

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 8

Session of 2012

INTRODUCED BY FOLMER, SCARNATI, PILEGGI, FARNESE, M. WHITE, GORDNER, BOSCOLA, D. WHITE, VANCE, ERICKSON, TARTAGLIONE, BLAKE, STACK, BRUBAKER AND PIPPY, FEBRUARY 13, 2012

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MAY 21, 2012

AN ACT

1 Establishing the Pennsylvania eHealth Partnership Authority and
2 the Pennsylvania eHealth Partnership Fund; providing for
3 consent and confidentiality of health information; and
4 establishing civil immunity under certain circumstances.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

CHAPTER 1

PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Pennsylvania
11 eHealth Information Technology Act.

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Authority." The Pennsylvania eHealth Partnership Authority.

17 "Board." The board of directors of the Pennsylvania eHealth
18 Partnership Authority.

1 "Electronic health record." An electronic record of health-
2 related information relating to an individual that is created,
3 gathered, managed and consulted by ~~authorized~~ health care ←
4 providers.

5 "Fund." The Pennsylvania eHealth Partnership Fund.

6 ~~"Health care provider." A provider of services as defined ←~~
7 ~~under section 1861(u) of the Social Security Act (49 Stat. 620,~~
8 ~~42 U.S.C. § 301 et seq.), a provider of medical or health-~~
9 ~~services as defined under section 1861(s) of the Social Security~~
10 ~~Act (42 U.S.C. § 301 et seq.) and any other person or~~
11 ~~organization who furnishes, bills or is paid for health care in-~~
12 ~~the normal course of business and is licensed by the~~
13 ~~Commonwealth to provide health care or professional clinical~~
14 ~~services.~~

15 ~~"Health information." Any information, whether oral or~~
16 ~~recorded, in any form or medium that is created or received by a~~
17 ~~health care provider, health plan, public health authority,~~
18 ~~employer, life insurer, school or university or health care~~
19 ~~clearing house and relates to any of the following:~~

20 ~~(1) The past, present or future physical or mental~~
21 ~~health condition of an individual.~~

22 ~~(2) The past, present or future payment for the~~
23 ~~provision of health care to an individual as defined under~~
24 ~~section 1171(4) of the Health Insurance Portability and~~
25 ~~Accountability Act of 1996 (Public Law 104 191, 110 Stat.~~
26 ~~1936).~~

27 ~~"Health information exchange." The electronic movement of~~
28 ~~health information among health information exchange systems~~
29 ~~according to Federal laws and standards.~~

30 ~~"Health information exchange systems." An information~~

1 ~~technology infrastructure with an interoperable system that~~
2 ~~connects health care providers to ensure the secure digital~~
3 ~~exchange of health information among approved participants who~~
4 ~~are engaged in the care of a patient.~~

5 "HEALTH CARE PROVIDER." A PERSON LICENSED BY THE
6 COMMONWEALTH TO PROVIDE HEALTH CARE OR PROFESSIONAL CLINICAL
7 SERVICES. THE TERM INCLUDES:



8 (1) A "HEALTH CARE PRACTITIONER," AS DEFINED IN SECTION
9 103 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS
10 THE HEALTH CARE FACILITIES ACT.

11 (2) A "HEALTH CARE PROVIDER," AS DEFINED IN SECTION 103
12 OF THE HEALTH CARE FACILITIES ACT.

13 (3) A LIFE OR HEALTH INSURER OR OTHER PAYER.

14 (4) A PUBLIC HEALTH AUTHORITY.

15 (5) A PHARMACY.

16 (6) A LABORATORY.

17 (7) A PERSON THAT PROVIDES ITEMS OR SERVICES DESCRIBED
18 IN SECTION 1861(S) OF THE SOCIAL SECURITY ACT (49 STAT. 620,
19 42 U.S.C. § 1395X(S)).

20 (8) A "PROVIDER OF SERVICES," AS DEFINED IN SECTION
21 1861(U) OF THE SOCIAL SECURITY ACT (42 U.S.C. § 1395X(U)).

22 "HEALTH INFORMATION." INFORMATION, WHETHER ORAL OR RECORDED,
23 IN ANY FORM OR MEDIUM, THAT IS CREATED OR RECEIVED BY A HEALTH
24 CARE PROVIDER RELATING TO THE FOLLOWING:

25 (1) THE PAST, PRESENT OR FUTURE PHYSICAL OR MENTAL
26 HEALTH OR MEDICAL CONDITION OF AN INDIVIDUAL.

27 (2) THE PAST, PRESENT OR FUTURE PAYMENT FOR THE
28 PROVISION OF HEALTH CARE TO AN INDIVIDUAL.

29 "HEALTH INFORMATION EXCHANGE." A STATEWIDE INTEROPERABLE
30 SYSTEM ESTABLISHED UNDER THIS ACT THAT ELECTRONICALLY MOVES AND

1 EXCHANGES HEALTH INFORMATION BETWEEN APPROVED PARTICIPATING
2 HEALTH CARE PROVIDERS OR HEALTH INFORMATION ORGANIZATIONS IN A
3 MANNER THAT ENSURES THE SECURE EXCHANGE OF HEALTH INFORMATION TO
4 PROVIDE CARE TO PATIENTS.

5 "HEALTH INFORMATION ORGANIZATION." AN INFORMATION TECHNOLOGY
6 INFRASTRUCTURE WITH AN INTEROPERABLE SYSTEM THAT IS ESTABLISHED
7 BY A HEALTH CARE PROVIDER OR THAT CONNECTS PARTICIPATING HEALTH
8 CARE PROVIDERS TO ENSURE THE SECURE DIGITAL EXCHANGE OF HEALTH
9 INFORMATION AMONG PARTICIPANTS ENGAGED IN THE CARE OF THE
10 PATIENT.

11 "Health information technology." Hardware, software,
12 integrated technologies or related licenses, intellectual
13 property, upgrades or packaged solutions sold as services that
14 are designed for or support the use by health care entities or
15 patients for the electronic creation, maintenance, access or
16 exchange of health information ~~as defined under section 3000(5)~~ ←
17 ~~of the American Recovery and Reinvestment Act of 2009 (Public~~
18 ~~Law 111-5, 123 Stat. 115).~~

19 "Interoperability." The ability of different operating and
20 software systems to employ federally recognized standards to
21 exchange data securely, accurately, effectively and in a manner
22 that maintains and preserves the clinical purpose of the data.

23 "Participant." A person or entity which has been approved by
24 the Pennsylvania eHealth Partnership Authority to send and
25 receive HEALTH information using the health information exchange ←
26 system. ←

27 "Payer." An entity that contracts or offers to contract to
28 provide, deliver, pay or reimburse any of the costs of health
29 care services, including an employer, a health care plan, the
30 Federal Government, the Commonwealth, a municipality, a labor

1 union or an entity licensed under any of the following:

2 (1) The act of May 17, 1921 (P.L.682, No.284), known as
3 The Insurance Company Law of 1921.

4 (2) The act of December 29, 1972 (P.L.1701, No.364),
5 known as the Health Maintenance Organization Act.

6 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
7 corporations).

8 (4) 40 Pa.C.S. Ch. 63 (relating to professional health
9 services plan corporations).

10 ~~"Protected health information." Personally identifying~~ ←
11 ~~health information that is any of the following:~~

12 ~~(1) Transmitted or maintained by electronic or other~~
13 ~~form of medium.~~

14 ~~(2) Maintained in electronic media.~~

15 CHAPTER 3

16 PENNSYLVANIA EHEALTH

17 PARTNERSHIP AUTHORITY

18 Section 301. Scope of chapter.

19 This chapter relates to the Pennsylvania eHealth Partnership
20 Authority.

21 Section 302. Pennsylvania eHealth Partnership Authority.

22 (a) Establishment.--There is hereby established a body
23 corporate and politic to be known as the Pennsylvania eHealth
24 Partnership Authority, which shall be an independent agency of
25 the Commonwealth. The powers and duties of the authority shall
26 be vested in and exercised by a board of directors.

27 (b) Composition.--The board shall consist of 15 members, WHO ←
28 MUST BE RESIDENTS OF THIS COMMONWEALTH, with two additional, ex
29 officio nonvoting members selected by members of the advisory
30 council, composed and appointed as follows:

1 (1) The Secretary of Health or a designee, who shall be
2 an employee of the Department of Health designated in writing
3 prior to service.

4 (2) The Secretary of Public Welfare or a designee, who
5 shall be an employee of the Department of Public Welfare
6 designated in writing prior to service.

7 (3) One representative of the health care community
8 focused on an unserved or underserved rural or urban patient
9 population, who shall be appointed by the Governor from a
10 list of individuals submitted for consideration by both the
11 Pennsylvania Area Health Education Center and the Association
12 of Community Health Centers.

13 (4) One physician or nurse ~~who is a resident of this~~ ←
14 ~~Commonwealth~~ appointed by the Governor from lists of
15 individuals submitted by the Pennsylvania Medical Society,
16 the Pennsylvania Osteopathic Medical Association, the
17 Pennsylvania Academy of Family Physicians and the
18 Pennsylvania State Nurses Association. At least one name on
19 each list shall include an individual residing in an unserved
20 or underserved rural patient population area and an
21 individual in an unserved or underserved urban patient
22 population area.

23 (5) One hospital representative ~~who is a resident of~~ ←
24 ~~this Commonwealth~~ appointed by the Governor from a list of
25 individuals submitted by the Hospital and Healthsystem
26 Association of Pennsylvania. At least one name on this list
27 shall include an individual residing in an unserved or
28 underserved rural or urban patient population area.

29 (6) One insurance representative ~~who is a resident of~~ ←
30 ~~this Commonwealth~~ appointed by the Governor from lists of

1 individuals submitted by the Blue Cross and Blue Shield plans
2 and the Insurance Federation of Pennsylvania.

3 (7) One representative of an assisted living residence,
4 personal care home, long-term care nursing facility ~~or~~, ←
5 continuing care facility OR BEHAVIORAL OR MENTAL HEALTH ←
6 FACILITY who shall be appointed by the Governor.

7 (8) Two CONSUMER representatives ~~of this Commonwealth's~~ ←
8 ~~consumers~~ appointed by the Governor who are not primarily
9 involved in providing health care or health care insurance.
10 At least one of these individuals shall have expertise in
11 health care or health care information technology or the
12 laboratory industry.

13 (9) Three representatives from established health
14 information ~~exchange systems~~ ORGANIZATIONS appointed by the ←
15 President pro tempore of the Senate, in consultation with the
16 Majority Leader and the Minority Leader of the Senate, each
17 of whom shall recommend one person. At least one of these
18 representatives shall be from the private information
19 technology sector with knowledge about security issues.

20 (10) Three representatives from established health
21 information ~~exchange systems~~ ORGANIZATIONS appointed by the ←
22 Speaker of the House of Representatives, in consultation with
23 the Majority Leader and the Minority Leader of the House of
24 Representatives, each of whom shall recommend one person. At
25 least one of these representatives shall be from the private
26 information technology sector with knowledge about security
27 issues.

28 (c) Terms.--Except a member as specified in subsection (b)
29 (1) or (2), a member of the board shall serve for a term of
30 three years after completion of the initial terms designated in

1 subsection (g) and may not be eligible to serve more than two
2 full consecutive three-year terms. A member shall remain on the
3 board until the member's replacement is appointed and,
4 notwithstanding any other provision of this act, all terms end
5 at the expiration of the authority.

6 (d) Quorum.--A majority of the appointed members of the
7 board shall constitute a quorum. Action may be taken by the
8 board at a meeting upon a vote of a quorum of its members
9 present in person or through electronic means if authorized by
10 the bylaws of the board.

11 (e) Meetings.--The board shall meet at the call of the
12 chairperson or as may be provided in the bylaws of the board.
13 The board shall hold meetings at least quarterly, which shall be
14 subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to
15 open meetings). Meetings of the board may be held anywhere
16 within this Commonwealth.

17 (f) Chairperson.--The Governor shall appoint a chairperson
18 from among the authority members.

19 (g) Initial appointment and vacancy.--

20 (1) A member appointed under subsection (b) (3), (4) or
21 (5) shall be appointed to an initial term of two years with
22 the option for reappointment to two additional three-year
23 terms.

24 (2) A member appointed under subsection (b) (6) or (7)
25 shall be appointed to an initial term of one year with the
26 option for reappointment to two additional three-year terms.

27 (3) A member appointed under subsection (b) (8) shall be
28 appointed to an initial term of three years with the option
29 for reappointment to one additional three-year term.

30 (4) A member appointed under subsection (b) (9) or (10)

1 shall be appointed to an initial term that coincides with the
2 appointing members' terms with the option for reappointment
3 to two additional three-year terms.

4 (h) Formation.--The board shall be formed within 90 days of
5 the effective date of this act.

6 Section 303. Powers and duties.

7 (a) General rule.--The board shall:

8 (1) Adopt bylaws necessary to ESTABLISH THE AUTHORITY ←
9 AND carry out the provisions of this act, ~~to operate, develop~~ ←
10 ~~and maintain the health information exchange system in~~
11 ~~compliance with Federal and State law and to develop policies~~
12 ~~and procedures to govern the exchange of health care~~
13 ~~information.~~

14 (2) ~~Establish a system to provide for the exchange of~~ ←
15 ~~electronic health information that~~ DEVELOP, ESTABLISH AND ←
16 MAINTAIN A HEALTH INFORMATION EXCHANGE THAT COMPLIES WITH
17 FEDERAL AND STATE LAW AND THAT:

18 (i) Promotes efficient and effective communication
19 among multiple health care providers, ~~including~~ ←
20 ~~hospitals, physicians, payers, employers, pharmacies,~~
21 ~~laboratories and other health care entities and~~
22 ~~practitioners.~~

23 (ii) Creates efficiencies AND PROMOTES ACCURACY in ←
24 the delivery of health care.

25 (iii) Supports the ability to improve community
26 health status.

27 (3) Employ individuals as necessary to carry out the
28 purposes of this act. Individuals employed by the authority
29 shall be considered employees of the Commonwealth for the
30 purposes of 71 Pa.C.S. Pt. XXV (relating to retirement for

1 State employees and officers).

2 (4) ~~Establish~~ ADOPT all of the following: ←

3 (I) POLICIES AND PROCEDURES TO GOVERN THE ELECTRONIC ←
4 EXCHANGE OF HEALTH INFORMATION IN ACCORDANCE WITH THIS
5 ACT.

6 ~~(i)~~ (II) Rules, responsibilities and obligations for ←
7 organizations and individuals to become and remain
8 participants IN THE HEALTH INFORMATION EXCHANGE. ←

9 ~~(ii)~~ (III) Policies and procedures for organizations ←
10 and individuals to be suspended and disengaged as
11 participants IN THE HEALTH INFORMATION EXCHANGE. ←

12 (5) Make, execute and deliver contracts, grants and
13 other instruments.

14 (6) Apply for, solicit, receive, establish priorities
15 for, allocate, disburse, contract for, administer and expend
16 funds consistent with the purposes of this act.

17 (7) Apply for, accept and administer grants and loans to
18 carry out the purpose of the authority.

19 (8) Accept funds from both public and private sources,
20 consistent with Federal and State law.

21 (9) Develop and maintain a directory of health care
22 provider's contact information to enable participants to
23 share health information electronically.

24 (10) Develop criteria for ~~interoperability and approve~~ ←
25 THE APPROVAL OF participants in the health information ←
26 exchange.

27 ~~(11) Assure that security standards and procedures to~~ ←
28 ~~protect confidentiality of electronic health records are~~
29 ~~adopted and properly implemented.~~

30 (11) DEVELOP AND MAINTAIN STANDARDS TO ENSURE ←

1 INTEROPERABILITY.

2 (12) Establish and collect fees adopted by the
3 authority. Fees may include transaction fees, subscription
4 fees or other fees or donations, to cover costs of
5 implementation and operation of the exchange or for other
6 services provided by the authority. Receipt of services
7 provided by or through the authority may be conditioned on
8 payment of fees. Participation in the exchange by any health
9 care provider, payer, consumer or any other person is
10 voluntary.

11 (13) Establish advisory groups with a diverse membership
12 representing interested and affected groups and individuals,
13 two of which shall be selected by other members of the group
14 to serve as nonvoting members of the board or the authority.

15 (14) Develop and conduct public information programs to
16 educate and inform consumers and patients about health
17 information.

18 (15) Submit an annual report to the Governor, the
19 President pro tempore of the Senate and the Speaker of the
20 House of Representatives for distribution to appropriate
21 legislative committees on the activities of the authority for
22 the year, including a summary of the receipts and
23 expenditures, a list of contracts and a summary of any
24 reportable security breaches that occurred and corrective
25 actions that were taken.

26 ~~(16) Work with the Federal Government and other~~ ←
27 ~~governmental entities to achieve interoperability.~~

28 (16) DEVELOP AND MAINTAIN: ←

29 (I) A REGISTRY OF PATIENTS CHOOSING TO OPT OUT OF
30 THE HEALTH INFORMATION EXCHANGE; AND

1 (II) PROCEDURES TO REENROLL INTO THE HEALTH
2 INFORMATION EXCHANGE.

3 (17) Perform all other activities in furtherance of the
4 purposes of this act.

5 (b) Audit.--

6 (1) The accounts and books of the authority shall be
7 examined and audited annually by an independent certified
8 public accounting firm. The audit shall be public
9 information.

10 (2) The authority shall, by December 31 of each year,
11 file a copy of the audit of the preceding Commonwealth fiscal
12 year required under paragraph (1) with the Secretary of the
13 Senate and the Chief Clerk of the House of Representatives.

14 (c) Publication.--The authority shall annually submit a
15 financial statement to the Legislative Reference Bureau for
16 publication in the Pennsylvania Bulletin.

17 (d) Expiration.--The authority shall expire five years after
18 the effective date of this chapter. One year prior to the
19 expiration, the Legislative Budget and Finance Committee shall
20 evaluate the management, viability and performance of the health
21 information exchange and shall provide a report to the
22 Communications and Technology Committee of the Senate and the
23 Health Committee of the House of Representatives and the Human
24 Services Committee of the House of Representatives. The report
25 shall include recommendations as to reauthorization of the
26 authority, dissolution of the authority or assumption of the
27 authority's responsibilities and assets by another entity.

28 CHAPTER 5

29 PENNSYLVANIA EHEALTH PARTNERSHIP FUND

30 Section 501. Establishment.

1 There is established a separate fund in the State Treasury to
2 be known as the Pennsylvania eHealth Partnership Fund. The fund
3 shall be administered by the authority.

4 Section 502. Funds.

5 All moneys deposited into the fund shall be held for the
6 purposes of the authority and may not be considered a part of
7 the General Fund, but shall be used only to effectuate the
8 purposes of this act as determined by the authority. All
9 interest earned from the investment or deposit of moneys
10 accumulated in the fund shall be deposited in the ~~account~~ FUND ←
11 for the same use.

12 CHAPTER 7

13 CONSENT AND CONFIDENTIALITY

14 OF HEALTH INFORMATION

15 Section 701. Consent and confidentiality of health information.

16 ~~(a) Construction. Nothing in this act shall be construed to~~ ←

17 (A) CONSTRUCTION.-- ←

18 (1) NOTHING IN THIS ACT SHALL BE CONSTRUED TO prohibit a
19 health care provider from obtaining and storing a patient's
20 ~~medical~~ HEALTH records in electronic form or exchanging ←
21 health information with another HEALTH CARE provider in ←
22 accordance with ~~Federal or State law.~~ FEDERAL LAW OR STATE ←
23 LAW OTHER THAN THIS ACT.

24 (2) NOTHING IN THIS ACT SHALL SUPERSEDE OR LIMIT ANY
25 OTHER LAW WHICH REQUIRES ADDITIONAL CONSENT TO THE RELEASE OF
26 HEALTH INFORMATION OR OTHERWISE ESTABLISHES GREATER
27 RESTRICTIONS OR LIMITATIONS ON THE RELEASE OF HEALTH
28 INFORMATION.

29 (b) Consent.--The authority shall promulgate a consent form
30 including notice of a patient's ~~right~~ ABILITY to decline to ←

1 allow exchange of the patient's electronic health information in
2 the health information exchange ~~system~~. The notice shall
3 include, at a minimum and in plain language, the following
4 information:

5 (1) Definition of a health information exchange.

6 (2) Explanation of the benefits of participation in the
7 health information exchange ~~system~~.

8 (3) Explanation of the limits of the patient's ~~right~~
9 ABILITY to decline the release or exchange of the patient's
10 ~~electronic~~ health information with the health information
11 exchange ~~system to the health information exchange~~.

12 (4) Explanation of the manner in which the ~~electronic~~
13 health information exchange ~~system~~ will address privacy
14 issues. ~~and, where practicable, an opportunity to consent to~~
15 ~~exchange of that health information on the electronic health~~
16 ~~information exchange system.~~

17 ~~(c) Notice to patients. Upon implementation of the notice~~
18 ~~of a patient's right to decline, a patient shall be provided~~
19 ~~with the form by a health care provider. If a patient chooses to~~
20 ~~execute a denial of release, the notice shall be signed, dated~~
21 ~~and witnessed by the patient, or the patient's representative.~~
22 ~~Copies of the executed form shall be kept by the provider and~~
23 ~~delivered to the patient within five business days of the~~
24 ~~provider's receipt of the executed form.~~

25 (5) EXPLANATION OF THE MANNER IN WHICH AN INDIVIDUAL MAY
26 DECLINE TO PARTICIPATE IN THE HEALTH INFORMATION EXCHANGE.

27 (C) OPT-OUT REGISTRY.--

28 (1) IN ORDER TO DECLINE PARTICIPATION IN THE HEALTH
29 INFORMATION EXCHANGE, A PATIENT MUST SIGN AND DATE A FORM
30 DECLINING PARTICIPATION. IF APPROPRIATE, THE SIGNATURE MUST

1 BE WITNESSED BY THE PATIENT'S REPRESENTATIVE. COPIES OF THE
2 COMPLETED FORM SHALL BE SENT BY THE PROVIDER WITHIN FIVE
3 BUSINESS DAYS TO THE AUTHORITY TO BE INCLUDED IN AN OPT-OUT
4 REGISTRY.

5 (2) AFTER RECEIPT OF THE FORM, THE AUTHORITY SHALL
6 WITHIN FIVE BUSINESS DAYS NOTIFY HEALTH INFORMATION
7 ORGANIZATIONS THAT THE PATIENT HAS NOT AUTHORIZED THE RELEASE
8 OF THE HEALTH INFORMATION.

9 (3) ONCE THE PATIENT IS INCLUDED IN THE OPT-OUT
10 REGISTRY, THE AUTHORITY SHALL NOTIFY THE PATIENT. THE
11 NOTIFICATION SHALL INCLUDE A COPY OF THE COMPLETED FORM
12 SIGNED BY THE PATIENT OR ELECTRONIC NOTIFICATION TO THE
13 PATIENT.

14 (4) THE PATIENT ALONE SHALL DECIDE TO OPT OUT OF A
15 HEALTH INFORMATION EXCHANGE.

16 (d) Disclosure.--

17 (1) The authority shall retain only the ~~personally~~ ←
18 ~~identifying~~ HEALTH information necessary for the operation of ←
19 the health ~~exchange information system~~ INFORMATION EXCHANGE. ←
20 The authority may not disclose, without prior written ~~patient~~ ←
21 consent OF THE PATIENT, any ~~personally identifying~~ health ←
22 information that the authority or its EMPLOYEES, agents or ←
23 contractors retain, or to which the authority or its agents
24 or contractors have access or any other ~~electronic~~ health ←
25 records maintained or accessible by the authority under this
26 act, to any person who is not an authorized employee, agent
27 or contractor of the authority, except as required by law.

28 (2) ~~Disclosures permitted by and between~~ SHARING HEALTH ←
29 INFORMATION AMONG participants in the health information
30 exchange ~~system may~~ SHALL not be considered ~~disclosures made~~ ←

1 ~~by the authority~~ A DISCLOSURE UNDER PARAGRAPH (1). ←

2 (3) VIOLATIONS OF THIS SUBSECTION:

3 (I) SHALL SUBJECT EMPLOYEES, AGENTS AND CONTRACTORS
4 TO ADMINISTRATIVE DISCIPLINE, INCLUDING DISCHARGE AND
5 SUSPENSION; AND

6 (II) SHALL SUBJECT CONTRACTORS TO MONETARY PENALTIES
7 OR CONTRACT REVOCATION OR SUSPENSION.

8 (e) Construction.--Nothing in this act may be construed to
9 alter a proprietary interest held by any participant in any
10 record, data or information released, accepted or ~~exchanged~~ ←
11 INCLUDED in the health information exchange ~~system~~, except ←
12 insofar as the paperwork approved by the authority may require
13 participants to license those interests by contract in order to
14 allow for the free flow of information.

15 CHAPTER 40

16 MISCELLANEOUS PROVISIONS

17 Section 4001. Nonapplicability.

18 ~~(1) Nothing in this act shall constitute a waiver of~~ ←
19 ~~sovereign immunity.~~

20 (1) THIS ACT IS SUBJECT TO 1 PA.C.S. § 2310 (RELATING TO ←
21 SOVEREIGN IMMUNITY REAFFIRMED; SPECIFIC WAIVER).

22 (2) The authority shall be subject to the act of
23 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
24 Law. Health information or personally identifying information
25 shall not be considered a public record for purposes of the
26 Right-to-Know Law.

27 ~~(3) The authority may not be subject to legal process~~ ←
28 ~~related to lawsuits to which the authority is not a party.~~

29 Section 4002. Effective date.

30 This act shall take effect immediately.