

1 **SENATE FLOOR VERSION**

2 February 22, 2021

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 574

6 By: McCortney of the Senate

7 and

8 McEntire of the House

9 An Act relating to health information; defining  
10 terms; designating Oklahoma State Health Information  
11 Network and Exchange (OKSHINE) as the official state  
12 health information exchange; stating purposes;  
13 imposing certain duties on Oklahoma Health Care  
14 Authority; providing certain protections for  
15 participation in OKSHINE; specifying ownership of  
16 certain property; providing for and limiting  
17 disclosure of certain health information; directing  
18 promulgation of rules; repealing Section 1, Chapter  
19 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section  
20 34.201), which relates to Health Information  
21 Technology Advisory Board; repealing 63 O.S. 2011,  
22 Section 1-131, which relates to Health Information  
23 Infrastructure Advisory Board; repealing 63 O.S.  
24 2011, Section 1-132, as amended by Section 1, Chapter  
157, O.S.L. 2015 (63 O.S. Supp. 2020, Section 1-132),  
which relates to Oklahoma Health Information Exchange  
Trust; providing for codification; and declaring an  
emergency.

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 1-133 of Title 63, unless there  
is created a duplication in numbering, reads as follows:

A. As used in this section:

1 1. "Agency" has the same meaning as provided by Section 840-1.3  
2 of Title 74 of the Oklahoma Statutes;

3 2. "Health information exchange" means the electronic movement  
4 of health-related information among organizations according to  
5 nationally recognized standards for treatment purposes;

6 3. "Health information technology" means technology that allows  
7 comprehensive management of medical information and its secure  
8 exchange between health care consumers and providers for treatment  
9 purposes; and

10 4. "Oklahoma State Health Information Network and Exchange" or  
11 "OKSHINE" means a unit of the Oklahoma Health Care Authority charged  
12 with facilitating the exchange of health information to and from  
13 authorized individuals and healthcare organizations in this state.  
14 OKSHINE shall be comprised of a digital platform used for the  
15 exchange of health information including, but not limited to,  
16 software and data tools.

17 B. The Oklahoma State Health Information Network and Exchange  
18 (OKSHINE) shall serve as the official health information exchange  
19 for this state. OKSHINE shall be organized for the purpose of  
20 improving the health of residents of this state by:

21 1. Promoting efficient and effective communication among  
22 multiple health care providers including, but not limited to,  
23 hospitals, physicians, payers, employers, pharmacies, laboratories,

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1 and other health care entities or health information exchange  
2 networks and organizations;

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

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

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

9 C. The Oklahoma Health Care Authority shall:

10 1. Coordinate the health information technology initiatives of  
11 the state with relevant state agencies, nonprofit corporations and  
12 institutions of higher education;

13 2. Assure the effective coordination and collaboration of  
14 health information technology planning, development, implementation  
15 and financing;

16 3. Review and approve all health information technology-related  
17 grant applications of state agencies before submission to funding  
18 entities;

19 4. Accept, receive, retain, disburse and administer any state  
20 or federal funds specifically appropriated for health information  
21 technology; and

22 5. Establish reasonable fees for the use of the Oklahoma State  
23 Health Information Network and Exchange (OKSHINE) to fund the  
24 operational costs of OKSHINE. Fees established under this paragraph

1 shall be set with the input and guidance of the users of OKSHINE,  
2 stakeholders and other interested parties. Fees established under  
3 this paragraph shall not exceed the total cost of operating OKSHINE,  
4 not including staffing costs for OKSHINE.

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

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

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

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

4           F. 1. Patient-specific protected health information shall only  
5 be disclosed in accordance with the patient's authorization or in  
6 compliance with relevant state or federal privacy laws, rules,  
7 regulations or policies including, but not limited to, the Health  
8 Insurance Portability and Accountability Act of 1996.

9           2. All identified or deidentified health information contained  
10 in, stored in, submitted to, transferred by, or released from the  
11 OKSHINE is not disclosable under applicable state or federal law.

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

14           SECTION 2.           REPEALER           Section 1, Chapter 258, O.S.L. 2016  
15 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

16           SECTION 3.           REPEALER           63 O.S. 2011, Section 1-131, is  
17 hereby repealed.

18           SECTION 4.           REPEALER           63 O.S. 2011, Section 1-132, as  
19 amended by Section 1, Chapter 157, O.S.L. 2015 (63 O.S. Supp. 2020,  
20 Section 1-132), is hereby repealed.

21           SECTION 5. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
4 February 22, 2021 - DO PASS AS AMENDED  
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