

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 516

By: Griffin

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6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.  
8 2011, Section 1-132, which relates to the Oklahoma  
9 Health Information Exchange Trust; providing that  
10 provisions shall cease to be effective as of certain  
11 date; specifying certain duties of Oklahoma State  
12 Department of Health; prohibiting acceptance of  
13 certain grants or taking of further action; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-132, is  
17 amended to read as follows:

18 Section 1-132. A. The state expressly approves the creation of  
19 a public trust to be named the "Oklahoma Health Information Exchange  
20 Trust", also known as "OHIET", of which the state shall be the  
21 beneficiary; provided, however, such approval shall be contingent  
22 upon satisfaction of the following conditions:

- 23 1. Finalizing the declaration of trust;
- 24 2. Adoption of the declaration of trust by an official action  
of the trustees of OHIET; and

1           3. Submission of OHIET for acceptance of the beneficial  
2 interest and approval as required by Section 177 of Title 60 of the  
3 Oklahoma Statutes.

4           B. The approved declaration of trust shall:

5           1. Specify that OHIET shall be created as a public trust  
6 pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes  
7 and shall have the same rights, responsibilities, and attributes as  
8 any public trust created under such laws;

9           2. Specify that the primary purpose of OHIET shall be to:

- 10           a. serve as Oklahoma's "Qualified State-Designated  
11           Entity" for purposes of any grants awarded pursuant to  
12           42 U.S.C., Section 300jj-33 for purposes of  
13           facilitating and expanding the electronic movement and  
14           use of health information among organizations  
15           according to nationally recognized standards, and  
16           b. promote, develop, and sustain electronic health  
17           information exchanges at the state level; and

18           3. To the extent required by law, specify the adoption of  
19 bylaws and rules for the due and orderly administration and  
20 regulation of affairs of OHIET, which shall require approval in  
21 accordance with the provisions of the Administrative Procedures Act.

22           C. The approved declaration of trust shall also require the  
23 trustees of OHIET to establish an advisory board which shall make  
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1 recommendations to the trustees. The advisory board shall include  
2 in its membership representatives of:

3 1. Health care providers, including providers that provide  
4 services to low income and underserved populations;

5 2. Health plans;

6 3. Patient or consumer organizations that represent the  
7 population to be served;

8 4. Health information technology vendors;

9 5. Health care purchasers and employers;

10 6. Public health agencies;

11 7. Health professions schools, universities, and colleges;

12 8. Clinical researchers;

13 9. Other users of health information technology, such as the  
14 support and clerical staff of providers and others involved in the  
15 care and care coordination of patients; and

16 10. Such other entities as may be determined appropriate by the  
17 Secretary of Health and Human Services pursuant to 42 U.S.C.,  
18 Section 300jj-33.

19 D. OHIET shall have seven (7) trustees, three of which shall be  
20 appointed by the Governor, two of which shall be appointed by the  
21 President Pro Tempore of the Senate, and two of which shall be  
22 appointed by the Speaker of the House of Representatives.

23 E. The terms of the trustees shall be as follows:

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1           1. Of the trustees first appointed, one member appointed by the  
2 Governor shall be appointed for a term of one (1) year, one member  
3 appointed by the President Pro Tempore of the Senate shall be  
4 appointed for a term of two (2) years, one member appointed by the  
5 Speaker of the House of Representatives shall be appointed for a  
6 term of three (3) years, one member appointed by the Governor shall  
7 be appointed for a term of four (4) years, one member appointed by  
8 the President Pro Tempore of the Senate shall be appointed for a  
9 term of five (5) years, one member appointed by the Speaker of the  
10 House of Representatives shall be appointed for a term of (5) years,  
11 and one member appointed by the Governor shall be appointed for a  
12 term of five (5) years; and

13           2. At the expiration of the term of each member and of each  
14 succeeding member, the entity who originally appointed such member  
15 shall appoint a successor who shall serve for a term of five (5)  
16 years. Whenever a vacancy on the trust occurs, the entity who  
17 originally appointed such member shall fill the same by appointment  
18 and the appointee shall hold office during the unexpired term. Each  
19 member shall hold office until the member's successor has been  
20 appointed and qualified.

21           F. The provisions of the Governmental Tort Claims Act shall  
22 apply to OHIET as a state-beneficiary public trust created pursuant  
23 to state law. OHIET shall also be immune from liability relating to  
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1 the accuracy or completeness of any information submitted by a third  
2 party to any health information exchange operated by OHIET.

3 G. The provisions of this section shall cease to be in effect  
4 on January 1, 2016. As of such date, the State Department of Health  
5 shall fulfill the purpose set forth in subparagraph a of paragraph 2  
6 of subsection B of this section with respect to grants awarded prior  
7 to the effective date of this act, but no further grants shall be  
8 accepted for such purpose nor shall any further action be taken with  
9 respect to the purpose set forth in subparagraph b of paragraph 2 of  
10 subsection B of this section.

11 SECTION 2. This act shall become effective November 1, 2015.

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