

House Bill 1105

By: Representative Newton of the 123<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 12 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to health care data collection, so as to require hospitals to participate in a survey  
3 disclosing whether such hospitals maintain technology allowing the electronic sharing of  
4 certain patient information with other hospitals; to provide for definitions; to provide that the  
5 department shall collect the survey results and submit a report to the legislature; to provide  
6 for repeal; to provide for applicability; to provide for a short title; to provide for related  
7 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Patient Protection Through Health  
11 Information Exchange Act."

12 **SECTION 2.**

13 Article 12 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
14 health care data collection, is amended by adding a new Code section to read as follows:

15 "31-7-286.

16 (a) As used in this Code section, the term:

17 (1) 'Certified electronic health records technology' means the term as defined by the  
18 department through rule and regulation and shall be similar in meaning to such term as  
19 it existed in 42 U.S.C. 1395w-4(o)(4) on January 1, 2020.

20 (2) 'Hospital' means an institution licensed pursuant to Chapter 7 of this title which is  
21 primarily engaged in providing to inpatients, by or under the supervision of physicians,  
22 diagnostic services and therapeutic services for medical diagnosis, treatment, and care of  
23 injured, disabled, or sick persons or rehabilitation services for the rehabilitation of  
24 injured, disabled, or sick persons. This term includes public, private, rehabilitative,  
25 geriatric, osteopathic, psychiatric hospitals which shall have the same meaning as the

26 term 'facility' as defined in paragraph (7) of Code Section 37-3-1, 'critical access hospital'  
 27 as defined in paragraph (3) of Code Section 33-21A-2, other specialty hospitals, and any  
 28 state owned or state operated hospitals.

29 (3) 'Meaningful electronic health records user' means the term as defined by the  
 30 department through rule and regulation and shall be similar in meaning to such term as  
 31 it existed in 42 U.S.C. Section 1395ww(n)(3) on January 1, 2020.

32 (b) As a condition for maintaining a certificate of need issued pursuant to Article 3 of  
 33 Chapter 6 of this title and as a prerequisite for being awarded such a certificate, each  
 34 hospital shall be required to complete a survey regarding the following information:

35 (1) Whether such hospital is a meaningful electronic health records user with regard to  
 36 patient records and the communication of such records to other hospitals;

37 (2) Whether there are any legal or practical barriers preventing such hospital from  
 38 becoming a meaningful electronic technology user as described in paragraph (1) of this  
 39 subsection;

40 (3) Whether such hospital uses certified electronic health records technology;

41 (4) Whether there are any legal or practical barriers preventing such hospital from using  
 42 certified electronic health records technology;

43 (5) Whether such hospital has established a timeline for becoming a meaningful  
 44 electronic health records user of certified electronic health records technology; and

45 (6) Such additional questions as the department may determine necessary.

46 (c) The survey described in subsection (b) of this Code section shall be submitted to the  
 47 department by October 1, 2020.

48 (d) The department shall submit a report to the House Committee on Health and Human  
 49 Services and the Senate Health and Human Services Committee by July 1, 2021. Such  
 50 report shall include the following:

51 (1) The results of the survey described in subsection (b) of this Code section;

52 (2) Recommendations for implementing a state-wide requirement that all hospitals  
 53 become meaningful electronic health records users with regard to patient records and the  
 54 communication of those records to other hospitals, and that such hospitals use certified  
 55 electronic health records technology; and

56 (3) Any other information that the department finds necessary.

57 (e) This Code section shall stand repealed on July 2, 2021."

58 **SECTION 3.**

59 Said article is further amended by adding a new Code section to read as follows:

60 "31-7-287.

61 (a) As used in this Code section, the term:

62 (1) 'Certified electronic health records technology' means the term as defined by the  
 63 department through rule and regulation and similar in meaning to such term as it existed  
 64 in 42 U.S.C. 1395w-4(o)(4) on January 1, 2020.

65 (2) 'Hospital' means an institution licensed pursuant to Chapter 7 of this title which is  
 66 primarily engaged in providing to inpatients, by or under the supervision of physicians,  
 67 diagnostic services and therapeutic services for medical diagnosis, treatment, and care of  
 68 injured, disabled, or sick persons or rehabilitation services for the rehabilitation of  
 69 injured, disabled, or sick persons. This term includes public, private, rehabilitative,  
 70 geriatric, osteopathic, psychiatric hospitals which shall have the same meaning as the  
 71 term 'facility' as defined in paragraph (7) of Code Section 37-3-1, 'critical access hospital'  
 72 as defined in paragraph (3) of Code Section 33-21A-2, other specialty hospitals, and any  
 73 state owned or state operated hospitals.

74 (3) 'Meaningful electronic health records user' means the term as defined by the  
 75 department through rule and regulation and shall be similar in meaning to such term as  
 76 it existed in 42 U.S.C. Section 1395ww(n)(3) on January 1, 2020.

77 (4) 'Primary campus' means the building at which the majority of a hospital's licensed  
 78 and operational inpatient hospital beds are located, and includes the health care facilities  
 79 of such hospital within 1,000 yards of such building.

80 (5) 'Rural county' means a county having a population of less than 50,000 according to  
 81 the United States decennial census of 2010 or any future such census.

82 (b) As a condition for maintaining a certificate of need issued pursuant to Article 3 of  
 83 Chapter 6 of this title and as a prerequisite for being awarded such a certificate, each  
 84 hospital shall be a meaningful electronic health records user of certified electronic health  
 85 records technology by July 1, 2022.

86 (c) Notwithstanding any other provision of this Code section, this Code section shall not  
 87 apply to any hospital with a primary campus located in a rural county."

88 **SECTION 4.**

89 Section 3 of this Act shall become effective July 1, 2021. The remainder of this Act shall  
 90 become effective upon its approval by the Governor or upon its becoming law without such  
 91 approval.

92 **SECTION 5.**

93 All laws and parts of laws in conflict with this Act are repealed.