



State Government Administration Committee

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1 AMENDMENT TO HOUSE BILL 1254

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1254 by replacing  
3 everything after the enacting clause with the following:

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

1 exchange to facilitate the sharing of health information  
2 among health care providers within Illinois and beyond in  
3 other states; and

4 (2) To foster the widespread adoption of electronic  
5 health records, personal health records, and health  
6 information exchange by health care providers and the  
7 general public.

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

12 (d) Subject to the availability of public or private funds,  
13 the board of directors may employ an executive director, other  
14 staff, or independent contractors necessary to perform its  
15 duties as specified in Section 10 and to fix their  
16 compensation, benefits, terms, and conditions of their  
17 employment.

18 Section 10. Powers and duties of the Illinois Health  
19 Information Network.

20 (a) ILHIN shall plan for the creation of a state-level  
21 health information exchange using a federated model wherein  
22 patient electronic health records are stored, maintained, and  
23 updated by the treating health care provider, but access to key  
24 health data is provided to other providers of the patient, with  
25 patient consent if the patient is able to give consent, through

1 secure interoperable record locator technology; provided that  
2 ILHIN may develop alternative or additional approaches to  
3 health information exchange to respond to advances in  
4 technology or the experiences of other states. To the extent  
5 possible, technical specifications and technology adopted by  
6 ILHIN for the state-level health information exchange shall  
7 have been tested in another state or states.

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

18 (c) ILHIN shall identify barriers to the adoption of  
19 electronic health record systems by health care providers,  
20 including conducting, facilitating, or coordinating research  
21 on the rates and patterns of dissemination and use of  
22 electronic health record systems throughout the State. To  
23 address gaps in statewide implementation, ILHIN may, through  
24 staff or consultant support, contracts, grants, or loans, offer  
25 technical assistance, training, and financial assistance, as  
26 available and in accordance with federal law, to health care

1 providers or associations representing health care providers,  
2 with priority given to providers serving a significant  
3 percentage of uninsured patients and patients in medically  
4 underserved or rural areas.

5 (d) ILHIN shall educate the general public on the benefits  
6 of electronic health records, personal health records, and the  
7 safeguards available to prevent disclosure of personal health  
8 information.

9 (e) ILHIN may appoint or designate a federally qualified  
10 institutional review board to review and approve requests for  
11 research in order to ensure compliance with standards and  
12 patient privacy protections as specified in subsection (b) of  
13 this Section.

14 (f) ILHIN may solicit grants, loans, contributions, or  
15 appropriations from public or private source and may enter into  
16 any contracts, grants, loans, or agreements with respect to the  
17 use of such funds to fulfill its duties under this Act. No debt  
18 or obligation of ILHIN shall become the debt or obligation of  
19 the State.

20 (g) ILHIN may determine, charge, and collect any fees,  
21 charges, costs, and expenses from any person or provider that  
22 uses the ILHIN, the health information exchange, or any  
23 electronic transaction in connection with its duties under this  
24 Act.

25 (h) The Illinois Department of Public Health may authorize  
26 ILHIN to collect de-identified health data from health care

1 providers in a central repository for public health purposes  
2 and identified data for the use of the Department or other  
3 State agencies specifically to fulfill their state  
4 responsibilities. Any identified data so collected shall be  
5 privileged and confidential in accordance with Sections  
6 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil  
7 Procedure and shall be exempt from the provisions of the  
8 Freedom of Information Act.

9 (i) The Illinois Department of Public Health may authorize  
10 ILHIN to make de-identified data available to health care  
11 providers and other organizations for the purpose of analyzing  
12 data related to health disparities, chronic illnesses, quality  
13 performance measurers, and other health care related issues.

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

21 Section 15. Governance of the Illinois Health Information  
22 Network.

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

25 (1) The Directors of Public Health and of Healthcare

1 and Family Services and the Secretary of Human Services, or  
2 their designees.

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

6 (3) Three hospital administrators or 2 hospital  
7 administrators and a statewide hospital association  
8 representative, including one hospital administrator from  
9 a small rural hospital.

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

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

18 (6) Two representatives of employers, including a  
19 self-insured employer and an employer recommended by an  
20 employer trade organization that represents a broad base of  
21 employers in the State.

22 (7) Three pharmacists, including one employed by a  
23 large chain, one independent pharmacist, and one employed  
24 by a health care institution or a consultant pharmacist to  
25 health care organizations.

26 (8) Two representatives of federally qualified health

1 centers as defined in Section 1905 (1) (2) (B) of the Social  
2 Security Act, one of whom is from a center in an  
3 association that represents a broad base of federally  
4 qualified health centers throughout the State.

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

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

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

12 (12) One administrator of a diagnostic center.

13 (13) One nurse.

14 (14) Three consumers.

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

25 (c) The ILHIN board of directors shall elect its presiding  
26 officer from among its members and may elect or appoint an

1 executive committee, other committees, and subcommittees to  
2 conduct the business of the organization.

3 Section 20. Health information systems maintained by State  
4 agencies.

5 (a) By no later than January 1, 2015, each State agency  
6 that implements, acquires, or upgrades health information  
7 technology systems used for the direct exchange of health  
8 information between agencies and with non-State entities shall  
9 use health information technology systems and products that  
10 meet minimum standards adopted by ILHIN for accessing the  
11 state-level health information exchange.

12 (b) In order to provide ILHIN with start-up capabilities to  
13 assist in the development of the state-level health information  
14 exchange, the Department of Public Health is authorized to  
15 transfer or license the assets of a State pilot program known  
16 as the Illinois Health Network to ILHIN as soon as is  
17 practicable.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.".