

# VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

## CHAPTER 134

*An Act to amend and reenact § 2.2-2458 of the Code of Virginia, to amend and reenact § 1 of Chapter 635 of the Acts of Assembly of 2007, and to amend the Code of Virginia by adding in Article 20 of Chapter 24 of Title 2.2 a section numbered 2.2-2458.1, relating to health information technology; adoption of standards.*

[H 2044]

Approved February 26, 2009

### **Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-2458 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 20 of Chapter 24 of Title 2.2 a section numbered 2.2-2458.1 as follows:**

§ 2.2-2458. Powers and duties of the Board.

The Board shall have the power and duty to:

1. Appoint the Chief Information Officer as the chief administrative officer of the Board to oversee the operation of VITA pursuant to § 2.2-2005;

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

3. Approve or disapprove the development of all major information technology projects as defined in § 2.2-2006. The Board may terminate any major information technology project recommended for termination by the Chief Information Officer pursuant to § 2.2-2015;

4. Approve strategies, standards, and priorities recommended by the Chief Information Officer for the use of information technology for state agencies in the executive branch of state government;

5. Approve the four-year plan for information technology projects;

6. Approve statewide technical and data standards for information technology and related systems, *including the approval of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth;*

7. Approve statewide information technology architecture and related set of system standards;

8. Approve criteria for the review and approval of the planning, scheduling and tracking of major information technology projects as defined in § 2.2-2006;

9. Adopt resolutions or regulations conferring upon the Chief Information Officer all such powers, authorities and duties as the Board deems necessary or proper to carry out the purposes of Chapter 20.1 of Title 2.2; and

10. Submit by September 1 of each year a list of recommended technology investment projects and priorities for funding such projects to the Governor and the General Assembly.

*§ 2.2-2458.1. Health Information Technology Standards Advisory Committee.*

*The Board may appoint an advisory committee of persons with expertise in health care and information technology to advise the Board on the approval of nationally recognized technical and data standards for health information technology systems or software pursuant to subdivision 6 of § 2.2-2458. The chairman of the Board, in consultation with the Secretary of Technology and the Secretary of Health and Human Services, may appoint up to five persons to serve on the advisory committee. Members appointed to the advisory committee shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825. The chairman of the Board, the Secretary of Technology, and the Secretary of Health and Human Services, or their designees, may also serve on the advisory committee, in addition to those persons appointed by the chairman of the Board.*

**2. That § 1 of Chapter 635 of the Acts of Assembly of 2007 is amended and reenacted as follows:**

§ 1. That any state agency of the Commonwealth that purchases a system or software that pertains to or interacts with electronic patient information or electronic health records shall ensure that such system or software adheres to accepted standards for interoperability and data exchange *adopted by the Information Technology Investment Board pursuant to subdivision 6 of § 2.2-2458 of the Code of Virginia* or has been certified by a recognized certification body. Further, any state agency that makes grants available to other entities for electronic patient information or electronic health records shall ensure that such systems or software shall adhere to accepted standards for interoperability, privacy and data exchange or has been certified by a nationally recognized certification body.