

Governor's Office of Management and Budget

Alexis Sturm

Director



IL Regulatory Sunset Act Review of Illinois Health Information Exchange and Technology Act

March 18, 2021

To the Honorable JB Pritzker

Governor of Illinois

Governor Pritzker:

The Governor's Office of Management and Budget (GOMB), in compliance with the requirements set forth in the Illinois Regulatory Sunset Act (5 ILCS 80), has conducted a review of the Illinois Health Information Exchange and Technology Act (20 ILCS 3860). Public Act 101-639 extended this sunset until January 1, 2022 due to COVID-19. As a result of this review, GOMB makes the following recommendation:

The Illinois Health Information Exchange and Technology Act (20 ILCS 3860) should be continued.

GOMB's examination of this Act was conducted taking into account the nine factors set out in Section 6 of the Illinois Regulatory Sunset Act. The following report details the criteria and data utilized to come to the above recommendation.

Very sincerely and respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

Criteria (1) "The extent to which the agency or program has permitted qualified applicants to serve the public."

The Illinois Health Information Exchange and Technology Act is not a regulatory function of the State similar to those regulated activities typically covered under state statute. There are no licensed entities under the Illinois Health Information Exchange and Technology Act.

The primary purpose of the Illinois Health Information Exchange Authority is to facilitate the transmission of electronic medical records across many diverse providers to improve access to health information that would otherwise be unavailable to health care providers. This began as an initiative of the American Recovery and Reinvestment Act of 2009 enacted into law with executive order 2010-1. This created the Governor's Office of Health Information Technology and subsequently the Illinois Health Information Exchange Authority via statute in July of 2010.

Criteria (2) "The extent to which the trade, business, profession, occupation, or industry being regulated is being administered in a nondiscriminatory manner both in terms of employment and rendering of services."

See above.

Criteria (3) "The extent to which the regulatory agency or program has operated in the public interest, and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, and practices of any other department of state government, and any other circumstances, including budgetary resources, and personnel matters."

See above.

Criteria (4) "The extent to which the agency running the program has recommended statutory changes to the General Assembly that would benefit the public as opposed to the persons it regulates."

See above.

Criteria (5) "The extent to which the agency or program has required the persons it regulates to report to it concerning the impact of rules and decisions of the agency or the impact of the program on the public regarding improved service, economy of service, and availability of service."

See above.

Criteria (6) "The extent to which persons regulated by the agency or under the program have been required to assess the problems in their industry that affect the public."

See above.

Criteria (7) "The extent to which the agency or program has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates and the extent to which such rules and decisions are consistent with statutory authority."

See above.

Criteria (8) "The efficiency with which formal public complaints filed with the regulatory agency or under the program concerning persons subject to regulation have been processed to completion, by the executive director of the regulatory agencies or programs, by the Attorney General and by any other applicable department of the State government."

See above.

Criteria (9) "The extent to which changes are necessary in the enabling laws of the agency or program to adequately comply with the factors listed in this section."

See above.

Conclusion:

There are ongoing discussions on healthcare affordability and accessibility among interested stakeholders. Some stakeholders believe that The Illinois Health Information Exchange and Technology Act provides legislative authorization for changes to the technological infrastructure in ways beyond the authority of existing legislation. For this reason, the Department of Healthcare and Family Services believes the absence of this act could have a negative impact on the state's ability to improve public health.

Consequently, GOMB recommends the continuation of the Illinois Health Information Exchange and Technology Act.