

August 24, 2009

To the Honorable Members of the Illinois Senate,  
96th General Assembly:

Today I return Senate Bill 2043 with specific recommendations for change. I thank the sponsors and the members of the General Assembly for their efforts. However, there are aspects of this bill that I must address.

Senate Bill 2043 requires three agencies—the Department of Healthcare and Family Services (HFS), the Department of Human Services (DHS), and the Department of Public Health (DPH)—to work together and share maternal and child health data for the purposes of a medical data warehouse. While I believe this is a laudable goal, during this period of unprecedented financial difficulty, we cannot create any new mandates without available revenue. Accordingly, I am conditioning this program on the availability of sufficient appropriations. Moreover, the bill is overly broad in that it requires complete access to all vital records data rather than access only to maternal and child health data. Finally, while the bill charges HFS, DHS and DPH with working together to share the data, it only requires that HFS ensure confidentiality of such data. I believe that all three agencies should operate under the same duty of confidentiality.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 2043, entitled "AN ACT concerning public aid.", with the following specific recommendations for change:

on page 4, by replacing line 10 with "(c) Subject to appropriation, the Department of Healthcare and Family Services (HFS)."; and

on page 5, by replacing line 11 through 13 with "set. By October 1, 2009, the Department of Public Health shall provide to the Department of Healthcare and Family Services for storage in the medical data warehouse maintained by the Department of Healthcare and Family Services births, birth outcomes and deaths data from the Department of Public Health vital records system as permitted by applicable federal and State law, regulations and mandates. The Department of" ; and

on page 5, by replacing lines 15 and 16 with "has been accomplished and submit it to the Governor and to the General Assembly as soon as practicable."; and

page 5, line 17 by deleting "2009."; and

on page 6, by replacing lines 21 through 26 with "contributing agency. The Department of Healthcare and Family Services, in collaboration with the Illinois Department of Public Health, the Illinois Department of Human Services, and the Division of Specialized Care for Children, shall develop measures to ensure that the interplay of the several data sets contributed to the data warehouse does not lead to the use or release of data from the data warehouse that would not otherwise be subject to use or release under State or federal law."; and

on page 6, line 26, replace "State or federal law." with "State or federal law. Notwithstanding any other provision of this Section, the Department of Public Health may modify any deadline at its discretion in the event insufficient appropriations are made available.".

With these changes, Senate Bill 2043 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN  
Governor