

# An Act

ENROLLED SENATE  
BILL NO. 574

By: McCortney of the Senate

and

McEntire and Roe of the  
House

An Act relating to health information; defining terms; imposing certain duties on Oklahoma Health Care Authority; designating purposes of Oklahoma State Health Information Network and Exchange (OKSHINE); providing certain protections for participation in OKSHINE; specifying ownership of certain property; providing for and limiting disclosure of certain health information; directing promulgation of rules; repealing Section 1, Chapter 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section 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.

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

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;

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

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 as the state-designated entity for health information exchange.

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.

D. 1. A person who participates in the services or information provided by OKSHINE or an OKHIE 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 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 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 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 2. REPEALER Section 1, Chapter 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

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 REPEALER 63 O.S. 2011, Section 1-131, is hereby repealed.

SECTION 4. REPEALER 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), is hereby repealed.

SECTION 5. 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 19th day of May, 2021.

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

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

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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: \_\_\_\_\_