

HOUSE BILL NO. HB0320

Wyoming health information organization-pilot.

Sponsored by: Representative(s) Simpson and Lubnau

A BILL

for

1 AN ACT relating to public health and safety; providing for
2 an electronic health records pilot program; providing for
3 the designation of a regional health information
4 organization; providing for contracting with the regional
5 health information organization for development of a system
6 of electronic health records; providing priorities in
7 system development; providing protections for patient
8 privacy; establishing a crime for misuse of electronic
9 health records as specified; providing an appropriation;
10 and providing for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 35-29-101 through 35-29-106 are
15 created to read:

16

17

CHAPTER 29

1 REGIONAL HEALTH INFORMATION ORGANIZATION-PILOT PROGRAM

2

3 **35-29-101. Definitions.**

4

5 (a) As used in this act:

6

7 (i) "Continuity of care record" means an
8 electronic record which provides access by healthcare
9 providers to relevant patient medical history. A
10 continuity of care record contains the electronic health
11 record or the portion of the electronic health record most
12 likely to be useful to a new healthcare provider treating a
13 patient and shall contain identifying information needed to
14 associate an individual with the record and other pertinent
15 information;

16

17 (ii) "Department" means the department of
18 health;

19

20 (iii) "Electronic health record" means a record
21 stored electronically containing medical and other health
22 related information about an individual and containing
23 identifying information needed to associate an individual
24 with the record and any other pertinent information;

1

2 (iv) "Hub" means a centralized computer software
3 function that receives, translates and transmits
4 information among various electronic health record systems.
5 A hub may also facilitate data management including but not
6 limited to all or portions of electronic health records and
7 may develop reports and perform other functions needed for
8 a functioning statewide electronic health records system;

9

10 (v) "Personal health record" means that part of
11 an electronic record that an individual may access and make
12 available to others, and includes a record of the sources
13 of information and those persons to whom it has been
14 transferred;

15

16 (vi) "RHIO" means a regional health information
17 organization for Wyoming;

18

19 (vii) "This act" means W.S. 35-29-101 through
20 35-29-106.

21

22 **35-29-102. Regional health information organization**
23 **designation; contracting with the regional health**
24 **information organization.**

1

2 (a) The department shall designate an organization as
3 the RHIO for purposes of a pilot electronic health records
4 program for the state of Wyoming.

5

6 (b) The department shall contract with the RHIO for
7 the development and operation of systems to enable and
8 facilitate the operation of electronic health records
9 capable of interchanging information within the state and
10 to the extent feasible outside the state.

11

12 (c) The contract pursuant to subsection (b) of this
13 section shall provide for the:

14

15 (i) Design and operation of the hub, using
16 existing technologies to the extent practicable;

17

18 (ii) Accommodating and integrating information
19 from electronic health record and medical record systems
20 used by up to one hundred (100) Wyoming healthcare
21 providers, state agencies and, if possible, federal
22 government providers including but not limited to the
23 veterans administration and the Indian health service;

24

1 (iii) Safeguards and requirements set forth in
2 W.S. 35-29-106;

3

4 (iv) A right for the department to terminate the
5 contract for unsatisfactory performance.

6

7 **35-29-103. Regional health information organization;**
8 **addition of hospitals and other healthcare providers.**

9

10 (a) The RHIO in consultation with the department
11 shall develop and publish criteria relevant to cost
12 effective and timely connection of healthcare providers to
13 the hub.

14

15 (b) The RHIO may provide technical and consultative
16 services to any Wyoming healthcare provider seeking to
17 interface with the statewide electronic healthcare records
18 system via the hub. Subject to the restrictions of
19 subsection (f) of this section, the RHIO in consultation
20 with the department may develop a pilot program of
21 financial assistance and incentives for healthcare
22 providers in Wyoming including providers in private
23 practice to install electronic health records or electronic
24 medical records. In developing the pilot program the RHIO

1 shall consider using incentives for providers such as
2 personal digital assistants or other devices to access
3 relevant drug formularies and the Wyoming Medicaid
4 preferred drug list and capable of transmitting electronic
5 prescriptions entered by the provider. The pilot program
6 shall be implemented only with the approval of the
7 department.

8
9 **35-29-104. Electronic healthcare record systems;**
10 **applications; interfacing with the hub.**

11
12 (a) The RHIO shall develop the following capabilities
13 and applications for the electronic healthcare record
14 system interfacing via the hub:

15
16 (i) Electronic prescribing enabling prescribers
17 to write electronic prescriptions and have them sent
18 electronically to pharmacies;

19
20 (ii) Continuity of care records that would be
21 available to providers treating the patient in any setting
22 interfacing with the hub, without interfering with the
23 provider-patient relationship;

24

1 (iii) Local provider access to hospital
2 information systems either directly or via the hub;

3

4 (iv) Administrative transaction processing to
5 provide administrative functions such as a claims
6 processing and eligibility checking service for providers
7 to process insurance transactions electronically with their
8 payers provided that development of this function may be
9 discontinued if information from providers indicates
10 existing systems are adequate and cost effective for this
11 function without the state effort;

12

13 (v) A registry of individual advance directives;

14

15 (vi) Integrated evidence based practice
16 guidelines, compatible with pay for performance incentives;

17

18 (vii) Automated patient chart generation;

19

20 (viii) Record information and entry through the
21 Internet, World Wide Web or a similar proprietary or common
22 carrier electronic system;

23

1 (ix) Appropriate provisions, consistent with
2 industry standards, to encrypt and secure its data against
3 unauthorized access and to maintain a record of all
4 information requests;

5
6 (x) Provision for entry of nonelectronic data
7 and documents into the system;

8
9 (xi) Ongoing de-identified performance data
10 collection and analysis to improve the operation of the
11 system and the quality of the healthcare delivery system in
12 the state; and

13
14 (xii) Regular review and quality improvement
15 input from participating providers, public entities and
16 third party payors.

17
18 **35-29-105. Operating costs.**

19
20 Subject to legislative appropriation, the department shall
21 plan to meet all operating costs of the RHIO not funded
22 through grants from other sources for the fiscal biennium
23 ending June 30, 2008. The RHIO shall develop a plan to
24 cover all operating costs via earnings and provider fees

1 once the system is fully implemented on a statewide basis.
2 The plan shall include a schedule of the professional staff
3 needed to operate and maintain the hub and provide
4 technical assistance to providers and other authorized
5 users.

6

7 **35-29-106. Conditions and precautions; misuse of**
8 **healthcare information.**

9

10 (a) The statewide electronic healthcare records and
11 the hub shall be compliant with the patient privacy
12 requirements of article 6 of chapter 2 of title 35 of the
13 Wyoming statutes and the federal Health Insurance
14 Portability and Accountability Act of 1996 and subsequent
15 similar enactments.

16

17 (b) The hub shall be constructed so that it cannot be
18 used by employers in their capacity as employers and
19 insurance companies to access individual continuity of care
20 records or inappropriate parts of individual health or
21 medical records. Information needed to pay claims and
22 information useful for providing care where an insurer is a
23 health maintenance organization or similar organization
24 that provides care is appropriate access.

1

2 (c) The chief state information officer in his
3 standard budget shall request funds for third party
4 security audits of the RHIO, the hub and related systems to
5 ensure compliance with privacy provisions and identify
6 security weaknesses in need of improvement.

7

8 (d) Individuals are entitled to access and copy
9 information in their individual continuity of care record
10 and vaccination records. The RHIO shall develop
11 appropriate procedures to make this access practical,
12 secure and inexpensive.

13

14 (e) Except when the patient has opted not to make his
15 information available, the RHIO may make information in
16 electronic health or medical records accessed via the hub
17 available in a de-identified form for legitimate medical,
18 health related or public policy research. Where the
19 research is valuable for commercial purposes, the RHIO may
20 charge a fee which shall be used to support the operation
21 of the RHIO. Where research finds information of value to
22 a patient whose de-identified data is being used, the RHIO
23 may disclose the information to the patient either directly
24 or via his healthcare provider. Where identified

1 information is sought for research, it may be disclosed
2 only with the consent of the person whose information is
3 sought or his appropriate legal guardian, representative or
4 surrogate.

5

6 (f) The RHIO shall give priority in selecting
7 participating healthcare providers to primary care
8 healthcare providers.

9

10 (g) Any person who, without proper authorization or
11 for an unauthorized purpose, knowingly accesses, receives
12 or distributes information from electronic health records
13 is guilty of a misdemeanor and upon conviction shall be
14 punished by a fine for each offense of not less than five
15 hundred dollars (\$500.00) nor more than one thousand
16 dollars (\$1,000.00).

17

18 **Section 2.** If the federal government, with respect to
19 electronic prescribing of drugs for Medicare or another
20 federal program, preempts state pharmacy law or regulations
21 relating to prescribing of drugs, the state board of
22 pharmacy shall promulgate regulations allowing all
23 electronic prescribing in Wyoming to conform to the federal
24 requirements. The state board of pharmacy shall report to

1 the joint labor, health and social services interim
2 committee regarding any conforming changes needed in state
3 law.

4

5 **Section 3.**

6

7 (a) There is appropriated from the general fund to
8 the department of health four million dollars
9 (\$4,000,000.00) for purposes of the pilot project
10 authorized by this act. The appropriation shall not revert
11 as provided in W.S. 9-4-207 but shall remain available
12 until expended.

13

14 (b) There is appropriated from the general fund to
15 the department of administration and information for the
16 biennium ending June 30, 2008, forty thousand dollars
17 (\$40,000.00) for security audits by the state chief
18 information officer, including pre-audits during the
19 development of the hub.

20

21 (c) There is appropriated from the general fund to
22 the department of health for the biennium ending June 30,
23 2008, one hundred sixty thousand dollars (\$160,000.00) and

1 two (2) additional positions are authorized to implement
2 the purposes of this act.

3

4 **Section 4.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9 (END)