



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 274**  
[2009 Assembly Bill 779]

**Electronic Health Information  
Exchange**

2009 Wisconsin Act 274 allows the state to designate a nonprofit corporation as the state-designated entity to apply for and receive grants from the U.S. Department of Health and Human Services under a federal program to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards. In order for the state to designate a nonprofit corporation as the state-designated entity, the following conditions must be met under the Act:

- The articles of incorporation or bylaws of the corporation must state that a purpose of the corporation is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information.
- The corporation must annually evaluate, analyze, and report to the Secretary of the Department of Health Services (DHS) on the progress toward implementing statewide health information exchange and how the efforts are enabling meaningful use of certified electronic health record technology.
- The corporation must comply with the requirements in federal law to be a qualified state-designated entity and to receive a grant.
- The governing structure and bylaws of the corporation must allow it to consult and consider recommendations from persons and entities identified in federal law in carrying out statewide health information exchange.
- The board of directors of the corporation must include all the following persons: (1) the state health officer or his or her designee; (2) the person appointed by the Secretary of DHS to be the director of the Medical Assistance program or his or her designee; (3) one person specified by the Governor or his or her designee; and (4) one or more persons who represent each of the following, such that the representation of the public and private health sector is

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

balanced in the board's representation--health care providers, health insurers or health plans, employers who purchase or self-insure employee health care, health care consumers or consumer advocates, and higher education.

- The corporation must agree to fulfill all of the 15 purposes listed in the Act.

The Act also allows the state DHS Secretary to organize and assist in maintaining a nonstock, nonprofit corporation for these purposes. The assets and liabilities of the corporation must be separate from all other assets and liabilities of the state, of all political subdivisions of the state, and of DHS. The state, any political subdivision, and DHS do not guarantee any obligation of or have any obligation to the corporation.

***Effective date:*** The Act takes effect on May 26, 2010.

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May 20, 2010

RNS:jb;jal