

Senate Bill 412

By: Senators Goggans of the 7th, Thomas of the 54th, Unterman of the 45th and Hawkins of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding health, so as to provide for legislative findings
3 relating to electronic health initiatives; to create the Georgia eHealth Advisory Council; to
4 provide for its composition and powers; to provide for a strategic plan and annual reports;
5 to provide for cooperation from state agencies; to provide administrative support; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding health, is amended by adding a new Code section to read as
11 follows:

12 "31-1-11.

13 (a) The General Assembly finds that:

14 (1) The State of Georgia is suffering from decreasing access to quality health care and
15 escalating health care costs while at the same time undergoing a serious budget shortage;

16 (2) Electronic health initiatives such as telehealth and electronic health care records are
17 emerging as vital components of the solution to our current health care crisis and hold the
18 potential to answer some of the most challenging issues of providing quality health care
19 in Georgia;

20 (3) Telehealth greatly expands access to quality health care and health care professionals
21 while also providing cost-effective delivery;

22 (4) Telehealth allows health care providers to see and diagnose inmates in prisons and
23 improve inmate health care by providing remote access to more medical specialists while
24 reducing prisoner transport costs and related security management costs;

25 (5) Telehealth is one of the most effective ways to increase access to psychiatric care for
26 individuals living in underserved areas;

27 (6) Telehealth can reduce the frequent unnecessary transfers of nursing home residents
28 with multiple chronic conditions while reducing cost, liability, and the chances that
29 residents are injured;

30 (7) For schools that are faced with having to decrease nursing staff, telehealth can allow
31 access to a nurse who is located at a central location serving multiple schools via a
32 telemed connection in real time;

33 (8) The expansion of telehealth services in Georgia would greatly benefit from an entity
34 that would coordinate the implementation of telehealth services across Georgia, helping
35 to consolidate contracts, share developments, and accelerate the use of rapidly developing
36 telehealth methods and technology;

37 (9) In the absence of an efficient system for sharing medical information among the
38 Georgia provider community, health care providers must order costly duplicative medical
39 tests and procedures;

40 (10) The health care system would benefit from reducing the time needed to evaluate
41 promising medical techniques, devices, and drugs, and bringing safe and effective
42 products and procedures to the marketplace more quickly;

43 (11) Providing consumers with online access to tools that gather data from their medical
44 records, and assisting them in reviewing and monitoring the data in conjunction with their
45 health care providers, would permit them to become better informed and more proactive
46 in managing their health and wellness, thereby reducing strain on and increasing
47 efficiency of the health care system;

48 (12) With the advances made in technology and connectivity, it is feasible to implement
49 an effective information infrastructure capable of aggregating health information from
50 multiple sources and presenting that information to authorized parties in a usable format
51 to support sound health care decisions by providers, consumers, public health officials,
52 and researchers;

53 (13) Such health information infrastructure is a necessary and important part of
54 effectively addressing the challenges and opportunities described in this subsection;

55 (14) Safeguarding the privacy and security of personal health information is of great
56 importance to the citizens of Georgia; and

57 (15) The creation and promotion of a unified plan for the development and
58 implementation of eHealth initiatives is of crucial importance to, and in the best interests
59 of, the people of the State of Georgia.

60 (b) There is created the Georgia eHealth Advisory Council. The council shall be
61 composed of:

62 (1) The commissioner of the Department of Community Health or his or her designee;

63 (2) The director of the Division of Public Health of the department or his or her
64 designee;

65 (3) The commissioner of the Department of Corrections or his or her designee;

66 (4) The commissioner of the Department of Behavioral Health and Developmental
67 Disabilities or his or her designee; and

68 (5) A representative of the Georgia Trauma Care Network Commission, as designated
69 by the chairperson of such commission.

70 The member designated pursuant to paragraph (5) of this Code section shall serve at the
71 pleasure of the chairperson of the Georgia Trauma Care Network Commission, and all
72 other members shall serve terms concurrent with their positions.

73 (c) The commissioner of the Department of Community Health or his or her designee shall
74 serve as chairperson of the council. Members of the commission shall serve without
75 compensation.

76 (d) The council may:

77 (1) Appoint advisory members including representatives from the Georgia health care
78 provider community, Georgia telehealth providers, local government representatives,
79 sheriffs, local school system representatives, and others whose expertise may benefit the
80 council; and

81 (2) Establish various subcommittees with subject matter expertise to advise the council
82 on specific matters. In such cases, subcommittees may include appointed advisory
83 members in their membership, but the chairperson of each subcommittee shall be a
84 member of the council.

85 (e) The council shall:

86 (1) Advise and support appropriate parties within state government relating to
87 development and implementation of an overall strategy for the adoption and use of
88 telemedicine techniques and services in state funded health care and mental health
89 programs;

90 (2) Develop strategies for sharing of services and coordination across agencies and state
91 funded programs as they develop and implement telemedicine programs so as to
92 eliminate duplicative efforts in this area;

93 (3) Advise appropriate parties within state government on issues related to the
94 development and implementation of the health information infrastructure so as to
95 promote electronic health record development and health information exchange; and

96 (4) Review all state contracts in the areas of telemedicine and electronic health records
97 in order to ensure coordination with other agencies, to promote consolidation of contracts,
98 and to encourage state contracts with nonprofit entities that promote and support
99 telemedicine initiatives.

100 (f) No later than July 1, 2011, the council shall establish a five-year strategic plan
101 regarding electronic health initiatives and shall submit such strategic plan to the General
102 Assembly, the Lieutenant Governor, the Governor, and the Speaker of the House of
103 Representatives. Annually thereafter, the council shall report on its findings to the General
104 Assembly, the Lieutenant Governor, the Governor, and the Speaker of the House of
105 Representatives during each regular legislative session.

106 (g) All executive departments, agencies, boards, and commissions and any other divisions
107 of the executive branch of state government shall fully cooperate with the council, and any
108 nonprofit entities designated by the council that promote and support telemedicine
109 initiatives, in the performance of its duties and shall provide staff assistance and any other
110 assistance as requested.

111 (h) The council shall be attached to the Department of Community Health for
112 administrative purposes. Staff support for the council shall be provided from the
113 Department of Community Health, Department of Corrections, and the Department of
114 Behavioral Health and Developmental Disabilities."

115 **SECTION 2.**

116 All laws and parts of laws in conflict with this Act are repealed.