

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 10, Page
2 1, Section A, Line 2, by inserting after all of said line the following:

3
4 "191.236. As used in sections 191.236 to 191.238, the following terms shall mean:

5 (1) "Approved health information organization", a health information organization approved
6 under section 191.238;

7 (2) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding,
8 or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

9 (3) "Health care system", any public or private entity whose function or purpose is the
10 management of, processing of, or enrollment of individuals for or payment for, in full or in part,
11 health care services or health care data or health care information for its participants;

12 (4) "Health information organization", an organization that oversees and governs the
13 exchange of health-related information among organizations according to nationally recognized
14 standards.

15 191.237. 1. No law or rule promulgated by an agency of the state of Missouri may impose a
16 fine or penalty against a health care provider, hospital, or health care system for failing to participate
17 in any particular health information organization.

18 2. A health information organization shall not restrict the exchange of state agency data or
19 standards-based clinical summaries for patients for federal Health Insurance Portability and
20 Accountability Act (HIPAA) allowable uses. Charges for such service shall not exceed the cost of
21 the actual technology connection or recurring maintenance thereof.

22 3. [As used in this section, the following terms shall mean:

23 (1) "Fine or penalty", any civil or criminal penalty or fine, tax, salary or wage withholding,
24 or surcharge established by law or by rule promulgated by a state agency pursuant to chapter 536;

25 (2) "Health care system", any public or private entity whose function or purpose is the
26 management of, processing of, or enrollment of individuals for or payment for, in full or in part,
27 health care services or health care data or health care information for its participants;

28 (3) "Health information organization", an organization that oversees and governs the
29 exchange of health-related information among organizations according to nationally recognized
30 standards.] All approved health information organizations shall exchange standards-based clinical
31 summaries for patients and all clinical and claims data from any agency within the state with all
32 other approved health information organizations within the state. Failure to exchange such
33 information shall result in the suspension or revocation of approval status by the Missouri health
34 information exchange commission and the immediate termination of any contracts, grants, and any
35 other forms of state funding.

36 4. (1) The state, including all administrative agencies and departments, shall not convey

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1 "state designated entity" status to any health information organization. The state shall recognize all
2 approved health information organizations as being equally eligible for any financial support from
3 the state, or assistance or support from the state in securing any other source of funding. The state
4 shall not exchange health information with any nonapproved health information organization unless
5 otherwise required by law.

6 (2) Only approved health information organizations shall be qualified to respond to
7 contracting procurement opportunities and shall be awarded contracts, subject to the provisions of
8 chapter 34, provided that the state shall not award any contract to any health information
9 organization as a single feasible source vendor under section 34.044.

10 (3) Beginning August 28, 2015, all existing single feasible source vendor contracts awarded
11 to health information organizations operating within the state shall receive no further appropriations.

12 5. The state shall not restrict the availability of or access to any state agency-sponsored data
13 sets including, but not limited to, MO HealthNet patient level claims data and MO HealthNet patient
14 level clinical data to any approved health information organization.

15 6. A health care provider or nonapproved health information organization may disclose
16 protected health information to any state agency for any public health purpose that is required by law
17 without authorization from the Missouri health information exchange commission. Nothing in this
18 act shall be construed to limit the use, transfer, or disclosure of protected health information as
19 required or permitted by the Health Insurance Portability and Accountability Act (HIPAA) or any
20 other provision of law.

21 191.238. 1. There is hereby created a "Missouri Health Information Exchange
22 Commission". The commission shall consist of seven members, one of which shall be a member of
23 the senate appointed by the president pro tempore of the senate, one of which shall be a member of
24 the house of representatives appointed by the speaker of the house of representatives, one of which
25 shall be the chair of the joint committee on administrative rules, one of which shall either be the
26 chair of the house budget committee or the chair of the senate appropriations committee on an annual
27 revolving appointment, and with one primary care provider appointed by the speaker of the house of
28 representatives and one health systems representative and one health information technology
29 professional serving as a chief information officer with an understanding of information sharing,
30 Health Insurance Portability and Accountability Act (HIPAA) regulations, and data security best
31 practices appointed by the president pro tempore of the senate. The commission members shall be
32 residents of Missouri and shall not have any common membership with the entities and individuals
33 appointed to the Missouri health information technology advisory board, the Missouri health
34 information organization board of directors, the Missouri health connection board of directors, or
35 any entities or individuals appointed to any board of any health information organization with an
36 interest in providing health information exchange services within the state.

37 2. Commission members shall elect annually from the members a chairperson and a
38 vice-chairperson.

39 3. The term of office for each member of the commission shall coincide with the term of his
40 or her elected office if he or she is an elected official. The term of office for nonelected members
41 shall be three years, except that of the initial appointments, one member shall be appointed for a term
42 of one year and two members shall be appointed for a term of two years. Any member may be
43 removed from the commission if four or more members vote for his or her removal in any regularly
44 held or emergency scheduled meeting. Three months before the expiration of the term of an elected
45 official member appointed by the speaker of the house of representatives and the president pro
46 tempore of the senate, the speaker and the president pro tempore shall appoint a successor whose
47 term begins on January first next following. Three months before the expiration of the term of any
48 nonelected member, the members of the current commission shall submit recommendations to the

1 speaker of the house of representatives and the president pro tempore of the senate to fill the
2 position. All nonelected members shall be eligible for reappointment. If there is a vacancy for an
3 elected official member for any cause, the speaker of the house of representatives and the president
4 pro tempore of the senate shall make an appointment to become effective immediately for the
5 unexpired term. If there is a vacancy for a nonelected member for any cause, the chairperson or
6 vice-chairperson shall call an emergency meeting and the commission shall make an appointment for
7 the vacant seat to become effective immediately for the unexpired term.

8 4. Each member of the commission shall serve without compensation but shall be
9 reimbursed for actual and necessary expenses incurred in the performance of his or her duties.

10 5. The commission shall have the authority to:

11 (1) Develop a process by which a health information organization may receive approval
12 status from the commission. The approval process shall include compliance with commonly and
13 equally applied standards designed to ensure the following:

14 (a) Adherence to nationally recognized standards for interoperability between approved
15 health information organizations and the promotion of standards that allow data to flow as
16 seamlessly as possible between the approved health information organizations;

17 (b) Conduct operations in a transparent manner to promote consumer confidence;

18 (c) Adoption and adherence to rules promulgated by the commission regarding access to and
19 use and disclosure of protected health information maintained by or on an approved health
20 information organization;

21 (d) Financial and operational sustainability in the absence of state and federal funding; and

22 (e) Maintenance of policies and procedures to address data security including breaches,
23 mandatory cyber insurance coverage, data usage policies and guidelines, and oversight processes and
24 internal auditing practices for addressing data requests;

25 (2) Develop a process for the investigation of reported complaints and concerns regarding an
26 approved health information organization, as well as develop and impose the appropriate proactive
27 and remedial measures to address any identified deficiencies; and

28 (3) Develop a process by which an approved health information organization shall be
29 reapproved at appropriate intervals, provided that the health information organization demonstrates
30 continuing compliance with the approval standards under subdivision (1) of this subsection. The
31 reapproval process shall include the following:

32 (a) An application for reapproval that shall be mailed to each previously approved health
33 information organization in the state at its last known address. Failure to receive the application
34 form shall not relieve a health information organization of the duty to apply for reapproval or the
35 duty to pay any applicable application fees. The application shall include, but not be limited to,
36 disclosure of the following:

37 a. The applicant organization's name and office address;

38 b. A listing of all connections with approved health information organizations in this state
39 for the purpose of exchanging standards-based clinical summaries for patients and all clinical and
40 claims data from any agency within the state;

41 c. The presence of any past or current data security issues and breaches;

42 d. Proof of mandatory cyber insurance coverage;

43 e. Copies of all data usage policies and guidelines;

44 f. A description of oversight processes and internal auditing processes;

45 g. Cash flow projections for the next two years depicting all forms of revenues and expenses;

46 and

47 h. Financial documents including the most recent audited financial statement, the most
48 recent monthly income and balance sheet, and the most recent profit-loss statement;

1 **(b) Failure to apply for reapproval status by the deadline set by the commission shall be cause**
2 **for immediate suspension of approved status; and**

3 **(c) The commission shall establish application fees as deemed necessary to sustain essential**
4 **administrative functions."; and**

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7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.