

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 574 By: McCortney of the Senate
3 and
4 McEntire of the House

5 [health information - Oklahoma State Health
6 Information Network and Exchange (OKSHINE) -
7 repealers - codification -
8 emergency]

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11 AUTHOR: Add the following House Coauthor: Roe

12 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
13 entire bill and replace with:

14 "An Act relating to health information; defining
15 terms; imposing certain duties on Oklahoma Health
16 Care Authority; designating purposes of Oklahoma
17 State Health Information Network and Exchange
18 (OKSHINE); providing certain protections for
19 participation in OKSHINE; specifying ownership of
20 certain property; providing for and limiting
21 disclosure of certain health information; directing
22 promulgation of rules; repealing Section 1, Chapter
23 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section
24 34.201), which relates to Health Information
Technology Advisory Board; repealing 63 O.S. 2011,
Section 1-131, which relates to Health Information
Infrastructure Advisory Board; repealing 63 O.S.
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.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1-133 of Title 63, unless there
4 is created a duplication in numbering, reads as follows:

5 A. As used in this section:

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

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

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

18 B. The Oklahoma Health Care Authority (OHCA) shall establish a
19 health information exchange certification with input from
20 stakeholders. Such certification shall be required in order for a
21 health information exchange organization to qualify as an Oklahoma
22 Statewide Health Information Exchange (OKHIE). Until such time as
23 the health information exchange certification is established by
24 OHCA, an OKHIE shall mean either OKSHINE or a health information

1 exchange organization that was previously certified by the Oklahoma
2 Health Information Exchange Trust.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Passed the House of Representatives the 22nd day of April, 2021.

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16 Presiding Officer of the House of
Representatives

17 Passed the Senate the ____ day of _____, 2021.

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21 Presiding Officer of the Senate

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ENGROSSED SENATE
BILL NO. 574

By: McCortney of the Senate

and

McEntire of the House

[health information - Oklahoma State Health
Information Network and Exchange (OKSHINE) -
repealers - codification -
emergency]

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

SECTION 6. 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. "Agency" has the same meaning as provided by Section 840-1.3
of Title 74 of the Oklahoma Statutes;

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

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

4. "Oklahoma State Health Information Network and Exchange" or
"OKSHINE" means a unit of the Oklahoma Health Care Authority charged

1 with facilitating the exchange of health information to and from
2 authorized individuals and healthcare organizations in this state.
3 OKSHINE shall be comprised of a digital platform used for the
4 exchange of health information including, but not limited to,
5 software and data tools.

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

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

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

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

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

21 C. The Oklahoma Health Care Authority shall:

22 1. Coordinate the health information technology initiatives of
23 the state with relevant state agencies, nonprofit corporations and
24 institutions of higher education;

1 2. Assure the effective coordination and collaboration of
2 health information technology planning, development, implementation
3 and financing;

4 3. Review and approve all health information technology-related
5 grant applications of state agencies before submission to funding
6 entities;

7 4. Accept, receive, retain, disburse and administer any state
8 or federal funds specifically appropriated for health information
9 technology; and

10 5. Establish reasonable fees for the use of the Oklahoma State
11 Health Information Network and Exchange (OKSHINE) to fund the
12 operational costs of OKSHINE. Fees established under this paragraph
13 shall be set with the input and guidance of the users of OKSHINE,
14 stakeholders and other interested parties. Fees established under
15 this paragraph shall not exceed the total cost of operating OKSHINE,
16 not including staffing costs for OKSHINE.

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

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

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

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

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

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

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

1 SECTION 7. REPEALER Section 1, Chapter 258, O.S.L. 2016
2 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

3 SECTION 8. REPEALER 63 O.S. 2011, Section 1-131, is
4 hereby repealed.

5 SECTION 9. REPEALER 63 O.S. 2011, Section 1-132, as
6 amended by Section 1, Chapter 157, O.S.L. 2015 (63 O.S. Supp. 2020,
7 Section 1-132), is hereby repealed.

8 SECTION 10. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 10th day of March, 2021.

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15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2021.

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20 Presiding Officer of the House
21 of Representatives

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