

## Amendment: HC3

Representative **HERBKERSMAN** proposes the following amendment:

### SECTION 117 – X900 General Provisions

Amend

**117.75.** (GP: Information Technology for Healthcare) From the funds appropriated and ~~awarded~~ authorized to the ~~South Carolina~~ Department of Health and Human Services ~~for the Health Information Technology for Economic and Clinical Health Act of 2009~~, the department shall advance the use of health information technology and health information exchange to improve quality and efficiency of health care and to decrease the costs of health care as follows:-

(A) In order to facilitate the qualification of Medicare and/or Medicaid eligible providers and hospitals for incentive payments for meaningful health information technology (HIT) use, a health care organization participating in the South Carolina Health Information Exchange (SCHIE) or a Regional Health Information Organization (RHIO) or a hospital system health information exchange (HIE) that participates in SCHIE may release patient records and medical information, including the results of any laboratory or other tests ordered or requested by an authorized health care provider within the scope of his or her license or practice act, to another health information organization that requests the information via a HIE for treatment purposes with or without express written consent or authorization from the patient. A health information organization that receives or views this information from a patient's electronic health record or incorporates this information into the health information organization's electronic medical record for the patient in providing treatment is considered an authorized

## PROVISO SUBCOMMITTEE AMENDMENT

person for purposes of 42 C.F.R. 493.2 and the Clinical Laboratory Improvement Amendments.

(B) There is established the Health Information Exchange Strategy Development Committee to make recommendations on the development of a statewide HIE strategy that is intended to promote interoperability for purposes of improving patient safety, eliminating redundant or unnecessary testing, and increasing the efficiency of the healthcare system. The committee shall assess other states' approaches to governing, financing, and implementing their statewide HIE efforts, including enhanced funding made available through the Centers for Medicare and Medicaid Services or other relevant agencies, and shall report its findings and recommendations to the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee no later than November 15, 2021. The committee shall consider and leverage the capabilities of existing exchanges and organizations already present in South Carolina and shall solicit and evaluate the input of appropriate stakeholders including but not limited to those represented on the committee. Upon the request of the committee, the department shall furnish staff and other necessary resources to support the work of the committee, which shall be comprised of the following:

- (1) the director of the Revenue and Fiscal Affairs Office or his designee, who shall serve as chair;
- (2) the director of the Department of Health and Human Services or his designee;
- (3) the director of the Department of Health and Environmental Control or his designee;
- (4) the president of the Medical University of South Carolina or his designee;
- (5) the CEO of the South Carolina Hospital Association or his designee;
- (6) the CEO of the South Carolina Medical Association or his designee; and
- (7) an individual with substantial HIE experience, who shall be appointed by the Governor.

(C) The department shall be authorized to use any of its available and uncommitted funds to develop, submit, or implement any advance planning documents or other similar plans in furtherance of a statewide HIE strategy, and to secure any available federal funding. The department shall expeditiously prepare and submit any such documents or plans, particularly if necessary to meet any federal deadlines.