

The House Special Committee on Access to Quality Health Care offers the following substitute to HB 1105:

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 require the use of certified electronic health technology by certain hospitals; to
7 provide for rule and regulation; to provide for applicability; to provide for a short title; to
8 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 **SECTION 2.**

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

17 "31-7-286.

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

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

22 (2) 'Hospital' means an institution licensed pursuant to Chapter 7 of this title which is
23 primarily engaged in providing to inpatients, by or under the supervision of physicians,
24 diagnostic services and therapeutic services for medical diagnosis, treatment, and care of
25 injured, disabled, or sick persons or rehabilitation services for the rehabilitation of

26 injured, disabled, or sick persons. Such term includes public, private, rehabilitative,
 27 geriatric, osteopathic, psychiatric hospitals which shall have the same meaning as the
 28 term 'facility' as defined in paragraph (7) of Code Section 37-3-1, 'critical access hospital'
 29 as defined in paragraph (3) of Code Section 33-21A-2, other specialty hospitals, and any
 30 state owned or state operated hospitals.

31 (3) 'Information blocking' means the term as defined by the department through rule and
 32 regulation and shall be similar in meaning to such term as it existed in 42 U.S.C. Section
 33 300jj-52 on January 1, 2020.

34 (4) 'Interoperability' means health information technology that:

35 (A) Enables the secure exchange of electronic health information with, and use of
 36 electronic health information from, other health information technology without special
 37 effort on the part of the user;

38 (B) Allows for complete access, exchange, and use of all electronically accessible
 39 health information for authorized use under applicable state or federal law as such law
 40 existed on January 1, 2020; and

41 (C) Does not constitute information blocking.

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

45 (b) As a condition for participation as a provider under Article 7 of Chapter 4 of Title 49
 46 or as a provider under Chapter 18 of Title 45, each hospital shall be required to complete
 47 a survey regarding the following information:

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

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

53 (3) Whether such hospital uses interoperability;

54 (4) Whether there are any legal or practical barriers preventing such hospital from using
 55 interoperability;

56 (5) Whether such hospital uses certified electronic health records technology;

57 (6) Whether there are any legal or practical barriers preventing such hospital from using
 58 certified electronic health records technology;

59 (7) Whether such hospital has established a timeline for becoming a meaningful
 60 electronic health records user of certified electronic health records technology; and

61 (8) Such additional questions as the department may determine necessary.

- 62 (c) The survey described in subsection (b) of this Code section shall be submitted to the
 63 department by October 1, 2020.
- 64 (d) The department shall submit a report to the House Committee on Health and Human
 65 Services and the Senate Health and Human Services Committee by July 1, 2021. Such
 66 report shall include the following:
- 67 (1) The results of the survey described in subsection (b) of this Code section;
 68 (2) Recommendations for implementing a state-wide requirement that all hospitals
 69 become meaningful electronic health records users with regard to patient records and the
 70 communication of those records to other hospitals, use interoperability, and that such
 71 hospitals use certified electronic health records technology;
 72 (3) Recommendations for the establishment of interoperability standards. Such
 73 recommendations shall include requirements similar to requirements as they existed in
 74 30jj-11(c)(5)(D) on January 1, 2020; and
 75 (4) Any other information that the department finds necessary.
- 76 (e) This Code section shall stand repealed on July 2, 2021."

77 SECTION 3.

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

79 "31-7-287.

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

- 81 (1) 'Certified electronic health records technology' means the term as defined by the
 82 department through rule and regulation and similar in meaning to such term as it existed
 83 in 42 U.S.C. 1395w-4(o)(4) on January 1, 2020.
- 84 (2) 'Hospital' means an institution licensed pursuant to Chapter 7 of this title which is
 85 primarily engaged in providing to inpatients, by or under the supervision of physicians,
 86 diagnostic services and therapeutic services for medical diagnosis, treatment, and care of
 87 injured, disabled, or sick persons or rehabilitation services for the rehabilitation of
 88 injured, disabled, or sick persons. Such term includes public, private, rehabilitative,
 89 geriatric, osteopathic, psychiatric hospitals which shall have the same meaning as the
 90 term 'facility' as defined in paragraph (7) of Code Section 37-3-1, 'critical access hospital'
 91 as defined in paragraph (3) of Code Section 33-21A-2, other specialty hospitals, and any
 92 state owned or state operated hospitals.
- 93 (3) 'Information blocking' means the term as defined by the department through rule and
 94 regulation and shall be similar in meaning to such term as it existed in 42 U.S.C. Section
 95 300jj-52 on January 1, 2020.
- 96 (4) 'Interoperability' means health information technology that:

- 97 (A) Enables the secure exchange of electronic health information with, and use of
 98 electronic health information from, other health information technology without special
 99 effort on the part of the user;
- 100 (B) Allows for complete access, exchange, and use of all electronically accessible
 101 health information for authorized use under applicable state or federal law as such law
 102 existed on January 1, 2020; and
- 103 (C) Does not constitute information blocking.
- 104 (5) 'Meaningful electronic health records user' means the term as defined by the
 105 department through rule and regulation and shall be similar in meaning to such term as
 106 it existed in 42 U.S.C. Section 1395ww(n)(3) on January 1, 2020.
- 107 (6) 'Primary campus' means the building at which the majority of a hospital's licensed
 108 and operational inpatient hospital beds are located, and includes the health care facilities
 109 of such hospital within 1,000 yards of such building.
- 110 (7) 'Rural county' means a county having a population of less than 50,000 according to
 111 the United States decennial census of 2010 or any future such census.
- 112 (b) As a condition for participation as a provider under Article 7 of Chapter 4 of Title 49
 113 or as a provider under Chapter 18 of Title 45, each hospital shall by July 1, 2022, be a
 114 meaningful electronic health records user of certified electronic health records technology
 115 and meet any interoperability requirements as promulgated by the department through rule
 116 and regulation.
- 117 (c) Notwithstanding any other provision of this Code section, this Code section shall not
 118 apply to any hospital with a primary campus located in a rural county."

119 **SECTION 4.**

120 This Act shall become effective July 1, 2021.

121 **SECTION 5.**

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