

August 21, 2007

To the Honorable Members of the
Illinois House of Representatives
95th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 1254, entitled "AN ACT concerning State Government." with the following specific recommendations for change:

on page 1, line 7, after "Network", by inserting "Advisory Group"; and

on page 1, line 10, by replacing "Department of Public Health" with "Department of Healthcare and Family Services"; and

on page 1, line 11, by replacing "a not-for-profit corporation" with "an advisory board"; and

on page 1, line 12, by deleting "under the General Not-For-Profit Corporation Act of 1986"; and

on page 1, line 13, after "Network", by inserting "Advisory Group"; and

on page 1, line 15, after "be", by inserting "to advise the Department of Healthcare and Family Services as to" and

on page 1, line 15, after "following", by inserting "areas";

on page 1, line 16, by replacing "To establish" with "Establishing"; and

on page 1, line 20, by replacing "To foster" with "Fostering"; and

on page 2, line 1 through 10, by deleting "(c) ILHIN shall be governed by a board of directors as specified in Section 15 of this Act, with the rights, titles, powers, and privileges, and obligations provided for in the General Not For Profit Corporation Act of 1986. (d) Subject to the availability of public or private funds, the board of directors may employ an executive director, other staff, or independent contractors necessary to perform its duties as specified in Section 10 and to fix their compensation, benefits, terms, and conditions of their employment."; and

on page 2, line 11, by deleting "Powers and"; and

on page 2, line 11, by replacing "duties" with "Duties"; and

on page 2, line 13, after "shall", by inserting "assist the Department of Healthcare and Family Services in"; and

on page 2, line 13, by replacing "plan" with "planning"; and

on page 3, line 1, after "shall", by inserting "assist the Department of Healthcare and Family Services in"; and

on page 3, line 1, by replacing "establish" with "establishing"; and

on page 3, line 5 through 10, by deleting "ILHIN shall have the authority to suspend or terminate rights to participate in the health information exchange in case of non-compliance or failure to act, with respect to applicable standards, in the best interests of patients, participants of ILHIN, and the public."; and

on page 3, line 16, by replacing "ILHIN" with "the Department of Healthcare and Family Services"; and

on page 3, line 24, after "shall", by inserting "assist the Department of Healthcare and Family Services in"; and

on page 3, line 24, by replacing "educate" with "educating"; and

on page 4, line 2 through 26, by deleting "(e) ILHIN may appoint or designate a federally qualified institutional review board to review and approve requests for research in order to ensure compliance with standards and patient privacy protections as specified in subsection (b) of this Section. (f) ILHIN may solicit grants, loans, contributions, or appropriations from public or private sources and may enter into any contracts, grants, loans, or agreements with respect to the use of such funds to fulfill its duties under this Act. No debt or obligation of ILHIN shall become the debt or obligation of the State. (g) ILHIN may determine, charge, and collect any fees, charges, costs, and expenses from any person or provider that uses the ILHIN, the health information exchange, or any electronic transaction in connection with its duties under this Act. (h) The Illinois Department of Public Health may authorize ILHIN to collect de-identified health data from health care providers in a central repository for public health purposes and identified data for the use of the Department or other State agencies specifically to fulfill their state responsibilities. Any identified data so collected shall be privileged and confidential in accordance with Sections 8-2101, 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil Procedure and shall be exempt from the provisions of the"; and

on page 5, line 1, by deleting "Freedom of Information Act."; and

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

on page 5, line 7, by replacing "ILHIN" with "The Department of Healthcare and Family Services"; and

on page 5, line 14, by replacing "Governance" with "Composition"; and

on page 5, line 15, after "Network", by inserting "Advisory Group"; and

on page 5, line 16, by replacing "governed by" with "comprised of"; and

on page 5, line 16, by replacing "a 31-member" with "31 members"; and

on page 5, line 16 through 17, by deleting "board of directors"; and

on page 5, line 17, by replacing "be comprised of" with "include"; and

on page 7, line 9, by deleting "with the consent of the Senate"; and

on page 7, line 16 through 17, by deleting "Initial nominees shall be submitted by the Governor to the Senate for its consideration by no later than January 1, 2008."; and

on page 7, line 18 through 21, by deleting "(c) The ILHIN board of directors shall elect its presiding officer from among its members and may elect or appoint an executive committee, other committees, and subcommittees to conduct the business of the organization."; and

on page 7, line 24, by deleting "(a)"; and

on page 8, line 4, by replacing "adopted by ILHIN" with "established by the Department of Healthcare and Family Services"; and

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

With these changes, House Bill 1254 will have my approval. I respectfully request your concurrence.

Sincerely,

ROD R. BLAGOJEVICH
Governor