



2003-19
EXECUTIVE ORDER TO ESTABLISH AN ILLINOIS HIPAA TASKFORCE

WHEREAS, regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. No. 104-191, became effective and enforceable this year;

WHEREAS, HIPAA directly impacts eleven state agencies, including the Department on Aging, the Department of Central Management Services, the Department of Children & Family Services, the Comprehensive Health Insurance Plan, the Department of Corrections, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Revenue, the Department of Veterans' Affairs, and the Illinois Toll Highway Authority;

WHEREAS, HIPAA impacts many private interests in the healthcare community, including hospitals and health management organizations;

WHEREAS, HIPAA compliance requires analysis of whether Illinois laws are preempted by HIPAA and its corresponding regulations;

WHEREAS, a draft HIPAA preemption analysis was prepared by the State, reflecting the HIPAA regulations and Illinois laws in effect as of March 5, 2003;

WHEREAS, the task of analyzing which Illinois laws are preempted by HIPAA should be reexamined on a bi-annual basis to account for newly enacted state legislation;

WHEREAS, the private and public entities impacted by HIPAA have a mutual interest in formulating and updating a reliable preemption analysis;

WHEREAS, facilitating communication between public and private entities on HIPAA issues will increase efficiencies in HIPAA compliance by fostering a common understanding and interpretation of complex HIPAA issues.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Constitution of the State of Illinois, I hereby order the following:

I. CREATION OF HIPAA TASKFORCE

- A. I hereby establish a public/private HIPAA Taskforce (hereinafter “the Taskforce”) as an advisory body, reporting to the Governor and his General Counsel.
- B. The Governor shall appoint a Chair to serve as the administrator of the Taskforce. The Chair shall report to the Governor’s General Counsel on all activities of the Taskforce.
- C. The Taskforce shall consist of 15 members, including the following: six representatives from state agencies directly impacted by HIPAA; one representative from the Office of the Governor; one representative of an Illinois hospital or hospital association; and one representative of an Illinois health management organization. A representative from the Office of the Illinois Attorney General will also be invited to join the Taskforce. The remaining members shall be knowledgeable about HIPAA issues and/or employed in the healthcare field.

II. DUTIES OF THE HIPAA TASKFORCE

- A. The Taskforce shall periodically revise, as appropriate, the draft preemption analysis previously prepared by the State based on a review of HIPAA and its corresponding regulations and the laws of the State of Illinois. The preemption analysis document, as periodically revised by the Taskforce, shall serve as an advisory document to assist all state agencies impacted by HIPAA with HIPAA compliance. Updated versions of the preemption analysis shall be

made available for public review and comment on the State of Illinois' website.

B. On a bi-annual basis, the Taskforce shall update and revise the preemption analysis based on newly enacted state and federal laws and/or regulations.

C. The Governor or his designee may direct the Taskforce to address additional issues related to HIPAA-compliance.

III. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any state or federal law.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application.

To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Rod R. Blagojevich, Governor

Issued by Governor: _____

Filed with Secretary of State: _____