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SECRETARY

September 11, 2008

Mr. Brian Vandenberg
Senior Vice President and General Counsel
Allscripts Healthcare Solutions, Inc.
222 Merchandise Mart #2024
Chicago, IL 60654

Via U.S. Mail

Dear Mr. Vandenberg:

We are writing in response to your letter dated July 17, 2008, in which you asked this Agency to issue a declaratory statement concerning the application of sections 400.474(6) and 400.506(15), Florida Statutes, as revised by House Bill 7083 (2008), to certain facts described in your letter. As we have explained previously, Allscripts does not have standing to request the declaratory statement because Allscripts does not hold any health care licenses and is not in any way regulated by this Agency. Consequently, the Agency will not be issuing the requested declaratory statement; however, the Agency has received a number of inquiries concerning the application of sections 400.474(6) and 400.506(15), Florida Statutes, to products such as the one offered by your company, and we therefore are taking this opportunity to explain some of our views.

As you correctly note in your letter, sections 400.474(6) and 400.506(15) now authorize the Agency to impose certain penalties against Florida licensed home health agencies and nurse registries that give remuneration to a "third party vendor who is involved in the discharge planning process of a facility" licensed under chapter 395, Florida Statutes (e.g., a hospital), and from whom the home health agencies or nurse registries receive patient referrals. The central question your company and others have asked is whether home health agencies and nurse registries that are paying Allscripts subscribers will be subject to licensure sanctions if they also happen to receive patient referrals from a hospital that has purchased certain discharge planning software from Allscripts. Based on our understanding (explained fuller below) of the Allscripts software product, the Agency would not intend to impose sanctions against home health agencies or nurse registries that are paying subscribers under these circumstances.

Discussion

We understand that Allscripts offers a computer software product to hospitals for a fee, and we further understand that hospitals which purchase that software are able at their discretion to use the software as part of their discharge planning system. Based on your representations, we



understand that Allscripts does not in any way require hospitals to use the Allscripts software they purchase, and no Allscripts personnel is in any way involved in making the discharge planning decisions of any hospital that does purchase and use the Allscripts software. Further, the Allscripts software does not by itself determine which post-acute provider will receive a patient referral from the hospital. Rather, hospitals that purchase the Allscripts software continue to rely exclusively on their own staff (taking into consideration the informed choices of the patient and/or the patient's authorized representative) – and not any Allscripts personnel – to make the most appropriate discharge planning and referral determinations for their patients. In addition, we understand that Allscripts lists within its directory of available post-acute providers all licensed home health agencies and nurse registries that wish to be listed and not solely those that pay a listing fee to Allscripts. (In this way, you have explained your position that the Allscripts electronic directory listing is similar in many respects to the White Pages and Yellow Pages phone books that hospital discharge planning departments can use at their discretion for discharge planning purposes.) Based on these specific understandings, we do not believe that Allscripts is a “third party vendor involved in the discharge planning process” of a hospital or other facilities licensed under chapter 395 as contemplated by sections 400.474(6) and 400.506(15), Florida Statutes.

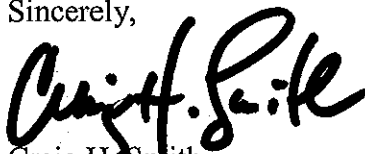
Disclaimers

Our views expressed in this letter are limited to the facts as we understand them. Of course, we reserve the right to reconsider our position if facts indicate that our understandings are not accurate. We do not intend to, and do not, by this letter endorse or express any opinion regarding the quality of any product or service offered by Allscripts or any other company. Further, we are not expressing any view as to whether any product or service offered by Allscripts might potentially violate any other state or federal law not cited in this letter.

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We trust that this letter addresses your questions sufficiently and that you will withdraw your request for a declaratory statement no later than September 19, 2008. Otherwise, we may be compelled to dismiss the request. Of course, if you have any further questions, you are welcome to contact us.

Sincerely,



Craig H. Smith
General Counsel

cc: Ms. Anne Menard