

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 patient electronic health records are stored, maintained, and  
16 updated by the treating health care provider, but access to key  
17 health data is provided to other providers of the patient, with  
18 patient consent if the patient is able to give consent, through  
19 secure interoperable record locator technology; provided that  
20 ILHIN may develop alternative or additional approaches to  
21 health information exchange to respond to advances in  
22 technology or the experiences of other states. To the extent  
23 possible, technical specifications and technology adopted by  
24 ILHIN for the state-level health information exchange shall  
25 have been 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 and in accordance with federal law, to health care  
20 providers or associations representing health care providers,  
21 with priority given to providers serving a significant  
22 percentage of uninsured patients and patients in medically  
23 underserved or rural areas.

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

1 information.

2 (e) ILHIN may appoint or designate a federally qualified  
3 institutional review board to review and approve requests for  
4 research in order to ensure compliance with standards and  
5 patient privacy protections as specified in subsection (b) of  
6 this Section.

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

13 (g) ILHIN may determine, charge, and collect any fees,  
14 charges, costs, and expenses from any person or provider that  
15 uses the ILHIN, the health information exchange, or any  
16 electronic transaction in connection with its duties under this  
17 Act.

18 (h) The Illinois Department of Public Health may authorize  
19 ILHIN to collect de-identified health data from health care  
20 providers in a central repository for public health purposes  
21 and identified data for the use of the Department or other  
22 State agencies specifically to fulfill their state  
23 responsibilities. Any identified data so collected shall be  
24 privileged and confidential in accordance with Sections  
25 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil  
26 Procedure and shall be exempt from the provisions of the

1 Freedom of Information Act.

2 (i) The Illinois Department of Public Health may authorize  
3 ILHIN to make de-identified data available to health care  
4 providers and other organizations for the purpose of analyzing  
5 data related to health disparities, chronic illnesses, quality  
6 performance measurers, and other health care related issues.

7 (j) ILHIN shall coordinate with the Illinois Department of  
8 Public Health with respect to the Governor's 2006 Executive  
9 Order 8 that, among other matters, encourages all health care  
10 providers to use electronic prescribing programs by 2011, to  
11 evaluate areas in need of enhanced technology to support  
12 e-prescribing programs, and to determine the technology needed  
13 to implement e-prescribing programs.

14 Section 15. Governance of the Illinois Health Information  
15 Network.

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

18 (1) The Directors of Public Health and of Healthcare  
19 and Family Services and the Secretary of Human Services, or  
20 their designees.

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

24 (3) Three hospital administrators or 2 hospital  
25 administrators and a statewide hospital association

1 representative, including one hospital administrator from  
2 a small rural hospital.

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

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

11 (6) Two representatives of employers, including a  
12 self-insured employer and an employer recommended by an  
13 employer trade organization that represents a broad base of  
14 employers in the State.

15 (7) Three pharmacists, including one employed by a  
16 large chain, one independent pharmacist, and one employed  
17 by a health care institution or a consultant pharmacist to  
18 health care organizations.

19 (8) Two representatives of federally qualified health  
20 centers as defined in Section 1905 (1) (2) (B) of the Social  
21 Security Act, one of whom is from a center in an  
22 association that represents a broad base of federally  
23 qualified health centers throughout the State.

24 (9) Two long-term care facility administrators,  
25 including one from a facility in an organization of 5 or  
26 more facilities located throughout the State and one from

1 an independently-owned facility.

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

3 (11) One administrator of a mental health clinic or  
4 facility.

5 (12) One administrator of a diagnostic center.

6 (13) One nurse.

7 (14) Three consumers.

8 (b) The 27 non-governmental board members shall be  
9 appointed by the Governor with the consent of the Senate to  
10 3-year staggered terms as determined by the Governor. Persons  
11 may be nominated by generally recognized statewide  
12 organizations representing hospitals, physicians, nurses,  
13 consumers, third-party payers, pharmacists, federally  
14 qualified health centers, long-term care facilities,  
15 laboratories, mental health clinics, and home health agencies.  
16 Initial nominees shall be submitted by the Governor to the  
17 Senate for its consideration by no later than January 1, 2008.

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

22 Section 20. Health information systems maintained by State  
23 agencies.

24 (a) By no later than January 1, 2015, each State agency  
25 that implements, acquires, or upgrades health information

1 technology systems used for the direct exchange of health  
2 information between agencies and with non-State entities shall  
3 use health information technology systems and products that  
4 meet minimum standards adopted by ILHIN for accessing the  
5 state-level health information exchange.

6 (b) In order to provide ILHIN with start-up capabilities to  
7 assist in the development of the state-level health information  
8 exchange, the Department of Public Health is authorized to  
9 transfer or license the assets of a State pilot program known  
10 as the Illinois Health Network to ILHIN as soon as is  
11 practicable.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.