

1 State of Arkansas *As Engrossed: S3/4/13 S3/6/13 S4/1/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 516

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5 By: Senator J. Woods

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For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION TO THE OFFICE OF

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HEALTH INFORMATION TECHNOLOGY FOR ELECTRONIC RECORDS

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MANAGEMENT; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE OFFICE OF HEALTH

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INFORMATION TECHNOLOGY GENERAL

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IMPROVEMENT APPROPRIATION.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. APPROPRIATION - ELECTRONIC RECORDS MANAGEMENT. There is hereby appropriated, to the Office of Health Information Technology, to be payable from the General Improvement Fund or its successor fund or fund accounts, for grants for increasing the adoption of electronic health records to improve patient care and outcomes, reducing the cost of care to patient and state, and improving the efficiency of the health information exchange for the fiscal year ending June 30, 2014, the sum of.....\$10,000,000.

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SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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RESTRICTIONS.

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(a) No grant may be awarded nor obligations otherwise incurred in relation to the project or projects described herein to any entity unless the entity meets the following requirements:

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(1) The entity is based in the state of Arkansas

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(2) The entity has been in operation for at least 10 years

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1 (3) The entity is certified for Meaningful Use by the Office
2 of the National Coordinator for Health Information Technology (ONC) -
3 Authorized Testing and Certifying Body (ATCB) for Electronic Health Record
4 (EHR) Certification

5 (4) The entity is capable of transmitting medical images
6 electronically and in a manner that is compliant with the Health Insurance
7 Portability and Accountability Act (HIPAA) Act of 1996 and Health Information
8 Technology for Economic and Clinical Health (HITECH) Act of 2009

9 (5) The entity offers continuing education opportunities and

10 (6) The entity offers HIPAA compliant messaging, collaboration
11 and referrals.

12 (b) Funding for this appropriation shall be awarded and disbursed no later
13 than sixty (60) days after the funds are released to the Office of Health
14 Information Technology for the purposes state herein.

15 The provisions of this section shall be in effect only from July 1,
16 2013 through June 30, 2014.

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18 SECTION 3. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
19 obligations otherwise incurred in relation to the project or projects
20 described herein in excess of the State Treasury funds actually available
21 therefor as provided by law. Provided, however, that institutions and
22 agencies listed herein shall have the authority to accept and use grants and
23 donations including Federal funds, and to use its unobligated cash income or
24 funds, or both available to it, for the purpose of supplementing the State
25 Treasury funds for financing the entire costs of the project or projects
26 enumerated herein. Provided further, that the appropriations and funds
27 otherwise provided by the General Assembly for Maintenance and General
28 Operations of the agency or institutions receiving appropriation herein shall
29 not be used for any of the purposes as appropriated in this act.

30 (B) The restrictions of any applicable provisions of the State Purchasing
31 Law, the General Accounting and Budgetary Procedures Law, the Revenue
32 Stabilization Law and any other applicable fiscal control laws of this State
33 and regulations promulgated by the Department of Finance and Administration,
34 as authorized by law, shall be strictly complied with in disbursement of any
35 funds provided by this act unless specifically provided otherwise by law.

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1 SECTION 4. LEGISLATIVE INTENT. It is the intent of the General
2 Assembly that any funds disbursed under the authority of the appropriations
3 contained in this act shall be in compliance with the stated reasons for
4 which this act was adopted, as evidenced by the Agency Requests, Executive
5 Recommendations and Legislative Recommendations contained in the budget
6 manuals prepared by the Department of Finance and Administration, letters, or
7 summarized oral testimony in the official minutes of the Arkansas Legislative
8 Council or Joint Budget Committee which relate to its passage and adoption.

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10 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General
11 Assembly, that the Constitution of the State of Arkansas prohibits the
12 appropriation of funds for more than a one (1) year period; that the
13 effectiveness of this Act on July 1, 2013 is essential to the operation of
14 the agency for which the appropriations in this Act are provided, and that in
15 the event of an extension of the legislative session, the delay in the
16 effective date of this Act beyond July 1, 2013 could work irreparable harm
17 upon the proper administration and provision of essential governmental
18 programs. Therefore, an emergency is hereby declared to exist and this Act
19 being necessary for the immediate preservation of the public peace, health
20 and safety shall be in full force and effect from and after July 1, 2013.

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22 /s/J. Woods
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