

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1369

By: Haste of the Senate

and

6 McEntire of the House

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10 COMMITTEE SUBSTITUTE

11 [health information - Office of the State
12 Coordinator for Health Information Exchange -
13 health information exchange legislative intent -
14 definitions - Oklahoma Health Care Transparency
15 Initiative - submission of claims data - disclosure
16 of data - penalty schedule - Oklahoma Open Records
17 Act - codification - effective date -
18 emergency]

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
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1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-132.1 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Office of the State Coordinator
5 for Health Information Exchange within the Oklahoma Health Care
6 Authority.

7 B. The Office shall have the power and duty to:

8 1. Serve as the state designated entity for health information
9 exchange, if the State of Oklahoma serves as the state-designated
10 entity for health information exchange under Section 1-133 of Title
11 63 of the Oklahoma Statutes, or

12 2. Oversee the state-designated entity for health information
13 exchange, if the State of Oklahoma designates a state-designated
14 entity for health information exchange under Section 1-133 of Title
15 63 of the Oklahoma Statutes.

16 C. The Office shall consist of the State Coordinator for Health
17 Information Exchange, who shall be appointed by and serve at the
18 pleasure of the Administrator of the Authority, and such other
19 employees of the Authority as the Administrator may assign to the
20 Office.

21 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-133, is
22 amended to read as follows:

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

24 1. "Health care entity" means:

- 1 a. a health plan that, either as an individual or group,
2 provides for, or pays the cost of, medical care,
3 b. a health care provider that offers or renders medical
4 or health services, or
5 c. any further individual or association defined as a
6 covered entity under 45 C.F.R., Section 160.103; and

7 2. "Health information exchange" means the electronic movement
8 of health-related information among organizations according to
9 nationally recognized standards for purposes including, but not
10 limited to, payment, treatment, and administration.

11 ~~2. "Health information exchange organization" means an entity~~
12 ~~whose primary business activity is health information exchange; and~~

13 ~~3. "Oklahoma State Health Information Network and Exchange" or~~
14 ~~"OKSHINE" means a health information exchange organization charged~~
15 ~~with facilitating the exchange of health information to and from~~
16 ~~authorized individuals and health care organizations in this state~~
17 ~~and.~~

18 B. The State of Oklahoma shall serve as or shall designate the
19 state-designated entity for health information exchange.

20 ~~B. The Oklahoma Health Care Authority (OHCA) shall establish a~~
21 ~~health information exchange certification with input from~~
22 ~~stakeholders. Such certification shall be required in order for a~~
23 ~~health information exchange organization to qualify as an Oklahoma~~
24 ~~Statewide Health Information Exchange (OKHIE). Until such time as~~

1 ~~the health information exchange certification is established by~~
2 ~~OHCA, an OKHIE shall mean either OKSHINE or a health information~~
3 ~~exchange organization that was previously certified by the Oklahoma~~
4 ~~Health Information Exchange Trust.~~

5 ~~C. The Oklahoma State Health Information Network and Exchange~~
6 ~~(OKSHINE) shall be organized for the purpose of improving the health~~
7 ~~of residents of this state by:~~

8 ~~1. Promoting efficient and effective communication among~~
9 ~~multiple health care providers including, but not limited to,~~
10 ~~hospitals, physicians, payers, employers, pharmacies, laboratories,~~
11 ~~and other health care entities or health information exchange~~
12 ~~networks and organizations;~~

13 ~~2. Creating efficiencies in health care costs by eliminating~~
14 ~~redundancy in data capture and storage and reducing administrative,~~
15 ~~billing, and data collection costs;~~

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

17 ~~4. Providing reliable information to health care consumers and~~
18 ~~purchasers regarding the quality of health care.~~

19 C. Beginning July 1, 2023, all health care entities licensed by
20 and located in this state shall report data to and utilize the
21 state-designated entity. The Office of the State Coordinator for
22 Health Information Exchange may, as provided by rules promulgated by
23 the Oklahoma Health Care Authority Board, allow exemptions from the
24 requirement provided by this subsection on the basis of financial

1 hardship, size, or technological capability of a health care entity
2 or such other bases as may be provided by rules promulgated by the
3 Board.

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

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

18 ~~3. Participating in an OKHIE shall qualify as meeting any~~
19 ~~requirement to send data to OKSHINE.~~

20 E. ~~1.~~ A person who provides information and data to ~~OKSHINE~~
21 the state-designated entity retains a property right in the
22 information or data, but grants to the other participants or
23 subscribers a nonexclusive license to retrieve and use that
24 information or data under relevant state or federal privacy laws,

1 rules, regulations, or policies including, but not limited to, the
2 Health Insurance Portability and Accountability Act of 1996.

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

6 F. Patient-specific protected health information shall only be
7 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 G. The Oklahoma Health Care Authority Board shall promulgate
12 rules to implement the provisions of this section.

13 SECTION 3. This act shall become effective July 1, 2022.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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