



# Senate Communications & Technology Committee

Senator Mike Folmer  
Chairman

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## AMENDMENT SUMMARY Amendment A09706 Senate Bill 8 Prime Sponsor: Senator Folmer

**Amendment A09706** guts and replaces most of Senate Bill 8 through a number of technical and substantive changes, including:

- **Section 101:** changes the name of the initiative to the Pennsylvania eHealth Information Technology Act
- **Section 102:** modifies a number of definitions
- **Section 302:** makes changes to the proposed eHealth Partnership Authority, including:
  - Composition of the board – set at fifteen (15) voting members (plus two (2) ex officio non-voting members):
    - ⇒ Secretary of Health or a designee
    - ⇒ Secretary of Welfare or a designee
    - ⇒ One representative of the health care community focused on unserved or underserved rural and urban patient populations appointed by the Governor from lists submitted by:
      - \* The Pennsylvania Area Health Education Center
      - \* The Association of Community Health Centers
  - ⇒ One physician or nurse appointed by the Governor from lists submitted by:
    - \* The Pennsylvania Medical Society
    - \* The Pennsylvania Osteopathic Medical Association
    - \* The Pennsylvania Academy of Family Physicians
    - \* The Pennsylvania State Nurses Association
  - ⇒ One hospital representative appointed by the Governor from a list submitted by:
    - \* The Hospital and Healthsystem Association of Pennsylvania

- ⇒ One insurance representative appointed by the Governor from lists submitted by:
  - \* Blue Cross and Blue Shield Plans
  - \* The Insurance Federation of Pennsylvania
- ⇒ One assisted living residence, personal care home, long-term care nursing facility or continuing care facility representative appointed by the Governor
- ⇒ Two consumers appointed by the Governor who are not primarily involved in the provision of health care or health care insurance
  - \* At least one of the two must have expertise in health care or health care information technology and/or the laboratory industry
- ⇒ Three representatives of health information exchange entities appointed by the President Pro Tempore of the Senate in consultation with the Majority and Minority Leader of the Senate (each recommends one person to the Pro Tempore)
  - \* At least one of the two must be from the private information technology sector with knowledge about security issues
- ⇒ Three representatives of health information exchange entities appointed by the Speaker of the House in consultation with the Majority and Minority Leader of the House (each recommends one person to the Speaker)
  - \* At least one of the two must be from the private information technology sector with knowledge about security issues
- ❖ **NOTE:** failure to have a governing board in place by June 30, 2012 could endanger the federal moneys the Commonwealth is using to fund much of this initiative
- **Section 303 (g):** sets initial appointments and provides for appointments in the event of vacancies
- **Section 303(a) (1):** empowers the board to adopt bylaws
  - **NOTE:** this provision allows the Authority to avoid the regulatory review process (i.e., IRRC) required of other state agencies. However, the eHealth Partnership Authority will sunset after five years – see Section 303 (d) below
- **Section 303(a) (3):** makes staff of the Authority state employees
- **Section 303(a) (9):** empowers the board to develop and maintain a directory of health care provider's contact information – a key provision of SB 8
- **Section 303(a) (12):** empowers the board to establish and collect fees – a key provision of SB 8
- **Section 303(a) (13):** provides for diverse advisory groups with the ability to elect two (2) of the council's members to the board as ex officio, non-voting members

- **Section 303 (d):** changes the sunset date of the Pennsylvania eHealth Partnership Authority to five years after enactment of this legislation and requires the Legislative Budget and Finance Committee to do a report one year prior to sunset that includes recommendations as to possible:
  - Reauthorization of the Authority
  - Dissolution of the Authority
  - Assumption of the Authority responsibilities or assets by another entity
- **Section 501:** changes the name and makes other technical changes in the Authority's fund for repository of transaction, subscription, and/or user fees
- **Section 701:** changes the consent and confidentiality requirements in the electronic exchange of patient records and other health information
  - Including patients' ability to "opt out" of such networks
- **Section 701(d):** allows for the potential future use of de-identified information (i.e., not specifically related to a specific patient) for research purposes