

1 ENGROSSED HOUSE
2 BILL NO. 2805

By: Brown of the House

3 and

4 Wilson of the Senate

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6
7 (public health and safety - Oklahoma Health Records
8 Efficiency Act - codification -
9 effective date)

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-150.1 of Title 63, unless
15 there is created a duplication in numbering, reads as follows:

16 This act shall be known and may be cited as the "Oklahoma Health
17 Records Efficiency Act".

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1-150.2 of Title 63, unless
20 there is created a duplication in numbering, reads as follows:

21 As used in the Oklahoma Health Records Efficiency Act:

22 1. "Health care provider" means any person who provides health
23 care services including, but not limited to, physicians, physical
24 therapists, physician assistants, pharmacists, nurses, and home

1 health care providers licensed pursuant to the laws of this state;
2 and

3 2. "Health care facility" means any nonfederal institution or
4 portion thereof, whether public or private or for profit or
5 nonprofit, that is used, operated, or designed to provide health
6 services, medical treatment, or nursing, rehabilitative, or
7 preventive care to any person. Health care facility includes, but
8 is not limited to:

- 9 a. hospitals,
- 10 b. ambulatory surgical facilities,
- 11 c. intermediate care facilities,
- 12 d. kidney dialysis centers,
- 13 e. long-term care facilities,
- 14 f. mental health centers,
- 15 g. outpatient facilities,
- 16 h. public health centers,
- 17 i. rehabilitation facilities,
- 18 j. residential treatment facilities, and
- 19 k. skilled nursing facilities.

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-150.3 of Title 63, unless
22 there is created a duplication in numbering, reads as follows:

23 A. On or before July 1, 2009, the State Department of Health in
24 conjunction with the Health Information Security and Privacy

1 Collaboration Council shall adopt a standardized interoperable
2 electronic data-sharing system with statewide capabilities. The
3 system shall include, but not be limited to:

4 1. Provisions for an interoperable health information sharing
5 system among state agencies with an ability to distribute the
6 information to health care facilities and health care providers
7 licensed in this state that treat the patients provided for in the
8 Oklahoma Health Records Efficiency Act. The system shall include,
9 but not be limited to:

10 a. a web-accessible exchange structure that does not
11 require a provider to have an internal electronic
12 medical records system,

13 b. the capacity to supplement an existing internal
14 electronic medical records system with health
15 information available from sources outside of the
16 electronic medical records system owned by the
17 provider, and

18 c. the capacity to share demographics, medications,
19 laboratory tests, immunizations, allergies and
20 reactions, providers, procedures and diagnoses;

21 2. Measures to protect the privacy of patients and maintain
22 compliance with all federal and state laws concerning data security
23 and privacy;

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- 1 3. The ability to aggregate information from a wide variety of
2 electronic systems;
- 3 4. The ability to provide an organized and aggregated record of
4 health care from all sites in the system;
- 5 5. The capacity to integrate information from other large-scale
6 existing health information exchange networks in this state;
- 7 6. Measures that include capacity for integrated electronic
8 prescribing;
- 9 7. Availability of training on the use of the system to health
10 care providers;
- 11 8. Compatibility with current existing networks or operating
12 interoperable systems in existence;
- 13 9. Evidence-based best practices for health information
14 exchange;
- 15 10. Provisions for a comprehensive data-sharing agreement that
16 complies with federal and state laws for a wide range of health care
17 facilities and health care providers; and
- 18 11. Provisions for an electronic personal health record that
19 allows consumers to access their own health information.
- 20 B. The standardized interoperable electronic data-sharing
21 system shall provide for transparency, public management, and be
22 publicly accountable, and shall be operated by a nonprofit
23 organization. The system shall share health information with other
24 health networks for subsequent distribution, provided that those

1 networks are nonprofit, publicly managed, and meet federal and state
2 privacy standards.

3 C. Any state agency maintaining patient health care information
4 shall be required to use the standardized interoperable electronic
5 data-sharing system provided for in subsection A of this section.
6 The State Department of Health and any state agency required to
7 utilize this system shall make available to any health care
8 facility, health care provider, or any nonprofit health information
9 exchange that is publicly managed any information regarding this
10 system as allowed by this section.

11 D. The Department shall adopt and distribute a standard
12 authorization form and accompanying instructions for use in
13 obtaining authorization for the exchange of health information. The
14 authorization form adopted and distributed by the Board shall comply
15 with all applicable federal and state privacy and privilege laws.

16 E. The State Board of Health shall promulgate rules to
17 implement the provisions of this section. The Board shall submit
18 the rules to the legislature for approval on or before January 1,
19 2009. The rules shall not take effect until final approval by the
20 legislature.

21 SECTION 4. This act shall become effective November 1, 2008.

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1 Passed the House of Representatives the 13th day of March, 2008.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate