



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 395: HIE Deadline Extension & Patient Protection.

2021-2022 General Assembly

Committee:	House Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 3, 2021
Introduced by:	Reps. Sasser, Potts, K. Baker, Wray	Prepared by:	Theresa Matula
Analysis of:	PCS to First Edition H395-CSSH-27		Committee Staff

OVERVIEW: *The Proposed Committee Substitute (PCS) for HB 395 would exempt ambulatory surgical centers from the requirement to submit demographic and clinical data and extend the mandatory deadline for certain entities to connect to the Health Information Exchange (HIE) Network known as NC HealthConnex. The PCS also prevents providers or entities from balance billing when their receipt of State funds is negatively impacted by a failure to connect to the HIE; requires the HIE Authority to provide educational materials on how to access electronic health information; and requires the HIE Advisory Board to submit a report by December 1, 2022 to the Joint Legislative Oversight Committee on Health and Human Services containing recommendations regarding appropriate features or actions to support the Statewide Health Information Exchange Act.*

BILL ANALYSIS: The PCS for House Bill 395 would do the following:

Section 1 provides that the Department of Information Technology; Department of State Treasurer, State Health Plan Division; and the Department of Health and Human Services, Division of Health Benefits have an affirmative duty to facilitate and support participation by covered entities in the statewide health information exchange network.

Section 2 extends connection deadlines as follows:

- Extends the connection deadline for most providers Medicaid and State-funded health care services, and affiliated entities, until January 1, 2023 (currently October 1, 2021).
- Extends the connection deadline for dentists, psychiatrists, and the State Laboratory of Public Health until January 1, 2023 (currently June 1, 2021).
- Extends the connection deadline for pharmacies and State health care facilities operated under the Secretary of the Department of Health and Human Services (State psychiatric hospitals, developmental centers, alcohol and drug treatment centers, neuro-medical treatment center, and residential programs) until January 1, 2023 (currently June 1, 2021).

Section 3 makes a conforming change in response to the January 1, 2023 deadline changes above.

Sections 2 and 4 remove ambulatory surgical centers, as defined in G.S. 131E-146, from the requirements to submit demographic and clinical data.

Section 5 adds a new subsection (to G.S. 90-414.4) to prohibit balance billing. The language specifies that any provider or entity whose receipt of State funds is negatively impacted by a failure to connect to the HIE Network and submit required data is not allowed to balance bill for services rendered to State-funded health care program beneficiaries, and those beneficiaries are not responsible for improper charges.

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Section 6 prohibits the NC Health Information Exchange Authority from fulfilling requests for electronic health information from an individual, individual's personal representative, or an individual or entity purporting to act on an individual's behalf, and requires the Authority to provide educational materials on accessing this information from other sources.

Section 7 requires the Health Information Exchange Advisory Board to submit recommendations regarding appropriate features or actions to support the Statewide Health Information Exchange Act to the Joint Legislative Oversight Committee on Health and Human Services on or before December 1, 2022.

EFFECTIVE DATE: The bill would become effective when it becomes law.