



1 nationally recognized standards for purposes including, but not  
2 limited to, payment, treatment, and administration; and

3 2. "Health information exchange organization" means an entity  
4 whose primary business activity is health information exchange and  
5 which is governed by its stakeholders.

6 B. The State of Oklahoma:

7 1. Shall designate a health information exchange organization  
8 as the state-designated entity for health information exchange;

9 2. Shall establish a transition plan to ensure continued  
10 operation of the health information exchange; and

11 3. May temporarily serve as the state-designated entity as part  
12 of the transition plan described in paragraph 2 of this subsection.

13 C. Beginning July 1, 2023, all health care providers as defined  
14 by the rules promulgated by the Oklahoma Health Care Authority Board  
15 and who are licensed by and located in this state ~~shall~~ may report  
16 data to and utilize the state-designated entity. The Office of the  
17 State Coordinator for Health Information Exchange may, as provided  
18 by rules promulgated by the Board, allow exemptions from the  
19 requirement provided by this subsection on the basis of financial  
20 hardship, size, or technological capability of a health care  
21 provider or such other bases as may be provided by rules promulgated  
22 by the Board.

23 D. 1. A person who participates in the services or information  
24 provided by the state-designated entity shall not be liable in any

1 action for damages or costs of any nature that result solely from  
2 the person's use or failure to use information or data from the  
3 state-designated entity that was entered or retrieved under relevant  
4 state or federal privacy laws, rules, regulations, or policies  
5 including, but not limited to, the Health Insurance Portability and  
6 Accountability Act of 1996.

7 2. A person shall not be subject to antitrust or unfair  
8 competition liability based on participation with the state-  
9 designated entity as long as the participation provides an essential  
10 governmental function for the public health and safety and enjoys  
11 state action immunity.

12 E. A person who provides information and data to the state-  
13 designated entity retains a property right in the information or  
14 data, but grants to the other participants or subscribers a  
15 nonexclusive license to retrieve and use that information or data  
16 under relevant state or federal privacy laws, rules, regulations, or  
17 policies including, but not limited to, the Health Insurance  
18 Portability and Accountability Act of 1996.

19 F. Patient-specific protected health information shall only be  
20 disclosed in compliance with relevant state or federal privacy laws,  
21 rules, regulations, or policies including, but not limited to, the  
22 Health Insurance Portability and Accountability Act of 1996.

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

SECTION 2. This act shall become effective November 1, 2024.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
02/29/2024 - DO PASS, As Coauthored.