

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2570

By: Anthony of the House

and

Hobson of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending Sections 2, 5, 6 and 8, Chapter 347, O.S.L. 1992, as amended by Sections 15, 17, 18 and 20, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1993, Sections 1-116, 1-119, 1-120 and 1-122), which relate to the Oklahoma Health Care Information System Act; modifying definitions; modifying procedures concerning health care data and persons and entities required to submit data; requiring confidentiality; clarifying language; modifying membership of Health Care Information Advisory Committee; modifying duties of Health Care Information Advisory Committee; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 347, O.S.L. 1992, as amended by Section 15, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1993, Section 1-116), is amended to read as follows:

Section 1-116. When used in the Oklahoma Health Care Information System Act, Section 1-115 et seq. of this title:

1. "Authority" means the Oklahoma Health Care Authority;
2. "Board" means the State Board of Health;
3. "Commissioner" means the State Commissioner of Health;
4. "Department" means the State Department of Health;
5. "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, doctors as defined in Section 725.2 of Title 59 of the Oklahoma Statutes, physical therapists, physician assistants, pharmacists, nurses and

home health care providers licensed pursuant to the laws of this state;

6. "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;

7. "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;

8. "Identifying information" means a program identifying number assigned for purposes of statistical and data analysis, which protects and maintains patient and physician anonymity. Identifying information shall remain confidential as provided in Section 1-120 of this title;

9. "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;

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

11. "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 2. AMENDATORY Section 5, Chapter 347, O.S.L. 1992, as amended by Section 17, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1993, Section 1-119), is amended to read as follows:

Section 1-119. 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 or successor rules of the Oklahoma Health Care Authority, collect health care information from information providers.

2. The information to be collected about information providers 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~~
- d. 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, and
- e. ambulatory care data including, but not limited to, provider-specific and encounter data.

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 January 1, 1994, 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 provided by Section 1-120 of this title and 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. Upon the request of the Oklahoma Health Care Authority or the Division of Health Care Information, every state agency, board or commission shall provide the Division of Health Care Information with the health care data and other health care information requested at no charge to the Authority or the Division. Except as otherwise provided by the Health Care Information System Act for the purpose of statistical and similar reports, information which is required by state or federal law to be confidential shall not be transferred to any entity by the Division unless a separate written agreement for such transfer has been executed with the state agency, board or commission providing the information to the Division.

C. 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, Section 1-115 et seq. of this title, in accordance with a mutual interagency agreement between the State Department of Health or the Oklahoma Health Care Authority and each specified entity on an individual basis.

SECTION 3. AMENDATORY Section 6, Chapter 347, O.S.L. 1992, as amended by Section 18, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1993, Section 1-120), is amended to read as follows:

Section 1-120. A. Except as otherwise provided by Section 1-119 of this title, 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, Section 1-115 et seq. of this title, 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 or the Oklahoma Health Care Authority, 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 1-122 of this title, 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 for any purpose except for the creation and maintenance of anonymous medical case histories for statistical reporting and data analysis.

E. The Division or other state agency receiving information pursuant to the Oklahoma Health Care Information System Act shall be subject to the same confidentiality restrictions imposed by state or federal law as the public or private agency providing the information and 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 only grant such application if it seeks to challenge the statistical efficacy of a finding made by the Division or alleges a violation of confidentiality by the Division. Such application shall then be granted only when

the public interest and the need for disclosure outweighs 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 4. AMENDATORY Section 8, Chapter 347, O.S.L. 1992, as amended by Section 20, Chapter 332, O.S.L. 1993 (63 O.S. Supp. 1993, Section 1-122), is amended to read as follows:

Section 1-122. 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. The membership of the Committee shall remain in office upon the transfer of the responsibility for the Oklahoma Health Care Information Act, Section 1-115 et seq. of this title, to the Oklahoma Health Care Authority. Beginning July 1, 1994, any vacancies in office or additional appointment shall be made by the Authority.

B. The membership of the Health Care Information Advisory Committee shall include, but not be limited to, the presidents of the following persons organizations 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~~ A statewide health care consumer coalition;

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

8. ~~The president of the~~ Oklahoma ~~Nursing~~ Home Care Association;

9. ~~The president of the~~ Oklahoma Pharmaceutical Association; and

10. ~~The president of the~~ Oklahoma Dental Association;

11. The Joint Chiropractic Association of Oklahoma;

12. The Oklahoma Optometric Association;

13. The Oklahoma Physical Therapy Association;

14. The Oklahoma Podiatric Medical Association; and

15. The Oklahoma Psychological Association.

C. The Division, with the approval of the State Commissioner of Health or the Authority, 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.

The Health Care Information Advisory Committee and any technical advisory committees established pursuant to this section shall provide information and assistance to any legislative committee or task force requesting such information or assistance.

SECTION 5. This act shall become effective September 1, 1994.

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