

AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 270

Introduced by Senator Alquist

February 24, 2009

An act to add Division 109.5 (commencing with Section 130250) to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 270, as amended, Alquist. Health Information Technology Advisory Panel.

Existing law establishes the Office of Health Information Integrity within the California Health and Human Services Agency to ensure the enforcement of state law mandating confidentiality of medical information and to impose administrative fines for the unauthorized use of medical information.

This bill would, in addition, establish the Health Information Technology Advisory Panel to advise the Governor and the Legislature on health information technology implementation. This bill would provide for the appointment of panel members, establish the qualifications of members, and set forth the duties of the panel.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Division 109.5 (commencing with Section
- 2 130250) is added to the Health and Safety Code, to read:

1 DIVISION 109.5. HEALTH INFORMATION TECHNOLOGY
2 ADVISORY PANEL

3
4 130250. (a) There is hereby created a health information
5 technology advisory panel to advise the Governor and the
6 Legislature on health information technology implementation in
7 California. The panel shall be composed of the following voting
8 members:

9 (1) Two representatives of consumers, one of whom shall have
10 expertise in privacy and security of health information.

11 (2) One representative from a hospital.

12 (3) One representative from a primary care clinic.

13 (4) One representative from a health plan or health insurer.

14 (5) Two representatives from a medical group, one of whom
15 shall represent a group of specialists.

16 (6) Two representatives from health care professions who are
17 not physicians.

18 (7) One representative who is a solo or small group physician.
19 *For purposes of this section, "small group physician" means a*
20 *physician who is part of a group of five or fewer physicians.*

21 (8) One representative who is a ~~physician who is part of an~~
22 ~~independent physician association.~~ *solo or small group physician*
23 *representing specialty care.*

24 (9) One representative who has expertise in telemedicine or
25 telehealth.

26 (10) Two representatives from institutions of higher education
27 that offer medical or clinical education or health informatics, one
28 of whom represents a public institution.

29 (11) One representative from the California Council on Science
30 and Technology.

31 (12) One representative from a nonprofit entity who has
32 demonstrated expertise in health information technology.

33 (13) One representative with expertise in the use of health
34 information technology to manage chronic disease.

35 (b) Of the panel members as provided for in subdivision (a) the
36 Governor shall appoint __ members, the Senate Committee on
37 Rules shall appoint __ members, and the Speaker of the Assembly
38 shall appoint __ members.

39 (c) The following shall also participate in the panel as ex officio,
40 nonvoting members:

1 (1) The Secretary of Business, Transportation and Housing, or
2 his or her designee.

3 (2) The Secretary of Health and Human Services, or his or her
4 designee.

5 (3) The chair of the Senate Committee on Health, or his or her
6 designee.

7 (4) The chair of the Assembly Committee on Health, or his or
8 her designee.

9 (5) *The State Chief Information Officer, or his or her designee.*

10 130251. (a) Voting members shall have demonstrated expertise
11 in the provision, use, or deployment of health information
12 technologies to providers, provider groups, provider facilities,
13 consumers, patients, or communities.

14 (b) The initial term of voting members shall be staggered, with
15 eight members being appointed for a two-year term and nine
16 members being appointed for a four-year term. Upon the expiration
17 of the initial term, all voting members shall be appointed for a
18 four-year term.

19 (c) The panel shall elect, from among its members, a chair who
20 shall regularly report to the Governor and the Legislature on behalf
21 of the panel.

22 130252. (a) The panel shall do all of the following:

23 (1) Make recommendations to maximize the state's eligibility
24 and award of federal stimulus funds, authorized by the American
25 Recovery and Reinvestment Act of 2009 (ARRA) (Public Law
26 111-5), related to the use of health information technology.

27 (2) Advise the Governor and the Legislature on a mechanism
28 for designating a nonstate entity, and whether such a nonstate entity
29 is desirable, for executing tasks related to accessing federal
30 stimulus funds made available through ARRA.

31 (3) Make recommendations to ensure that safety net providers
32 have access to federal stimulus funds for which they are eligible.

33 (4) Make recommendations for sources necessary to match
34 federal dollars in the award of funds made available through
35 ARRA.

36 (5) Make recommendations for working with higher education
37 entities to incorporate medical informatics and health care
38 information enterprise integration into the higher education
39 curriculum, and information technology into clinical education.

1 (6) Make recommendations for standards and certification to
2 federal policy makers and the Office of the National Coordinator
3 for Health Information Technology in the federal Department of
4 Health and Human Services.

5 (7) Make recommendations on qualifications for centers in the
6 state that may provide technical assistance and best practices related
7 to health information technology *and meaningful assistance on its*
8 *implementation.*

9 (8) Make recommendations to ensure that providers have access
10 to information on federal incentive payments available under
11 ARRA *that will help them maximize their eligibility under ARRA,*
12 *including understanding of “meaningful use” as defined in federal*
13 *law.*

14 (9) Meet at least monthly in the first year, and, thereafter, as
15 deemed necessary by the chair.

16 (b) The panel shall make a recommendation in 2014 whether
17 continued need for the advisory panel exists beyond 2016.

18 (c) All members of the advisory panel shall serve without
19 compensation. Members of the panel shall be reimbursed for all
20 necessary travel expenses associated with the activities of the
21 panel. Consumer representatives on the panel may receive per
22 diem compensation if they are otherwise economically unable to
23 attend and participate in panel activities.