

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1953

By: Wilson

COMMITTEE SUBSTITUTE

An Act relating to privacy of records and information; creating the Oklahoma Medical Information Privacy Act; creating the Commission of Information Practices; providing for composition of Commission; providing duties of the State Health Department and the Commissioner of Health; providing for travel reimbursement; requiring promulgation of rules and standards; providing for codification; and declaring an emergency.

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

Article I. General Provisions

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 901 of Title 67, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Medical Information Privacy Act".

B. There is hereby created the Oklahoma Commission of Information Practices. The Commission shall be composed of nineteen (19) members as follows:

1. The Commissioner of the State Department of Health;
2. The Director of the Oklahoma Health Care Authority;
3. The Director of the Oklahoma State and Education Employees Group Insurance Board;
4. The Commissioner of the Department of Mental Health and Substance Abuse Services;
5. The Insurance Commissioner;
6. The Director of the Department of Human Services;

7. The State Superintendent of Public Instruction;

8. The Director of the Oklahoma Commission on Children and Youth;

9. The Executive Director of the Department of Juvenile Justice;

10. Five persons appointed by the Speaker of the Oklahoma House of Representatives as follows:

- a. one person representing a statewide organization of allopathic physicians,
- b. one person representing a statewide organization of pharmacists,
- c. one person representing a statewide organization of hospitals,
- d. one person representing a statewide organization of medical records professionals, and
- e. one person representing the general public; and

11. Five persons appointed by the President Pro Tempore of the State Senate as follows:

- a. one person representing a statewide organization of osteopathic physicians,
- b. one person representing a statewide organization of nurses,
- c. one person representing a statewide organization of health insurers,
- d. one person representing a statewide organization of psychologists, and
- e. one person representing the general public.

C. 1. The State Department of Health shall serve as the lead agency for the purpose of meeting space and staff support. The Commissioner of Health shall be the chair of the Commission and shall be responsible for convening meetings and for the completion

of the Commission's responsibilities pursuant to the Oklahoma Medical Information Privacy Act.

2. The members of the Commission shall serve without pay, but may be reimbursed in accordance with the provisions of the State Travel Reimbursement Act.

D. On or before January 1, 2002, the Commission shall promulgate rules required pursuant to the Oklahoma Medical Information Privacy Act and promulgate standards for the maintenance and confidentiality of medical records in this state pursuant to the Oklahoma Medical Information Privacy Act.

E. On or before April 1, 2002, all state agencies responsible for the keeping of medical records shall promulgate rules adopting the model standards developed by the Commission, and every private entity within the state responsible for the keeping of medical records shall adopt policies and procedures implementing the model standards developed by the Commission.

SECTION 2. 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.

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