

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

**'An Act To Authorize a General Fund Bond Issue To Create
a New Electronic Medical Records Infrastructure and To
Establish the Electronic Medical Records Infrastructure Program'**

Amend the bill by inserting after the enacting clause and before section 1 the following:

PART A

'Sec. .

Amend the bill in section 1 in the 3rd line (page 1, line 8 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 3 in the 2nd line from the end (page 1, line 22 in L.D.) by striking out the following: "Act" and inserting the following: 'Part' and in the last line (page 1, line 23 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 4 in the 2nd line (page 1, line 25 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 5 in the 2nd line (page 1, line 28 in L.D.) by striking out the following: "Act" and inserting the following: 'Part' and in the 2nd and 3rd lines (page 1, lines 28 and 29 in L.D.) by striking out the following: "Department of Administrative and Financial Services" and inserting the following: 'Finance Authority of Maine'

Amend the bill by striking out all of section 6 (page 1, lines 30 to 40 in L.D.) and inserting the following:

'Sec. 6. Allocations from General Fund bond issue.The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

FINANCE AUTHORITY OF MAINE

\$10,000,000

Provides funds for grants and low-interest loans to health care providers for the purchase of software and hardware necessary to exchange patients' health care records electronically and for technical assistance with the implementation of an electronic medical records infrastructure.

Amend the bill in section 7 in the last line (page 2, line 3 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 9 in the 3rd line (page 2, line 10 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 10 in the 2nd line (page 2, line 15 in L.D.) by striking out the following: "Act" and inserting the following: 'Part' and in the last line (page 2, line 19 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 10 by striking out all of the question (page 2, lines 20 to 22 in L.D.) and inserting the following:

"Do you favor a \$10,000,000 bond issue to provide grants and low-interest loans to health care providers for the purchase of software and hardware necessary to exchange patients' health care records electronically and for technical assistance with the implementation of an electronic medical records infrastructure?"

Amend the bill in section 10 in the 2nd indented paragraph in the 3rd line from the end (page 2, line 28 in L.D.) by striking out the following: "Act" and inserting the following: 'Part' and in the 2nd line from the end (page 2, line 29 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill in section 10 in the last indented paragraph in the 2nd line (page 2, line 32 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill by inserting at the end before the summary the following:

PART B

Sec. B-1. 10 MRSA c. 1057 is enacted to read:

CHAPTER 1057

ELECTRONIC MEDICAL RECORDS INFRASTRUCTURE PROGRAM

§ 9601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Fund. "Fund" means the Electronic Medical Records Infrastructure Program Fund established in section 9603.

2. Primary health care provider. "Primary health care provider" means an individual or for-profit or nonprofit corporation or partnership within the State that provides health care services in the general practice of medicine, family practice of medicine, general internal medicine, general pediatrics, general dentistry or obstetrics and gynecology, but does not include a hospital or a health care practice affiliated with a hospital.

3. Program. "Program" means the Electronic Medical Records Infrastructure Program established in section 9602.

4. Qualified recipient. "Qualified recipient" means any individual or corporation or partnership within the State that meets criteria established by the State Coordinator under section 9604, subsection 3 and demonstrates a financial need for a loan or grant to assist with the purchase of the software and hardware necessary to establish a medical records infrastructure to exchange patients' health care records electronically.

5. Regional extension center. "Regional extension center" means the entity designated by the United States Department of Health and Human Services, Office of the National Coordinator for Health Information Technology to provide technical assistance with the implementation of an electronic medical records infrastructure.

6. State Coordinator. "State Coordinator" means the individual designated by the Governor to serve as the coordinator for health information technology in the State.

§ 9602. Program established

There is established the Electronic Medical Records Infrastructure Program to provide assistance in the form of loans to qualified recipients in order to implement an electronic medical records system in the State that allows health care providers to exchange patients' health care records electronically. Grants under the program must be used to provide technical assistance with the implementation of an electronic medical records infrastructure.

§ 9603. Fund established

1. Creation of fund. There is established the Electronic Medical Records Infrastructure Program Fund, which must be used to provide funding for loans and grants to qualified recipients within the State in order to purchase the software and hardware necessary to implement an electronic medical records infrastructure to exchange patients' health care records electronically and for other purposes as allowed under this chapter and for technical assistance to implement the electronic medical records infrastructure. The fund must be deposited with and maintained by the Finance Authority of Maine and administered by the State Coordinator. The fund must receive bond proceeds approved for that purpose, interest accrued on the fund balance, funds received in repayment of loans and other funds designated for the purposes of the fund, and may receive General Fund appropriations. The fund is a nonlapsing revolving fund. All money in the fund must be continuously applied to carry out the purposes of this chapter.

2. Separate accounts. The Finance Authority of Maine may divide the fund into separate accounts that it determines are necessary or convenient for carrying out the purposes of this chapter.

3. Administrative expenses. The costs and expenses of maintaining, servicing and administering the fund may be paid out of the fund.

§ 9604. Administration

1. Receipt of money and property. The State Coordinator may accept and receive for deposit to the fund gifts, grants, bequests or devises from any source, including funds from the Federal Government or any of its political subdivisions.

2. Administration of loans and grants. The State Coordinator shall administer loans and grants from the fund in accordance with criteria established under subsection 3 in order to carry out the purposes of this chapter. The State Coordinator shall establish an application process for the award of loans and grants, select qualified recipients and facilitate the provision of technical assistance to implement an electronic medical records infrastructure. The regional extension center may advise the State Coordinator in the administration of the program. The State Coordinator may contract with the Finance Authority of Maine for administrative and underwriting services.

3. Adopt criteria. The State Coordinator shall adopt criteria for determining qualified recipients and for loans and grants under the program.

4. Rules. The State Coordinator may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2A.

§ 9605. Loans and grants

1. Purposes. Loans and grants from the fund may be made only:

A. Regarding loans, for investment in an electronic medical records infrastructure; and

B. Regarding grants, for technical assistance with the implementation of the electronic medical records infrastructure in paragraph A.

2. Maximum amount of loans and grants. The maximum amount of a loan or a grant from the fund is \$100,000 for a primary health care provider and \$500,000 for a hospital or a health care practice affiliated with a hospital. A qualified recipient may receive both a grant and a loan.

3. Criteria. Loans and grants must be provided to qualified recipients based on criteria established under section 9604, subsection 3 and the applicant's financial need for the loan or grant. The individual, corporation or partnership must demonstrate creditworthiness and, for a loan, repayment abilities. The State Coordinator shall determine loan terms, conditions and interest rates.

4. Grants for technical assistance. The State Coordinator shall contract with the regional extension center to provide technical assistance with the implementation of an electronic medical records infrastructure for all grants awarded under the program.

Sec. B-2. Contingent effective date. This Part takes effect only if the General Fund bond issue proposed in Part A is approved by the voters of the State.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment changes the wording of the bond issue to reflect its use for grants and loans. The amendment establishes the Electronic Medical Records Infrastructure Program and the Electronic Medical Records Infrastructure Program Fund. The fund will be deposited with and maintained by the Finance Authority of Maine and administered by a person designated by the Governor as the State Coordinator. The fund will provide loans to qualified recipients within the State to purchase the software and hardware necessary to establish an electronic medical records infrastructure that will allow health care providers to exchange patients' health care records electronically. The fund will provide grants to qualified recipients for technical assistance with the implementation of an electronic medical records infrastructure. The amendment makes the establishment of the Electronic Medical Records Infrastructure Program contingent upon passage of the bond issue.

FISCAL NOTE REQUIRED

(See attached)