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HOUSE BILL NO. 1873

Offered January 9, 2013

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A BILL to amend and reenact §§ 2.2-2699.6 and 2.2-2699.7 of the Code of Virginia, relating to health information technology; access to data by health benefit exchange participants.

 Patron—McClellan

 Referred to Committee on Science and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2699.6 and 2.2-2699.7 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2699.6. Powers and duties of the ITAC.

A. The ITAC shall have the power and duty to:

1. Adopt rules and procedures for the conduct of its business;

2. Advise the CIO on the development of all major information technology projects as defined in § 2.2-2006;

3. Advise the CIO on strategies, standards, and priorities for the use of information technology for state agencies in the executive branch of state government;

4. Advise the CIO on developing the two-year plan for information technology projects;

5. Advise the CIO on statewide technical and data standards for information technology and related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth;

6. Advise the CIO on statewide information technology architecture and related system standards;

7. Advise the CIO on assessing and meeting the Commonwealth's business needs through the application of information technology;

8. Advise the CIO on the prioritization, development, and implementation of enterprise-wide technology applications; annually review all agency technology applications budgets; and advise the CIO on infrastructure expenditures; and

9. Advise the CIO on the development, implementation, and execution of a technology applications governance framework for executive branch agencies. Such framework shall establish the categories of use by which technology applications shall be classified, including but not limited to enterprise-wide, multiagency, or agency-specific. The framework shall also provide the policies and procedures for determining within each category of use (i) the ownership and sponsorship of applications, (ii) the proper development of technology applications, (iii) the schedule for maintenance or enhancement of applications, and (iv) the methodology for retirement or replacement of applications. ITAC shall include the participation of agency leaders who are necessary for defining agency business needs, as well as agency information technology managers who are necessary for overseeing technology applications performance relative to agency business needs. Agency representatives shall assist ITAC in determining the potential information technology solutions that can meet agency business needs, as well as how those solutions may be funded.

B. *The ITAC shall adopt standards that allow consumers to have access to their (i) health data held by an exchange, including clinical data from electronic health records as required by Stage 2 of the Meaningful Use standards defined by the Centers for Medicare and Medicaid Services' Medicare and Medicaid Electronic Health Record Incentive Programs and (ii) administrative data regarding the exchanges, including provider price, network coverage, and the consumer's claims data. The standards shall:*

1. Require an exchange to permit consumers to view, download, and transmit their personal health information from a secure portal;

2. Allow personal health information to be transmitted to a personally-controlled electronic health record in a format that is both machine and human readable;

3. Provide consumers and their caregivers access to personal health information in a secure, timely, and usable manner consistent with applicable law;

4. Provide consumers with (i) timely electronic access to their eligibility and enrollment data in a format they can use and reuse; (ii) knowledge of how their eligibility and enrollment information will be used, including sharing across programs to facilitate additional enrollments, and to the extent practicable, control over such uses; and (iii) the ability to request corrections or updates of such data; and

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59 5. Incorporate, where appropriate, (i) the applicable standards and protocols adopted by the U.S.
60 Secretary of Health and Human Services pursuant to § 1561 of the Affordable Care Act and (ii) the
61 recommendations of the Health Information Technology Standards Advisory Committee developed
62 pursuant to clause (ii) of § 2.2-2699.7.

63 C. Definitions. As used in this section, ~~the term "technology:~~

64 "Affordable Care Act" means the federal Patient Protection and Affordable Care Act, P.L. 111-148,
65 as amended.

66 "Consumer" means an individual who is eligible to purchase health care coverage through an
67 exchange or who may utilize an exchange to enroll, or to determine his eligibility for enrollment, in a
68 government health program.

69 "Exchange" means any health benefit exchange developed in accordance with § 1311(b) of the
70 Affordable Care Act, including a SHOP Exchange, that is established to serve areas of the
71 Commonwealth, whether administered by the Commonwealth or by the federal government.

72 "Exchange participant" means a health carrier offering or issuing a health benefit plan through an
73 exchange, navigators authorized to assist consumers in an exchange, and health insurance agents
74 authorized to operate in an exchange.

75 "Technology applications" includes, but is not limited to, hardware, software, maintenance, facilities,
76 contractor services, goods, and services that promote business functionality and facilitate the storage,
77 flow, use, or processing of information by agencies of the Commonwealth in the execution of their
78 business activities.

79 **§ 2.2-2699.7. Health Information Technology Standards Advisory Committee.**

80 The ITAC may appoint an advisory committee of persons with expertise in health care and
81 information technology to advise the ITAC on (i) the utilization of nationally recognized technical and
82 data standards for health information technology systems or software pursuant to subdivision A 5 of
83 § 2.2-2699.6 and (ii) the standards for access to health data through a health benefit exchange, which
84 standards are to be adopted by the ITAC pursuant to subsection B of § 2.2-2699.6. The ITAC, in
85 consultation with the Secretary of Health and Human Resources, may appoint up to five persons to serve
86 on the advisory committee. Members appointed to the advisory committee shall serve without
87 compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the
88 performance of their duties as provided in § 2.2-2825. The CIO, the Secretary of Technology, and the
89 Secretary of Health and Human Resources, or their designees, may also serve on the advisory
90 committee.