

# An Act

ENROLLED SENATE  
BILL NO. 1369

By: Haste of the Senate

and

McEntire of the House

An Act relating to health insurance; creating the State Coordinator for Health Information Exchange; providing for powers and duties; providing for appointment of State Coordinator; providing for service at pleasure of appointing authority; amending 63 O.S. 2021, Section 1-133, which relates to definitions; modifying definitions; providing for health information exchange; providing for transition plan; providing for designation as certain entity; modifying provisions related to health information exchange; requiring data reporting; authorizing exemptions; modifying provisions related to certain civil liabilities; modifying provisions related to certain property rights; modifying provisions related to software and processes; modifying provisions related to patient authorization; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Health information

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-132.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

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

B. The Office shall have the power and duty to oversee the state-designated entity for health information exchange, as described under Section 1-133 of Title 63 of the Oklahoma Statutes.

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

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

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

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

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

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

B. The State of Oklahoma:

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

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

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

~~B. The Oklahoma Health Care Authority (OHCA) shall establish a health information exchange certification with input from stakeholders. Such certification shall be required in order for a health information exchange organization to qualify as an Oklahoma Statewide Health Information Exchange (OKHIE). Until such time as the health information exchange certification is established by OHCA, an OKHIE shall mean either OKSHINE or a health information exchange organization that was previously certified by the Oklahoma Health Information Exchange Trust.~~

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

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

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

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

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

C. Beginning July 1, 2023, all health care providers as defined by the rules promulgated by the Oklahoma Health Care Authority Board and who are licensed by and located in this state shall report data to and utilize the state-designated entity. The Office of the State Coordinator for Health Information Exchange may, as provided by rules promulgated by the Board, allow exemptions from the requirement provided by this subsection on the basis of financial hardship, size, or technological capability of a health care

provider or such other bases as may be provided by rules promulgated by the Board.

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

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

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

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

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

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

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

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

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

Passed the Senate the 9th day of May, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 28th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_