

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 574

By: McCortney of the Senate

and

McEntire of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to health information; defining
11 terms; designating Oklahoma State Health Information
12 Network and Exchange (OKSHINE) as the official state
13 health information exchange; stating purposes;
14 imposing certain duties on Oklahoma Health Care
15 Authority; providing certain protections for
16 participation in OKSHINE; specifying ownership of
17 certain property; providing for and limiting
18 disclosure of certain health information; directing
19 promulgation of rules; repealing Section 1, Chapter
20 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section
21 34.201), which relates to Health Information
22 Technology Advisory Board; repealing 63 O.S. 2011,
23 Section 1-131, which relates to Health Information
24 Infrastructure Advisory Board; repealing 63 O.S.
2011, Section 1-132, as amended by Section 1, Chapter
157, O.S.L. 2015 (63 O.S. Supp. 2020, Section 1-132),
which relates to Oklahoma Health Information Exchange
Trust; providing for codification; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-133 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. As used in this section:

5 1. "Agency" has the same meaning as provided by Section 840-1.3
6 of Title 74 of the Oklahoma Statutes;

7 2. "Health information exchange" means the electronic movement
8 of health-related information among organizations according to
9 nationally recognized standards for treatment purposes;

10 3. "Health information technology" means technology that allows
11 comprehensive management of medical information and its secure
12 exchange between health care consumers and providers for treatment
13 purposes; and

14 4. "Oklahoma State Health Information Network and Exchange" or
15 "OKSHINE" means a unit of the Oklahoma Health Care Authority charged
16 with facilitating the exchange of health information to and from
17 authorized individuals and healthcare organizations in this state.
18 OKSHINE shall be comprised of a digital platform used for the
19 exchange of health information including, but not limited to,
20 software and data tools.

21 B. The Oklahoma State Health Information Network and Exchange
22 (OKSHINE) shall serve as the official health information exchange
23 for this state. OKSHINE shall be organized for the purpose of
24 improving the health of residents of this state by:

1 1. Promoting efficient and effective communication among
2 multiple health care providers including, but not limited to,
3 hospitals, physicians, payers, employers, pharmacies, laboratories,
4 and other health care entities or health information exchange
5 networks and organizations;

6 2. Creating efficiencies in health care costs by eliminating
7 redundancy in data capture and storage and reducing administrative,
8 billing, and data collection costs;

9 3. Creating the ability to monitor community health status; and

10 4. Providing reliable information to health care consumers and
11 purchasers regarding the quality of health care.

12 C. The Oklahoma Health Care Authority shall:

13 1. Coordinate the health information technology initiatives of
14 the state with relevant state agencies, nonprofit corporations and
15 institutions of higher education;

16 2. Assure the effective coordination and collaboration of
17 health information technology planning, development, implementation
18 and financing;

19 3. Review and approve all health information technology-related
20 grant applications of state agencies before submission to funding
21 entities;

22 4. Accept, receive, retain, disburse and administer any state
23 or federal funds specifically appropriated for health information
24 technology; and

1 5. Establish reasonable fees for the use of the Oklahoma State
2 Health Information Network and Exchange (OKSHINE) to fund the
3 operational costs of OKSHINE. Fees established under this paragraph
4 shall be set with the input and guidance of the users of OKSHINE,
5 stakeholders and other interested parties. Fees established under
6 this paragraph shall not exceed the total cost of operating OKSHINE,
7 not including staffing costs for OKSHINE.

8 D. 1. A person who participates in the services or information
9 provided by OKSHINE shall not be liable in any action for damages or
10 costs of any nature that result solely from the person's use or
11 failure to use OKSHINE information or data that was entered or
12 retrieved under relevant state or federal privacy laws, rules,
13 regulations or policies including, but not limited to, the Health
14 Insurance Portability and Accountability Act of 1996.

15 2. A person shall not be subject to antitrust or unfair
16 competition liability based on participation in OKSHINE as long as
17 the participation provides an essential governmental function for
18 the public health and safety and enjoys state action immunity.

19 E. 1. A person who provides information and data to OKSHINE
20 retains a property right in the information or data, but grants to
21 the other participants or subscribers a nonexclusive license to
22 retrieve and use that information or data under relevant state or
23 federal privacy laws, rules, regulations or policies including, but
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1 not limited to, the Health Insurance Portability and Accountability
2 Act of 1996.

3 2. All processes or software developed, designed, or purchased
4 by the OKSHINE shall remain the property of the OKSHINE subject to
5 use by participants or subscribers.

6 F. 1. Patient-specific protected health information shall only
7 be disclosed in accordance with the patient's authorization or in
8 compliance with relevant state or federal privacy laws, rules,
9 regulations or policies including, but not limited to, the Health
10 Insurance Portability and Accountability Act of 1996.

11 2. All identified or deidentified health information contained
12 in, stored in, submitted to, transferred by, or released from the
13 OKSHINE is not disclosable under applicable state or federal law.

14 G. The Oklahoma Health Care Authority Board shall promulgate
15 rules to implement the provisions of this section.

16 SECTION 2. REPEALER Section 1, Chapter 258, O.S.L. 2016
17 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

18 SECTION 3. REPEALER 63 O.S. 2011, Section 1-131, is
19 hereby repealed.

20 SECTION 4. REPEALER 63 O.S. 2011, Section 1-132, as
21 amended by Section 1, Chapter 157, O.S.L. 2015 (63 O.S. Supp. 2020,
22 Section 1-132), is hereby repealed.

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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