

HB1254



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1254

Introduced 2/15/2007, by Rep. Julie Hamos

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Health Information Network Act. Requires the Department of Public Health to establish a not for profit corporation to plan the creation of a state-level network for the electronic exchange of medical patients' records among health care providers. Effective immediately.

LRB095 09220 JAM 29413 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Health Information Network Act.

6 Section 5. Establishment of the Illinois Health
7 Information Network.

8 (a) In order to advance the effective implementation and
9 use of electronic health records through public-private
10 partnerships, the Illinois Department of Public Health shall
11 establish a not-for-profit corporation, by November 1, 2007,
12 under the General Not For Profit Corporation Act of 1986 that
13 shall be known as the Illinois Health Information Network, or
14 ILHIN.

15 (b) The primary mission of ILHIN shall be the following:

16 (1) To establish a state-level health information
17 exchange to facilitate the sharing of health information
18 among health care providers within Illinois and beyond in
19 other states; and

20 (2) To foster the widespread adoption of electronic
21 health records, personal health records, and health
22 information exchange by health care providers and the
23 general public.

1 (c) ILHIN shall be governed by a board of directors as
2 specified in Section 15 of this Act, with the rights, titles,
3 powers, privileges, and obligations provided for in the General
4 Not For Profit Corporation Act of 1986.

5 (d) Subject to the availability of public or private funds,
6 the board of directors may employ an executive director, other
7 staff, or independent contractors necessary to perform its
8 duties as specified in Section 10 and to fix their
9 compensation, benefits, terms, and conditions of their
10 employment.

11 Section 10. Powers and duties of the Illinois Health
12 Information Network.

13 (a) ILHIN shall plan for the creation of a state-level
14 health information exchange using a federated model wherein
15 complete patient electronic health records are stored,
16 maintained, and updated by the treating health care provider,
17 but access to key health data is provided to other providers of
18 the patient, with patient consent, through secure
19 interoperable record locator technology; provided that ILHIN
20 may develop alternative or additional approaches to health
21 information exchange to respond to advances in technology or
22 the experiences of other states. To the extent possible,
23 technical specifications and technology adopted by ILHIN for
24 the state-level health information exchange shall have been
25 tested in another state or states.

1 (b) ILHIN shall establish minimum standards for accessing
2 the state-level health information exchange by health care
3 providers and researchers in order to ensure security and
4 confidentiality protections for patient information,
5 consistent with applicable federal and State standards. ILHIN
6 shall have the authority to suspend or terminate rights to
7 participate in the health information exchange in case of
8 non-compliance or failure to act, with respect to applicable
9 standards, in the best interests of patients, participants of
10 ILHIN, and the public.

11 (c) ILHIN shall identify barriers to the adoption of
12 electronic health record systems by health care providers,
13 including conducting, facilitating, or coordinating research
14 on the rates and patterns of dissemination and use of
15 electronic health record systems throughout the State. To
16 address gaps in statewide implementation, ILHIN may, through
17 staff or consultant support, contracts, grants, or loans, offer
18 technical assistance, training, and financial assistance, as
19 available, to health care providers, with priority given to
20 providers serving a significant percentage of uninsured
21 patients and patients in medically underserved or rural areas.

22 (d) ILHIN shall educate the general public on the benefits
23 of electronic health records, personal health records, and the
24 safeguards available to prevent disclosure of personal health
25 information.

26 (e) ILHIN may appoint or designate a federally qualified

1 institutional review board to review and approve requests for
2 research in order to ensure compliance with standards and
3 patient privacy protections as specified in subsection (b) of
4 this Section.

5 (f) ILHIN may solicit grants, loans, contributions, or
6 appropriations from public or private source and may enter into
7 any contracts, grants, loans, or agreements with respect to the
8 use of such funds to fulfill its duties under this Act. No debt
9 or obligation of ILHIN shall become the debt or obligation of
10 the State.

11 (g) ILHIN may determine, charge, and collect any fees,
12 charges, costs, and expenses from any person or provider in
13 connection with its duties under this Act.

14 (h) The Illinois Department of Public Health may authorize
15 ILHIN to collect de-identified health data from health care
16 providers in a central repository for public health purposes
17 and identified data for the use of the Department or other
18 State agencies specifically to fulfill their state
19 responsibilities. Any identified data so collected shall be
20 privileged and confidential in accordance with Sections
21 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil
22 Procedure and shall be exempt from the provisions of the
23 Freedom of Information Act.

24 (i) ILHIN shall coordinate with the Illinois Department of
25 Public Health with respect to the Governor's 2006 Executive
26 Order 8 that, among other matters, encourages all health care

1 providers to use electronic prescribing programs by 2011, to
2 evaluate areas in need of enhanced technology to support
3 e-prescribing programs, and to determine the technology needed
4 to implement e-prescribing programs.

5 Section 15. Governance of the Illinois Health Information
6 Network.

7 (a) ILHIN shall be governed by a 31-member board of
8 directors, which shall be comprised of the following:

9 (1) The Directors of Public Health and of Healthcare
10 and Family Services and the Secretary of Human Services, or
11 their designees.

12 (2) The Regional Administrator, or his or her designee,
13 of Region 5, Center for Medicare and Medicaid Services,
14 U.S. Department of Health and Human Services.

15 (3) Three hospital administrators, including one from
16 a small rural hospital.

17 (4) Five physicians, including a primary care
18 physician, a specialist, and one each from a small group
19 practice, a rural practice, and a multi-specialty clinic,
20 independent of other appointments in this Section who might
21 also be physicians.

22 (5) Three representatives of payers, including the
23 largest health insurance company serving Illinois, a large
24 commercial insurer, and a local payer.

25 (6) Two representatives of employers, including a

1 self-insured employer and an employer recommended by an
2 employer trade organization that represents a broad base of
3 employers in the State.

4 (7) Three pharmacists, including one employed by a
5 large chain, one independent pharmacist, and one employed
6 by a health care institution or a consultant pharmacist to
7 health care organizations.

8 (8) Two employees of federally qualified health
9 centers as defined in Section 1905 (1) (2) (B) of the Social
10 Security Act, one of whom is from a center in an
11 association that represents a broad base of federally
12 qualified health centers throughout the State.

13 (9) Two long-term care facility administrators,
14 including one from a facility in an organization of 5 or
15 more facilities located throughout the State and one from
16 an independently-owned facility.

17 (10) One administrator of a home health agency.

18 (11) One administrator of a mental health clinic or
19 facility.

20 (12) One administrator of a diagnostic center.

21 (13) One nurse.

22 (14) Three consumers.

23 (b) The 27 non-governmental board members shall be
24 appointed by the Governor with the consent of the Senate to
25 3-year staggered terms as determined by the Governor. Persons
26 may be nominated by generally recognized statewide

1 organizations representing hospitals, physicians, nurses,
2 consumers, third-party payers, pharmacists, federally
3 qualified health centers, long-term care facilities,
4 laboratories, mental health clinics, and home health agencies.
5 Initial nominees shall be submitted by the Governor to the
6 Senate for its consideration by no later than January 1, 2008.

7 (c) The ILHIN board of directors shall elect its presiding
8 officer from among its members and may elect or appoint an
9 executive committee, other committees, and subcommittees to
10 conduct the business of the organization.

11 Section 20. Health information systems maintained by State
12 agencies.

13 (a) By no later than January 1, 2015, each State agency
14 that implements, acquires, or upgrades health information
15 technology systems used for the direct exchange of health
16 information between agencies and with non-State entities shall
17 use health information technology systems and products that
18 meet minimum standards adopted by ILHIN for accessing the
19 state-level health information exchange.

20 (b) In order to provide ILHIN with operational capabilities
21 to assist in the development of the state-level health
22 information exchange, the Department of Public Health is
23 authorized to transfer or license the assets of the Illinois
24 Health Network to ILHIN as soon as is practicable.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.