

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1035

By: Phillips of the House

and

Morgan of the Senate

A Joint Resolution relating to permanent rules of the Oklahoma State Department of Health; disapproving permanent rules OAC 310:9-1-2, OAC 310:9-1-3, OAC 310:9-3-1, OAC 310:9-3-2, OAC 310:9-3-3, OAC 310:9-5-2.1, OAC 310:9-5-2.2, and OAC 310:9-5-5 regarding health care information; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 1-115 et seq. of Title 63 of the Oklahoma Statutes, the Oklahoma State Department of Health, Division of Health Care Information, shall be responsible for the collection, processing and dissemination of health care information; and

WHEREAS, permanent rules OAC 310:9-1-2, OAC 310:9-3-2, OAC 310:9-3-3, OAC 310:9-5-2.2, and OAC 310:9-5-5 provide for the collection, processing and dissemination of health care information; and

WHEREAS, the Legislature recognizes that permanent rules OAC 310:9-1-2, OAC 310:9-3-2, OAC 310:9-3-3, OAC 310:9-5-2.2, and OAC 310:9-5-5, which were adopted by the Oklahoma State Board of Health on March 15, 2001, submitted to the Legislature for its consideration on March 26, 2001, and which were approved by the Governor on May 9, 2001, and will become finally adopted on May 18,

2001, are not consistent with legislative intent and violate the public policy of this state regarding the collection, processing and dissemination of health care information as set forth in the Oklahoma Health Care Information System Act, Section 1-115 et seq. of Title 63 of the Oklahoma Statutes; and

WHEREAS, emergency rules OAC 310:9-1-3, OAC 310:9-3-1 and OAC 310:9-5-2.1 provide for the collection, processing and dissemination of health care information; and

WHEREAS, the Legislature recognizes that emergency rules OAC 310:9-1-3, OAC 310:9-3-1 and OAC 310:9-5-2.1, which were adopted by the Oklahoma State Board of Health on September 27, 2001, submitted to the Legislature on October 8, 2001, and which were approved by the Governor on November 19, 2001, are not consistent with legislative intent and violate the public policy of this state regarding the collection, processing and dissemination of health care information as set forth in the Oklahoma Health Care Information System Act, Section 1-115 et seq. of Title 63 of the Oklahoma Statutes; and

WHEREAS, the Legislature believes that health care providers should not be required to submit protected health information and should not be required to provide individually identifiable health information as to their patients to the Oklahoma State Department of Health, Division of Health Care Information. Further, the Oklahoma State Department of Health shall develop a system whereby the individually identifiable health information is protected and modified in some form prior to transmittal by health care providers. The Legislature believes that it is the public policy of this state that the privacy of personal information of the public be protected.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 48TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves permanent rules OAC 310:9-1-2, OAC 310:9-3-2, OAC 310:9-3-3, OAC 310:9-5-2.2, and

OAC 310:9-5-5. Further, the Legislature hereby disapproves emergency rules OAC 310:9-1-3, OAC 310:9-3-1 and OAC 310:9-5-2.1.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the State Commissioner of Health and the Editor of "The Oklahoma Register".

SECTION 3. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 9th day of May, 2002.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2002.

Presiding Officer of the Senate