

1 ENGROSSED SENATE
2 BILL NO. 1420

By: Sparks of the Senate
and
Cox of the House

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7 [public health and safety - Oklahoma Health
8 Information Exchange Act - stroke - codification -
9 effective date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 7100.1 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma Health
16 Information Exchange Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7100.2 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Legislature finds that the exchange of health
21 information in Oklahoma has been impeded as a result of:

22 1. Confusion about the proper application of federal and state
23 privacy and privilege law; and
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1 2. Concern regarding potential liability for violations of such
2 laws.

3 B. The purpose of this act is to:

4 1. Set forth a standard process for authorizing the exchange of
5 health information in compliance with federal and state law; and

6 2. Ensure immunization from liability under state law for
7 exchanges of health information in accordance with the standard
8 process.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 7100.3 of Title 63, unless there
11 is created a duplication in numbering, reads as follows:

12 As used in the Oklahoma Health Information Exchange Act:

13 1. "Board" means the State Board of Health;

14 2. "Health information" means information, regardless of source
15 or form, that:

16 a. includes demographic information collected from an
17 individual,

18 b. relates to the past, present or future physical or
19 mental health or condition of an individual; the
20 provision of health care to an individual; or the
21 past, present or future payment for the provision of
22 health care to an individual, or

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1 c. identifies the individual or from which there is a
2 reasonable basis to believe the information can be
3 used to identify the individual; and

4 3. "Health care entity" means:

5 a. a health plan that, either as an individual or group,
6 provides for, or pays the cost of, medical care,

7 b. a health care provider that offers or renders medical
8 or health services, or

9 c. any further individual or association defined as a
10 covered entity under 45 C.F.R., Section 160.103.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 7100.4 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The State Board of Health shall adopt and distribute a
15 standard authorization form and accompanying instructions for use in
16 obtaining authorization for the exchange of health information.

17 B. The authorization form adopted and distributed by the Board
18 shall comply with all applicable federal and state privacy and
19 privilege laws.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 7100.5 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

1 A. A health care entity shall accept the authorization form
2 adopted and distributed by the Board as a valid authorization for
3 the exchange of health information.

4 B. A health care entity is not required under this act to use
5 the authorization form adopted and distributed by the Board.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 7100.6 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 Exchanges of health information under the authorization form
10 adopted and distributed by the Board pursuant to Section 4 of this
11 act, when used in accordance with the Board's instructions, shall be
12 immunized from liability in actions based upon state privacy or
13 privilege law that may be claimed to arise from the exchange of such
14 information.

15 SECTION 7. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 7100.7 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 The exchange of health information under the authorization form
19 adopted and distributed by the Board shall not be deemed to have
20 violated or waived any privilege protected under the statutory or
21 common law of this state.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-270 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 A. There is hereby created within the State Department of
2 Health a statewide coordinated system of care for stroke, which
3 shall include special focus and attention on timely access to care,
4 diagnosis, and the most advanced treatment for persons most
5 disproportionately affected by stroke. Such system, within existing
6 funding limits, shall include, but shall not be limited to:

- 7 1. Partnerships with relevant associations;
- 8 2. Measures to raise awareness about the effects of
9 uncontrolled high blood pressure and diabetes; and
- 10 3. Promotion of adherence to primary and secondary stroke
11 recognition and prevention guidelines by health care professionals,
12 including emergency medical services providers such as emergency
13 medical responders and transport providers, and hospital emergency
14 room and health clinic personnel.

15 B. The State Board of Health shall promulgate rules as
16 necessary to implement the provisions of this section.

17 SECTION 9. This act shall become effective November 1, 2008.

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