

1 ENGROSSED HOUSE
2 BILL NO. 3556

By: Kendrix and Maynard of the
House

3 and

4 Howard of the Senate
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8 An Act relating to public health and safety; amending
9 63 O.S. 2021, Section 1-133, as amended by Section 2,
10 Chapter 250, O.S.L. 2022 (63 O.S. Supp. 2023, Section
11 1-133), which relates to state-designated entity for
12 health information exchange; modifying mandatory
13 language; and providing an effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-133, as
16 amended by Section 2, Chapter 250, O.S.L. 2022 (63 O.S. Supp. 2023,
17 Section 1-133), is amended to read as follows:

18 Section 1-133. A. As used in this section:

19 1. "Health information exchange" means the electronic movement
20 of health-related information among organizations according to
21 nationally recognized standards for purposes including, but not
22 limited to, payment, treatment, and administration; and
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1 2. "Health information exchange organization" means an entity
2 whose primary business activity is health information exchange and
3 which is governed by its stakeholders.

4 B. The State of Oklahoma:

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

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

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

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

21 D. 1. A person who participates in the services or information
22 provided by the state-designated entity shall not be liable in any
23 action for damages or costs of any nature that result solely from
24 the person's use or failure to use information or data from the

1 state-designated entity that was entered or retrieved under relevant
2 state or federal privacy laws, rules, regulations, or policies
3 including, but not limited to, the Health Insurance Portability and
4 Accountability Act of 1996.

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

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

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

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

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

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1 Passed the House of Representatives the 7th day of March, 2024.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2024.

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9 Presiding Officer of the Senate