

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1676

H.P. 1074

House of Representatives, April 13, 2023

**An Act to Strengthen the Sustainability and Value of Maine's
Designated Health Information Exchange by Acquiring Enhanced
Federal Funding**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1711-F, sub-§1**, as enacted by PL 2009, c. 387, §3, is amended
3 to read:

4 **1. Definitions.** For the purposes of this section, "health care facility" has the same
5 meaning as in section 1711-C, subsection 1, paragraph D ~~and~~, "health care practitioner"
6 has the same meaning as in section 1711-C, subsection 1, paragraph F and "health care
7 systems" means 2 or more health care organizations that are affiliated with each other
8 through either contractual or shared ownership, with at least one hospital and at least one
9 physician organization.

10 **Sec. 2. 22 MRSA §1711-F, sub-§4** is enacted to read:

11 **4. Use of enhanced federal matching funds.** The state-designated health information
12 exchange shall use enhanced federal matching funds for infrastructure and operations and
13 to subsidize or offset participants' fees in a manner that is equitable across provider
14 participants and is reasonable and sustainable.

15 **Sec. 3. 22 MRSA §1711-F, sub-§5** is enacted to read:

16 **5. Board of directors governing state-designated health information exchange.**
17 After approval is obtained for enhanced federal matching funds for the state-designated
18 health information exchange, the bylaws of the state-designated health information
19 exchange must provide that:

20 A. A designee of the commissioner shall participate in the executive finance committee
21 of the board of directors governing the state-designated health information exchange;

22 B. The board of directors governing the state-designated health information exchange
23 includes a designee of the commissioner from the Office of MaineCare Services; and

24 C. The board of directors governing the state-designated health information exchange
25 includes at least one enrolled MaineCare provider nominated by the commissioner,
26 based on the provider's demonstration of the provider's use of the state-designated
27 health information exchange to benefit the value of health care services provided to
28 MaineCare members.

29 **Sec. 4. 22 MRSA §1711-F, sub-§6** is enacted to read:

30 **6. Plan; changes to documents.** The state-designated health information exchange
31 shall present a plan to the department annually, starting within 2 months after approval is
32 obtained for enhanced federal matching funds for the state-designated health information
33 exchange, to ensure sustainability of overall state-designated health information exchange
34 operations and financial support for any increased investment required for the state share
35 of funds. Annual changes to documents the department submits to the United States
36 Department of Health and Human Services, Centers for Medicare and Medicaid Services
37 in connection with enhanced federal matching funds are contingent on state department
38 approval of the annual state-designated health information exchange operational budget.

39 **Sec. 5. 22 MRSA §1711-F, sub-§7** is enacted to read:

40 **7. MaineCare access to data.** The state-designated health information exchange shall
41 provide the department's Office of MaineCare Services with access to member data
42 collected through the state-designated health information exchange, including clinical and

1 utilization data, consistent with allowable uses of these data in the office's role as an entity
2 covered by the federal Health Insurance Portability and Accountability Act of 1996, for the
3 administration of the MaineCare program, treatment and coordination of care for its
4 members, including the review of real-time health care use among MaineCare members,
5 the calculation of performance measures, including but not limited to clinical quality
6 measures, identification of statistics and analytics related to the MaineCare population and
7 the assessment of quality performance by health care providers for consideration in the
8 design and ongoing operations of alternative payment models that tie payment to provider
9 performance. Data access may not be used for the purpose of program integrity or to
10 administer administrative sanctions or penalties. The state-designated health information
11 exchange data may not be used to determine medical necessity for medical payment
12 purposes.

13 **Sec. 6. 22 MRSA §1711-F, sub-§8** is enacted to read:

14 **8. MaineCare providers that are hospitals or part of health care system.** A
15 provider located in this State and enrolled in MaineCare that is a hospital or part of a health
16 care system shall maintain persistent data connection and clinician access to the state-
17 designated health information exchange in order to ensure that MaineCare members may
18 continue to benefit from improved care coordination and care provisions resulting from the
19 exchange of clinical data across provider settings and systems.

20 **Sec. 7. Department of Health and Human Services to apply for approval**
21 **to obtain enhanced federal matching funds for state-designated health**
22 **information exchange; use of funds.** Upon the achievement by the Department of
23 Health and Human Services of outcomes-based certification by the United States
24 Department of Health and Human Services, Centers for Medicare and Medicaid Services
25 for the state-designated statewide health information exchange under the Maine Revised
26 Statutes, Title 22, section 1711-F, the state department shall submit an operational advance
27 planning document for approval by the centers to obtain enhanced federal matching funds
28 to support ongoing infrastructure and operational support for the state-designated health
29 information exchange, proportional to the benefit of the state-designated health information
30 exchange to MaineCare members and to enrolled MaineCare providers in comparison to
31 the benefit for all patients and providers in the state-designated health information
32 exchange.

33 **SUMMARY**

34 This bill directs the Department of Health and Human Services to submit an operational
35 advance planning document for approval by the United States Department of Health and
36 Human Services, Centers for Medicare and Medicaid Services to obtain enhanced federal
37 matching funds to support the state-designated health information exchange. Subsequent
38 to approval by the centers of the operational advance planning document and achievement
39 of outcomes-based certification, it requires the bylaws of the state-designated health
40 information exchange to include greater department representation in the makeup of the
41 board of directors governing the state-designated health information exchange and requires
42 broad MaineCare access to state-designated health information exchange patient data from
43 providers. It further requires the state-designated health information exchange to submit
44 an annual plan to the department to ensure stable state-designated health information
45 exchange operations and financial support and requires MaineCare providers that are

1 hospitals or part of a health care system to maintain a persistent data connection and
2 clinician access to the state-designated health information exchange.