the Agency for Healthcare Research and Quality and
186 as selected by the agency for all data submitted under ~~as~~
187 ~~required by~~ this section. Data may be obtained from documents
188 such as, but not limited to: leases, contracts, debt
189 instruments, itemized patient bills, medical record abstracts,
190 and related diagnostic information. Reported data elements must
191 ~~shall~~ be reported electronically, and in accordance with rule
192 ~~59E-7.012, Florida Administrative Code. Data submitted shall be~~
193 ~~certified by~~ the chief executive officer or an appropriate and
194 duly authorized representative or employee of the licensed
195 facility must certify that the information submitted is true and
196 accurate.

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

199 408.0611 Electronic prescribing clearinghouse.—

200 (3) The Agency for Health Care Administration shall work in
201 collaboration with private sector electronic prescribing
202 initiatives and relevant stakeholders to create a clearinghouse
203 of information on electronic prescribing for health care

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204 practitioners, health care facilities, health care consumers,
205 ~~and pharmacies. These stakeholders shall include organizations~~
206 ~~that represent health care practitioners, organizations that~~
207 ~~represent health care facilities, organizations that represent~~
208 ~~pharmacies, organizations that operate electronic prescribing~~
209 ~~networks, organizations that create electronic prescribing~~
210 ~~products,~~ and regional extension centers that promote the
211 adoption of electronic health records health information
212 ~~organizations~~. Specifically, the agency shall, ~~by October 1,~~
213 ~~2007:~~

214 (a) Provide on its website:

215 1. Information regarding the process of electronic
216 prescribing and the availability of electronic prescribing
217 products, including no-cost or low-cost products;

218 2. Information regarding the advantages of electronic
219 prescribing, including using medication history data to prevent
220 drug interactions, prevent allergic reactions, and deter doctor
221 and pharmacy shopping for controlled substances;

222 3. Links to federal and private sector websites that
223 provide guidance on selecting an appropriate electronic
224 prescribing product; and

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

227 (b) Convene quarterly meetings of the State Consumer Health
228 Information and Policy Advisory Council, or a work group
229 representing e-prescribing and other health information
230 technology stakeholders, to assess and accelerate the
231 implementation of electronic prescribing.

232 (4) Pursuant to s. 408.061, the Agency for Health Care

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233 Administration shall monitor the implementation of electronic
234 prescribing by health care practitioners, health care
235 facilities, and pharmacies. By January 31 of each year, the
236 agency shall report metrics on the ~~progress of~~ implementation of
237 electronic prescribing on the agency's health information
238 network website ~~to the Governor and the Legislature. The~~
239 information reported must ~~pursuant to this subsection~~ shall
240 include federal and private sector electronic prescribing
241 initiatives and, to the extent that data is readily available
242 from organizations that operate electronic prescribing networks,
243 the number of health care practitioners using electronic
244 prescribing and the number of prescriptions electronically
245 transmitted.

246 Section 7. Paragraph (e) of subsection (1) of section
247 408.062, Florida Statutes, is amended to read:

248 408.062 Research, analyses, studies, and reports.—

249 (1) The agency shall conduct research, analyses, and
250 studies relating to health care costs and access to and quality
251 of health care services as access and quality are affected by
252 changes in health care costs. Such research, analyses, and
253 studies shall include, but not be limited to:

254 (e) Information on state Total health care expenditures,
255 expenditure trends, and comparative analysis as available ~~in the~~
256 ~~state according to the sources of payment and the type of~~
257 ~~expenditure.~~

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

260 408.063 Dissemination of health care information.—

261 ~~(5) The agency shall publish annually a comprehensive~~

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262 ~~report of state health expenditures. The report shall identify:~~

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

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

267 ~~(5)~~ (6) ~~The staff of the Agency~~ staff may conduct or sponsor
268 consumer information and education seminars at locations
269 throughout the state and ~~may~~ hold public hearings to solicit
270 consumer concerns or complaints relating to health care costs
271 and make recommendations to the agency for study, action, or
272 investigation.

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