

2018 Regular Session

HOUSE BILL NO. 657

BY REPRESENTATIVE SIMON

HEALTH CARE/RECORDS: Requires interoperability of electronic health records

1 AN ACT

2 To enact Subpart D of Part III of Subchapter A of Chapter 5-D of Title 40 of the Louisiana  
3 Revised Statutes of 1950, to be comprised of R.S. 40:1168.1 through 1168.7, relative  
4 to electronic health records technology; to provide for the interoperability of  
5 electronic health records; to provide for the duties of the secretary of the Louisiana  
6 Department of Health; to provide for the duties of the Health Care Information  
7 Technology and Infrastructure Collaborative; to provide for implementation; to  
8 provide for electronic medical records system standards; to provide definitions; and  
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart D of Part III of Subchapter A of Chapter 5-D of Title 40 of the  
12 Louisiana Revised Statutes of 1950, comprised of R.S. 40:1168.1 through 1168.7, is hereby  
13 enacted to read as follows:

14 SUBPART D. ELECTRONIC HEALTH RECORDS TECHNOLOGY

15 §1168.1 Definitions

16 (1) "Certified electronic health record technology" means an electronic  
17 health record that is certified pursuant to Section 3001(c)(5) of the HITECH Act to  
18 meet the standards and implementation specifications adopted under Section 3004  
19 as applicable.

1           (2) "Health Care Information Technology and Infrastructure Collaborative"  
2           is composed of the Louisiana Rural Health Information Exchange and the Health  
3           Information Technology Committee.

4           (3)"HITECH Act" means the Health Information Technology for Economic  
5           and Clinical Health Act in Division A, Title XIII and Division B, Title IV of the  
6           American Recovery and Reinvestment Act of 2009, including federal regulations  
7           adopted under that Act.

8           (4) "Interoperable electronic health record" means an electronic health record  
9           that securely exchanges health information with another electronic health record  
10           system that meets requirements specified in R.S. 40:1168.4, and national  
11           requirements for certification under the HITECH Act.

12           (5) "Qualified electronic health record" means an electronic record of  
13           health-related information on an individual that includes patient demographic and  
14           clinical health information and has the capacity to:

15           (a) Provide clinical decision support.

16           (b) Support physician order entry.

17           (c) Capture and query information relevant to health care quality.

18           (d) Exchange electronic health information with, and integrate information  
19           from, other sources.

20           (6) "Secretary" means the secretary of the Louisiana Department of Health.  
21           §1168.2 Interoperable; implementation

22           A. All hospitals and healthcare providers shall have in place an interoperable  
23           electronic health records system within their hospital system or clinical practice  
24           setting. The secretary, in consultation with the Health Care Information Technology  
25           and Infrastructure Collaborative created pursuant to R.S. 40:1165.2, shall develop  
26           a statewide plan to meet this goal, including uniform standards to be used for the  
27           interoperable system for sharing and synchronizing patient data across systems. The  
28           standards shall be compatible with federal efforts. The uniform standards shall be  
29           developed by January 1, 2020, and updated on an ongoing basis.

1           B. The secretary shall include an update on standards development as part  
2           of an annual report to the legislature. Individual healthcare providers in private  
3           practice with no other providers and healthcare providers that do not accept  
4           reimbursement from a group purchaser, are excluded from the requirements of this  
5           Section.

6           §1168.3. Health Care Information Technology and Infrastructure Collaborative

7           The Health Care Information Technology and Infrastructure Collaborative  
8           shall advise the secretary on the following:

9           (1) Assessment of the adoption and effective use of health information  
10          technology within the state, licensed healthcare providers and facilities, and local  
11          public health agencies.

12          (2) Recommendations for implementing a statewide interoperable health  
13          information infrastructure, to include estimates of necessary resources, and for  
14          determining standards for clinical data exchange, clinical support programs, patient  
15          privacy requirements, and maintenance of the security and confidentiality of  
16          individual patient data.

17          (3) Recommendations for encouraging use of innovative healthcare  
18          applications using information technology and systems to improve patient care and  
19          reduce the cost of care, including applications relating to disease management and  
20          personal health management that enable remote monitoring of patients' conditions,  
21          especially those with chronic conditions and other related issues as requested by the  
22          secretary.

23          §1168.4. Interoperable electronic health record requirements

24          Hospitals and healthcare providers shall meet the following criteria when  
25          implementing an interoperable electronic health records system within their hospital  
26          system or clinical practice setting:

27          (1) The electronic health record shall be a qualified electronic health record.

28          (2) The electronic health record shall be certified by the Office of the  
29          National Coordinator pursuant to the HITECH Act. This criterion only applies to

1 hospitals and healthcare providers if a certified electronic health record product for  
2 the provider's particular practice setting is available. This criterion shall be  
3 considered met if a hospital or healthcare provider is using an electronic health  
4 records system that has been certified within the last three years, even if a more  
5 current version of the system has been certified within the three-year period.

6 (3) The electronic health record shall meet the standards established  
7 according to Section 3004 of the HITECH Act as applicable.

8 (4) The electronic health record shall have the ability to generate information  
9 on clinical quality measures and other measures reported under Sections 4101, 4102,  
10 and 4201 of the HITECH Act.

11 (5) The electronic health record system shall be connected to a state-certified  
12 health information organization either directly or through a connection facilitated by  
13 a state-certified health data intermediary.

14 §1168.5. Coordination with national health information technology activities

15 (1) The secretary, in consultation with the Health Care Information  
16 Technology and Infrastructure Collaborative, shall update the statewide  
17 implementation plan required by the Federal Health Information Technology  
18 Strategic Plan released by the Office of the National Coordinator in accordance with  
19 Section 3001 of the HITECH Act. The statewide plan shall meet the requirements  
20 for a plan required under Section 3013 of the HITECH Act.

21 (2) The secretary, in consultation with the Health Care Information  
22 Technology and Infrastructure Collaborative, shall work to ensure coordination  
23 efforts to support and accelerate efforts to effectively use health information  
24 technology to improve the quality and coordination of health care and the continuity  
25 of patient care among healthcare providers, to reduce medical errors, to improve  
26 population health, to reduce health disparities, and to reduce chronic disease.

27 (3) The secretary's coordination efforts shall include but not be limited to:

1           (a) Assisting in the development and support of health information  
2           technology regional extension centers established pursuant to Section 3012(c) of the  
3           HITECH Act to provide technical assistance and disseminate best practices.

4           (b) Providing supplemental information to the best practices gathered by  
5           regional centers to ensure that the information is relayed in a meaningful way to the  
6           Minnesota health care community.

7           (c) Providing financial and technical support to Louisiana healthcare  
8           providers to encourage implementation of admission, discharge and transfer alerts,  
9           and care summary document exchange transactions and to evaluate the impact of  
10          health information technology on cost and quality of care.

11          (d) Providing communications about available financial and technical  
12          support which shall include clear information about the interoperable health record  
13          requirements and exceptions to those requirements.

14          (e) Providing educational resources and technical assistance to healthcare  
15          providers and patients related to state and national privacy, security, and consent  
16          laws governing clinical health information.

17          (4) The secretary shall apply for funding necessary to administer the  
18          incentive payments to providers authorized pursuant to Title IV of the American  
19          Recovery and Reinvestment Act.

20          §1168.6 Health information blocking

21          (1) "Health information blocking" means knowingly interfering with or  
22          knowingly engaging in business practices or other conduct that is reasonably likely  
23          to interfere with the ability of patients, healthcare providers, or other authorized  
24          persons to access, exchange, or use electronic health records, or knowingly using an  
25          electronic health record system to both steer patient referrals to affiliated providers  
26          and prevent or unreasonably interfere with patient referrals to healthcare providers  
27          who are not affiliated providers, but shall not include legitimate referrals between  
28          providers participating in an accountable care organization or similar value-based  
29          collaborative care models.

- 1                   (2) Health information blocking is a violation of this Subpart. Provisions of  
 2                   this Section shall be enforced by the secretary.  
 3                   §1168.7 Rulemaking  
 4                   The department shall promulgate rules and regulations, in accordance with  
 5                   the Administrative Procedure Act, and take all other actions necessary to implement  
 6                   the provisions of this Subpart.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 657 Original

2018 Regular Session

Simon

**Abstract:** Establishes the implementation of an interoperable electronic health records system for all hospitals and healthcare providers.

Proposed law requires all hospitals and healthcare providers to implement an interoperable electronic health records system.

Proposed law provides for the secretary of the La. Dept. of Health (LDH) and the Health Care Information Technology and Infrastructure Collaborative to develop a plan to implement the interoperable system.

Proposed law provides for the duties of the Health Care Information Technology and Infrastructure Collaborative in advising the secretary of LDH.

Proposed law provides as interoperable electronic health records requirements:

- (1) The electronic health record must be a qualified electronic health record.
- (2) The electronic health record must be certified by the Office of the National Coordinator pursuant to the Health Information Technology for Economic and Clinical Health Act (HITECH Act).
- (3) The electronic health record must meet the standards established according to the HITECH Act as applicable.
- (4) The electronic health record must have the ability to generate information on clinical quality measures and other measures reported under the HITECH Act.
- (5) The electronic health record system must be connected to a state-certified health information organization either directly or through a connection facilitated by a state-certified health data intermediary.

Proposed law defines "certified electronic health record technology", "Health Care Information Technology and Infrastructure Collaborative""HITECH Act", interoperable electronic health record", "qualified electronic health record", and "information blocking".

(Adds R.S. 40:1168.1-1168.7)