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H.714

Introduced by Representative Buxton of Tunbridge

Referred to Committee on

Date:

Subject: Court procedure; electronic health records system contracts

Statement of purpose of bill as introduced: This bill proposes to establish requirements for contracts between health care providers and vendors of electronic health care records systems.

An act relating to electronic health records system contracts

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 12 V.S.A. § 1043 is added to read:

§ 1043. CONTRACTS FOR SALE OF ELECTRONIC HEALTH RECORDS

SYSTEMS; VENUE; ALTERNATIVE DISPUTE RESOLUTION

(a) As used in this section:

(1) “Electronic health record” means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by a health care provider.

(2) “Health care provider” shall have the same meaning as in 18 V.S.A. § 9402(7).

1 (3) “Vendor of electronic health record systems” means an entity that
2 offers for sale to health care providers a system for creating, storing, and
3 transferring the health care provider’s electronic health records.

4 (b) A contract for the sale of an electronic health record system from a
5 vendor of electronic health record systems to a health care provider shall be
6 subject to the following requirements:

7 (1) The contract shall not require a health care provider to participate in
8 any alternative dispute resolution program outside the State of Vermont or
9 more than 50 miles from the health care provider’s principal place of business.

10 (2) The contract shall not require the use of any particular dispute
11 resolution provider or service.

12 (3) The contract shall not limit the amount of damages that a party is
13 permitted to recover in an action on the contract.

14 (4) The contract shall apply Vermont law, and all disputes under the
15 contract shall be resolved under Vermont law.

16 (5) The contract shall require that all disputes under it be heard and
17 decided in the Civil Division of the Vermont Superior Court.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on July 1, 2016.