ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 2379 BY: MONSON of the HOUSE

and

MILES-LaGRANGE of the SENATE

(PUBLIC HEALTH AND SAFETY - CREATING THE OKLAHOMA HEALTH CARE INFORMATION SYSTEM ACT - AMENDING 63 O.S. 1991, SECTIONS 1-854.1 AND 1-857 - CODIFICATION - EFFECTIVE DATE)

AUTHORS: Add the following Senate Coauthors: STIPE and HORNER

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

[PUBLIC HEALTH AND SAFETY - CREATING THE OKLAHOMA HEALTH CARE INFORMATION SYSTEM ACT - CODIFICATION - EFFECTIVE DATE]

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 1-115 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Health Care Information System Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-116 of Title 63, unless there is created a duplication in numbering, reads as follows:

When used in the Oklahoma Health Care Information System Act:

1. "Board" means the State Board of Health;

2. "Commissioner" means the Commissioner of Health;

3. "Department" means the State Department of Health;

4. "Health care providers" means a hospital or related institution licensed pursuant to Section 1-702 of Title 63 of the Oklahoma Statutes and nursing facilities licensed pursuant to Section 1-1903 of Title 63 of the Oklahoma Statutes;

5. "Third-party payor" means any entity, other than a purchaser, which is responsible for payment either to the purchaser or the health care provider for health care services rendered by the health care provider;

6. "Public-supported provider" means any public or private entity supported in whole or in part by federal or state funds, or any health care provider contracting with the state for providing health care services including, but not limited to, Medicaid;

7. "Identifying information" means the name, address, social security number or similar information by which the identity of a physician or patient can be determined with reasonable accuracy and speed, either directly or by reference to other publicly available information. The term shall not include an identifying number assigned by a program instituted pursuant to the Oklahoma Health Care Information System Act;

8. "Information providers" means and includes health care providers, third-party payors or public-supported providers required to report or submit information to the Division of Health Care Information pursuant to the Oklahoma Health Care Information System Act;

9. "Division" means the Division of Health Care Information; and

10. "Health care information system" means the system for receipt, collection, analysis, evaluation, processing, utilization and dissemination of health care data established and maintained by the Division of Health Care Information pursuant to the Oklahoma Health Care Information System Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-117 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As a result of rising health care costs and concerns expressed by health care providers, health care consumers, third-party payors and the general public, the Oklahoma Legislature finds that there is an urgent need to establish and maintain, for the purposes of health care planning and cost containment, an information base for the State of Oklahoma that will facilitate ongoing analysis and evaluation of patterns and trends in the utilization and costs of health care services, and the capability of the various components of the health care industry to provide needed services.

B. The Oklahoma Health Care Information System shall be responsible for the development and operation of a method for collecting, processing and disseminating health care data including, but not limited to, expenditure and utilization data. It is the intent of the Legislature that a uniform set of data be periodically and routinely compiled that will make possible the ongoing analysis, comparison and evaluation of trends in the delivery of health care services in this state for the purpose of effective health care planning by public and private entities and cost containment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-118 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Division of Health Care Information is hereby created within the State Department of Health.

B. The Division shall:

1. Collect health care information from information providers;

2. Establish and maintain a uniform health care information system;

3. Analyze health care data submitted;

4. Provide for dissemination of health care data to users and consumers;

5. Provide for the training and education of information providers regarding processing and maintenance and methods of reporting required information;

6. Require that health care data be submitted to the Department or its agent by all information providers;

7. Provide for the exchange of information with other agencies or political subdivisions of this state, the federal government or other states, or agencies thereof;

8. Contract with other public or private entities for the purpose of collecting, processing or disseminating health care data;

9. Build and maintain the data base; and

10. Have such additional powers as necessary to implement the provisions of the Oklahoma Health Care Information System Act.

C. 1. The State Board of Health shall adopt rules governing the acquisition, compilation and dissemination of all data collected pursuant to the Oklahoma Health Care Information System Act.

2. The rules shall include, but not be limited to:

a. adequate measures to provide system security for all data and information acquired pursuant to the Oklahoma Health Care Information System Act,

b. adequate procedures to ensure confidentiality of patient records,

c. charges for users for the cost of data preparation for information that is beyond the routine data disseminated by the office,

d. time limits for the submission of data by information providers, and

e. procedures for assessment of administrative penalties for failure to submit the data within the established time limits.

D. The Division shall adopt standard Medicare Prospective Payment coding systems to ensure quality in receiving and processing data.

E. The Division may contract with an organization for the purpose of data analysis. Any contract or renewal thereof shall be based on the need for, and the feasibility, cost and performance of, services provided by the organization. The Division shall require any data analyzer at a minimum to:

1. Analyze the information; and

2. Prepare policy-related and other analytical reports as determined necessary for purposes of this act.

F. The Board shall have the authority to set fees and charges with regard to the collection and compilation of data requested for special reports, and for the dissemination of data. These funds shall be deposited in the Oklahoma Health Care Information System Revolving Fund account.

G. The Division may accept grants or charitable contributions for use in carrying out the functions set forth in the Oklahoma Health Care Information System Act from any source. These funds shall be deposited in the Oklahoma Health Care Information System Revolving Fund account.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-119 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. The Division of Health Care Information shall, with the advice of the Health Care Information Advisory Committee and in accordance with the rules of the State Board of Health, collect health care information from information providers.

2. The information to be collected may include, but shall not be limited to:

a. financial information including, but not limited to, consumption of resources to provide services, reimbursement, costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of service, wage and salary data,

b. service information including, but not limited to, occupancy, capacity, and special and ancillary services,

c. physician profiles in the aggregate by clinical specialties and nursing services, and

c. discharge data including, but not limited to, completed discharge data sets or comparable information for each patient discharged from the facility after the effective date of this act.

3. The Division shall establish a phase-in schedule for the collection of health care data. The phase-in schedule shall provide that prior to June 30, 1993, only data currently collected shall be required to be submitted to the Division. Thereafter, in the collection of health care data, the Division shall whenever possible utilize existing health data resources and avoid duplication in the collection of health care data.

4. Except as otherwise authorized by the provisions of the Oklahoma Health Care Information System Act, the provisions of the Oklahoma Health Care Information System Act shall not be construed to lessen or reduce the responsibility of the information provider with regards to:

a. the accuracy of the data or information submitted,

b. liability for release of the data or information to the Division, data processor or as otherwise authorized by this section, or

c. the preservation of confidentiality of such data or information until submitted to the Division.

B. The University of Oklahoma College of Public Health, the Department of Human Services and the Department of Mental Health and Substance Abuse Services are hereby authorized to have access to the health care information system established pursuant to the Oklahoma Health Care Information System Act, in accordance with a mutual interagency agreement between the State Department of Health and each specified entity on an individual basis.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-120 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by Section 5 of this act, the individual forms, computer tapes, or other forms of data collected by and furnished to the Division of Health Care Information or to a data processor pursuant to the Oklahoma Health Care Information System Act shall be confidential and shall not be public records as defined in the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

B. After approval by the State Department of Health, the compilations prepared for release or dissemination from the data collected, except for a report prepared at the request of an individual data provider containing information concerning only its transactions, shall be public records. The Division shall establish a Health Care Information Advisory Committee as provided in Section 8 of this act, to assist with determinations related to data collection, and information to be released and disseminated to the public.

C. The confidentiality of identifying information is to be protected and the pertinent statutes, rules and regulations of the State of Oklahoma and of the federal government relative to confidentiality shall apply.

D. Identifying information shall not be disclosed, and shall not be used in connection with any legal, administrative, supervisory or other action whatsoever.

E. The Division or other state agency receiving information pursuant to the Oklahoma Health Care Information System Act is prohibited from taking any administrative, investigative or other action with respect to any individual on the basis of the identifying information. The Division data analyzer or other state agency receiving information pursuant to the Oklahoma Health Care Information System Act is further prohibited from identifying, directly or indirectly, any individual in any report of scientific research or long-term evaluation, or otherwise disclosing identities in any manner.

F. Except as otherwise authorized by the Oklahoma Health Care Information System Act, identifying information submitted to the Division which would directly or indirectly identify any person shall not be disclosed by the Division either voluntarily or in response to any legal process, unless directed to by a court of competent jurisdiction, granted after application showing good cause therefor with notice of the hearing to the Division. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the person, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

G. Any person who submits or receives data as required or authorized by the Oklahoma Health Care Information System Act shall

be immune from liability in any civil action for any action taken as required by the provisions of the Oklahoma Health Care Information System Act. This immunity is in addition to any other immunity for the same or similar acts to which the person is otherwise entitled.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-121 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Department of Health shall issue reports no less than annually which may include recommendations to the Oklahoma Legislature for any change in the statutes needed to further the purposes of the Oklahoma Health Care Information System Act. The initial report shall be submitted by January 1, 1993. The initial report shall provide an implementation schedule for the development and completion of the health care information system. The system shall be fully functional and operative by January 1, 1995. Subsequent reports may include plans for expanding the uniform data base to other medical providers including, but not limited to, all licensed health care professionals or entities providing health care services.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-122 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of Health shall appoint a Health Care Information Advisory Committee to advise and assist the Division of Health Care Information with determinations related to data elements to be collected, reporting requirements, and the release and dissemination of information to the public.

B. The membership of the Health Care Information Advisory Committee shall include, but not be limited to, the following persons or their designees:

1. The president of the Oklahoma State Chamber of Commerce;

2. The president of the Oklahoma Hospital Association;

3. The president of the Oklahoma State Medical Association;

4. The president of the Oklahoma Osteopathic Association;

5. The president of the Oklahoma AFL-CIO;

6. The president of a statewide health care consumer coalition;

7. The president of the Association of Oklahoma Life Insurance Companies; and

8. The president of the Oklahoma Nursing Home Association.

C. The Division, with the approval of the Commissioner of Health, may appoint health care data technical advisory committees as needed and appropriate to assist in the development of implementation methods and in the interpretation and evaluation of the data received pursuant to the Oklahoma Health Care Information System Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-123 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Oklahoma Health Care Information System Revolving Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received by the Division from state agencies, boards, commissions and institutions and from counties, cities and towns for services rendered or as otherwise provided by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Division for the furtherance of the Oklahoma Health Care Information System Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 10. This act shall become effective September 1, 1992."

Passed the Senate the 20th day of April, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives