

AMENDMENTS TO LB716

Introduced by Hilkeemann, 4.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Health Information Initiative Act.

5 Sec. 2. The purpose of the Health Information Initiative Act is to
6 require the chief executive officer of the Department of Health and Human
7 Services to designate a health information exchange to provide the data
8 infrastructure needed to assist in operating the medical assistance
9 program by facilitating health record interoperability, care
10 coordination, care transition management, and related systems integrator
11 services.

12 Sec. 3. For purposes of the Health Information Initiative Act:

13 (1) Department means the Department of Health and Human Services;
14 and

15 (2) Designated health information exchange means the entity selected
16 pursuant to section 7 of this act.

17 Sec. 4. Subject to oversight and approval by the department as
18 required by applicable law, the designated health information exchange
19 shall provide the governance oversight necessary to ensure that any
20 health information in the designated health information exchange received
21 from or on behalf of the department may be accessed, used, or disclosed
22 only in accordance with the privacy and security protections set forth in
23 the federal Health Insurance Portability and Accountability Act of 1996,
24 Public Law 104-191, and regulations promulgated thereunder, as such act
25 and regulations existed on January 1, 2019, and in compliance with
26 sections 81-663 to 81-675 or the laws governing a specific registry or
27 set of health data, as well as all other applicable laws. All protected

1 health information and personally identifiable information provided to
2 the designated health information exchange is confidential and not a
3 public record.

4 Sec. 5. The department shall, to the extent allowed by applicable
5 law, provide the designated health information exchange with data related
6 to health care delivery and claims which is collected by the Division of
7 Medicaid and Long-Term Care of the department and the Division of Public
8 Health of the department and other departmental data sets in order for
9 the designated health information exchange to carry out the purpose of
10 the Health Information Initiative Act. This section applies only to
11 health care delivery and claims related data and does not apply to
12 administrative data sets that do not inform health care delivery. The
13 department and the designated health information exchange may clarify
14 operational parameters by supplemental agreements.

15 Sec. 6. To the extent allowed by applicable law, each health care
16 facility as defined in section 71-413, home health service, laboratory,
17 medicaid managed care organization, federally qualified health center,
18 rural health clinic, local public health department, and other health
19 care entity providing health care in Nebraska shall participate in and
20 connect to the designated health information exchange in order to share
21 clinical information pursuant to common data exchange standards. If such
22 facility or entity is unable to connect to the designated health
23 information exchange, the entity may submit a waiver request to the
24 department and the designated health information exchange for
25 consideration. The designated health information exchange shall provide
26 validation to the department regarding any technical inability of such
27 facility or entity to connect to the designated health information
28 exchange. If the designated health information exchange validates such
29 technical inability, the department may approve such waiver.

30 Sec. 7. The chief executive officer of the department shall select
31 the designated health information exchange.

1 Sec. 8. The Health Information Initiative Fund is created. The fund
2 shall consist of funds appropriated by the Legislature for the Health
3 Information Initiative Act. The fund may receive funds from health care
4 facilities and entities described in section 6 of this act, private
5 funds, donations, or other sources of funding. Any money in the Health
6 Information Initiative Fund available for investment shall be invested by
7 the state investment officer pursuant to the Nebraska Capital Expansion
8 Act and the Nebraska State Funds Investment Act.