

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 754

BY: MILES-LaGRANGE

AS INTRODUCED

AN ACT RELATING TO BIRTH DEFECTS; AMENDING 63 O.S. 1991, SECTION 1-550.1, WHICH RELATES TO DEFINITIONS; DELETING CERTAIN DEFINITION; STATING LEGISLATIVE INTENT; AUTHORIZING THE ESTABLISHMENT OF A BIRTH DEFECTS SURVEILLANCE PROGRAM; PROVIDING FOR COLLECTION, USE AND CONFIDENTIALITY OF INFORMATION AND PROVIDING EXCEPTIONS; REQUIRING STATEWIDE IMPLEMENTATION OF SYSTEM; AUTHORIZING APPOINTMENT OF AN ADVISORY COMMITTEE; REQUIRING COMMISSIONER TO SUBMIT CERTAIN PROPOSAL; REQUIRING CERTAIN RECORDS; CONSTRUING LAWS; AUTHORIZING PENALTIES FOR WILLFUL BREACH OF CONFIDENTIALITY; AUTHORIZING ADOPTION OF RULES AND REGULATIONS; REPEALING 63 O.S. 1991, SECTION 1-550.2, WHICH RELATES TO BIRTH DEFECTS SURVEILLANCE PROGRAM; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-550.1, is amended to read as follows:

Section 1-550.1 As used in this act:

1. "Birth defect" means any physical or chemical abnormality present at birth;
 2. "Commissioner" means the Commissioner of Health;
 3. "Department" means the ~~Oklahoma~~ State Department of Health;
- and
4. ~~"ICD-9-CM diagnostic code categories" means the International Classification of Disease which assigns numbers to each of the congenital anomalies; and~~
 5. "Poor reproductive outcomes" includes but is not limited to stillbirths and miscarriages.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-550.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It is hereby found that the occurrence of a birth defect is a tragedy for the child, the family and the community, and a matter of vital concern to the public health. A system to obtain more information about these conditions could result in their prevention, treatment and management. Therefore, it is the intent of the Oklahoma State Legislature, in enacting this section, to:

1. Obtain information on the incidence and trends of birth defects and poor reproductive outcomes;
2. Obtain information to determine whether environmental hazards are associated with birth defects and poor reproductive outcomes;
3. Obtain information as to other possible causes of birth defects and poor reproductive outcomes; and
4. Develop prevention strategies for reducing the incidence of birth defects, and poor reproductive outcomes.

B. The Commissioner of Health may establish a system for the collection and verification of information concerning birth defects and other poor reproductive outcomes. In establishing the system, the Commissioner may require general acute care hospitals to

maintain a list of patients up to six (6) years of age who have been diagnosed with birth defects, and all women discharged with a diagnosis of stillbirth or miscarriage. The list shall be made available to the Commissioner upon request and shall be used solely for purposes provided in this section.

C. The Commissioner may require general acute care hospitals, and other sources as deemed necessary, to make available to the Department the medical records of those patients who have been diagnosed with birth defects or poor reproductive outcomes as required in this section.

D. The system shall be implemented statewide.

E. The Commissioner may use the information collected pursuant to subsection B of this section and information available from other reporting systems and health providers to conduct studies to:

1. Investigate the causes of birth defects and poor reproductive outcomes;
2. Determine and evaluate measures designed to prevent their occurrence; and
3. Where possible, ensure delivery of services for children identified with birth defects. The investigation of poor reproductive outcomes by the State Department of Health shall include geographic, time-related or occupational associations, as well as investigations of past exposure to potentially harmful substances.

F. The Commissioner may appoint an advisory committee of health professionals who shall advise on the implementation of this section. Advisory committee members shall serve without compensation.

G. If the Commissioner finds it is necessary to collect information from sources other than general acute care hospitals, the Commissioner shall first submit for approval to the advisory committee a proposal stating the need for such information.

H. All information collected and analyzed pursuant to this section shall be confidential insofar as the identity of the individual patient is concerned and shall be used solely for the purpose provided in this section. Access to such information shall be limited to the State Department of Health, provided that the Commissioner may provide access to those scientists approved by the advisory committee who are engaged in demographic, epidemiological or other similar studies related to health, and who agree in writing, as nonstate employees, to be identified and coded while maintaining confidentiality as described herein.

I. The Department shall maintain an accurate record of all persons who are given access to the information in the system. The record shall include:

1. The name of the persons authorizing access;
2. The name, title and organizational affiliation of persons given access;
3. The dates of access;
4. The specific purpose for which the information is to be used; and
5. The results of the independent research.

J. Nothing in this section shall prohibit the publishing of statistical compilations relating to birth defects or poor reproductive outcomes which do not in any way identify individual cases or individual sources of information.

K. Any person who, in violation of a written agreement to maintain confidentiality, willfully discloses any information provided pursuant to this section shall be denied further access to any confidential information maintained by the Department. That person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of Two Hundred Dollars (\$200.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

L. The State Board of Health is authorized to adopt, amend and repeal rules and regulations for the purpose of carrying out the provisions of this section.

SECTION 3. REPEALER 63 O.S. 1991, Section 1-550.2, is hereby repealed.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and 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.

43-2-1825 CJ