1 AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, 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 use of electronic health records through public-private partnerships, the Illinois Department of Public Health shall establish a not-for-profit corporation, by November 1, 2007, under the General Not For Profit Corporation Act of 1986 that shall be known as the Illinois Health Information Network, or
- 14 ILHIN.

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

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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

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.
- 11 Section 10. Powers and duties of the Illinois Health
 12 Information Network.
- (a) ILHIN shall plan for the creation of a state-level 1.3 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 health data is provided to other providers of the patient, with 17 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 22 technology or the experiences of other states. To the extent possible, technical specifications and technology adopted by 23 24 ILHIN for the state-level health information exchange shall 25 have been tested in another state or states.

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- (b) ILHIN shall establish minimum standards for accessing the state-level health information exchange by health care providers and researchers in order to ensure security and confidentiality protections for patient information, consistent with applicable federal and State standards. 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.
- ILHIN shall identify barriers to the adoption of electronic health record systems by health care providers, including conducting, facilitating, or coordinating research on the rates and patterns of dissemination and use of electronic health record systems throughout the State. address gaps in statewide implementation, ILHIN may, through staff or consultant support, contracts, grants, or loans, offer technical assistance, training, and financial assistance, as available and in accordance with federal law, to health care providers or associations representing health care providers, with priority given to providers serving a significant percentage of uninsured patients and patients in medically underserved or rural areas.
- (d) ILHIN shall educate the general public on the benefits of electronic health records, personal health records, and the safequards 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
- 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
- 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

- Freedom of Information Act.
 - (i) The Illinois Department of Public Health may authorize 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.
 - (j) ILHIN shall coordinate with the Illinois Department of Public Health with respect to the Governor's 2006 Executive Order 8 that, among other matters, encourages all health care providers to use electronic prescribing programs by 2011, to evaluate areas in need of enhanced technology to support e-prescribing programs, and to determine the technology needed to implement e-prescribing programs.
- Section 15. Governance of the Illinois Health Information

 Network.
 - (a) ILHIN shall be governed by a 31-member board of directors, which shall be comprised of the following:
 - (1) The Directors of Public Health and of Healthcare and Family Services and the Secretary of Human Services, or their designees.
 - (2) The Regional Administrator, or his or her designee,of Region 5, Center for Medicare and Medicaid Services,U.S. Department of Health and Human Services.
 - (3) Three hospital administrators or 2 hospital administrators and a statewide hospital association

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

- (4) Five physicians, including a primary care physician, a specialist, and one each from a small group practice, a rural practice, and a multi-specialty clinic, independent of other appointments in this Section who might also be physicians.
- (5) Three representatives of payers, including the largest health insurance company serving Illinois, a large commercial insurer, and a local payer.
- (6) Two representatives of employers, including a self-insured employer and an employer recommended by an employer trade organization that represents a broad base of employers in the State.
- (7) Three pharmacists, including one employed by a large chain, one independent pharmacist, and one employed by a health care institution or a consultant pharmacist to health care organizations.
- (8) Two representatives of federally qualified health centers as defined in Section 1905 (1)(2)(B) of the Social Security Act, one of whom is from a center in an association that represents a broad base of federally qualified health centers throughout the State.
- (9) Two long-term care facility administrators, including one from a facility in an organization of 5 or more facilities located throughout the State and one from

- 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.

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- 7 (14) Three consumers.
- 8 The 27 non-governmental board members shall (b) 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, 13 consumers, third-party payers, pharmacists, federally 14 gualified 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.
 - (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.
- Section 20. Health information systems maintained by State agencies.
- 24 (a) By no later than January 1, 2015, each State agency 25 that implements, acquires, or upgrades health information

- technology systems used for the direct exchange of health 1
- 2 information between agencies and with non-State entities shall
- use health information technology systems and products that 3
- 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.