

HOUSE BILL NO. HB0320

Wyoming health information organization-pilot.

Sponsored by: Representative(s) Simpson and Lubnau and
Senator(s) Von Flatern

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 authorizing a position; and providing for an effective
11 date.

12

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

14

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

1

2

CHAPTER 29

3

REGIONAL HEALTH INFORMATION ORGANIZATION-PILOT PROGRAM

4

5

35-29-101. Definitions.

6

7

(a) As used in this act:

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

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

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(iii) "Electronic health record" means a record stored electronically containing medical and other health related information about an individual and containing

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1 identifying information needed to associate an individual
2 with the record and any other pertinent information;

3

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

11

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

17

18 (vi) "RHIO" means a regional health information
19 organization for Wyoming;

20

21 (vii) "This act" means W.S. 35-29-101 through
22 35-29-106.

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1 **35-29-102. Regional health information organization**
2 **designation; contracting with the regional health**
3 **information organization.**

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

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

14
15 (c) The contract pursuant to subsection (b) of this
16 section shall provide for the:

17
18 (i) Design and operation of the hub, using
19 existing technologies to the extent practicable;

20
21 (ii) Accommodating and integrating information
22 from electronic health record and medical record systems
23 used by up to one hundred (100) Wyoming healthcare
24 providers, state agencies and, if possible, federal

1 government providers including but not limited to the
2 veterans administration and the Indian health service;

3

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

6

7 (iv) A right for the department to terminate the
8 contract for unsatisfactory performance.

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10 **35-29-103. Regional health information organization;**
11 **addition of hospitals and other healthcare providers.**

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

17

18 (b) The RHIO may provide technical and consultative
19 services to any Wyoming healthcare provider seeking to
20 interface with the statewide electronic healthcare records
21 system via the hub. Subject to the restrictions of W.S.
22 35-29-106(f), the RHIO in consultation with the department
23 may develop a pilot program of financial assistance and
24 incentives for healthcare providers in Wyoming including

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

10
11 **35-29-104. Electronic healthcare record systems;**
12 **applications; interfacing with the hub.**

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

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18 (i) Electronic prescribing enabling prescribers
19 to write electronic prescriptions and have them sent
20 electronically to pharmacies;

21
22 (ii) Continuity of care records that would be
23 available to providers treating the patient in any setting

1 interfacing with the hub, without interfering with the
2 provider-patient relationship;

3

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

6

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

15

16 (v) A registry of individual advance directives;

17

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

20

21 (vii) Automated patient chart generation;

22

1 (viii) Record information and entry through the
2 Internet, World Wide Web or a similar proprietary or common
3 carrier electronic system;

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

9
10 (x) Provision for entry of nonelectronic data
11 and documents into the system;

12
13 (xi) Ongoing de-identified performance data
14 collection and analysis to improve the operation of the
15 system and the quality of the healthcare delivery system in
16 the state; and

17
18 (xii) Regular review and quality improvement
19 input from participating providers, public entities and
20 third party payors.

21

22 **35-29-105. Operating costs.**

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1 Subject to legislative appropriation, the department shall
2 plan to meet all operating costs of the RHIO not funded
3 through grants from other sources for the fiscal biennium
4 ending June 30, 2008. The RHIO shall develop a plan to
5 cover all operating costs via earnings and provider fees
6 once the system is fully implemented on a statewide basis.
7 The plan shall include a schedule of the professional staff
8 needed to operate and maintain the hub and provide
9 technical assistance to providers and other authorized
10 users.

11
12 **35-29-106. Conditions and precautions; misuse of**
13 **healthcare information.**

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

21
22 (b) The hub shall be constructed so that it cannot be
23 used by employers in their capacity as employers and
24 insurance companies to access individual continuity of care

1 records or inappropriate parts of individual health or
2 medical records. Information needed to pay claims and
3 information useful for providing care where an insurer is a
4 health maintenance organization or similar organization
5 that provides care is appropriate access.

6

7 (c) The chief state information officer in his
8 standard budget shall request funds for third party
9 security audits of the RHIO, the hub and related systems to
10 ensure compliance with privacy provisions and identify
11 security weaknesses in need of improvement.

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13 (d) Individuals are entitled to access and copy
14 information in their individual continuity of care record
15 and vaccination records. The RHIO shall develop
16 appropriate procedures to make this access practical,
17 secure and inexpensive.

18

19 (e) Except when the patient has opted not to make his
20 information available, the RHIO may make information in
21 electronic health or medical records accessed via the hub
22 available in a de-identified form for legitimate medical,
23 health related or public policy research. Where the
24 research is valuable for commercial purposes, the RHIO may

1 charge a fee which shall be used to support the operation
2 of the RHIO. Where research finds information of value to
3 a patient whose de-identified data is being used, the RHIO
4 may disclose the information to the patient either directly
5 or via his healthcare provider. Where identified
6 information is sought for research, it may be disclosed
7 only with the consent of the person whose information is
8 sought or his appropriate legal guardian, representative or
9 surrogate.

10
11 (f) The RHIO shall give priority in selecting
12 participating healthcare providers to primary care
13 healthcare providers.

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

22
23 **Section 2.** If the federal government, with respect to
24 electronic prescribing of drugs for Medicare or another

1 federal program, preempts state pharmacy law or regulations
2 relating to prescribing of drugs, the state board of
3 pharmacy shall promulgate regulations allowing all
4 electronic prescribing in Wyoming to conform to the federal
5 requirements. The state board of pharmacy shall report to
6 the joint labor, health and social services interim
7 committee regarding any conforming changes needed in state
8 law.

9

10 **Section 3.**

11

12 (a) There is appropriated from the general fund to
13 the department of health four million dollars
14 (\$4,000,000.00) for purposes of the pilot project
15 authorized by this act. The appropriation shall not revert
16 as provided in W.S. 9-4-207 but shall remain available
17 until expended.

18

19 (b) There is appropriated from the general fund to
20 the department of administration and information for the
21 biennium ending June 30, 2008, forty thousand dollars
22 (\$40,000.00) for security audits by the state chief
23 information officer, including pre-audits during the
24 development of the hub.

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(c) There is appropriated from the general fund to the department of health for the biennium ending June 30, 2008, eighty thousand dollars (\$80,000.00) and one (1) at will employee contract position is authorized to implement the purposes of this act.

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

12

13 (END)