

SB 1420

THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 1420  
As Amended

SENATE BILL NO. 1420 - By: SPARKS of the Senate and COX of the House.

[ public health and safety - Oklahoma Health Information Exchange Act - codification - effective date ]

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

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

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

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

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

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

B. The purpose of this act is to:

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

3        2. Ensure immunization from liability under state law for  
4 exchanges of health information in accordance with the standard  
5 process.

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

9        As used in the Oklahoma Health Information Exchange Act:

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

11       2. "Health information" means information, regardless of source  
12 or form, that:

13       a. includes demographic information collected from an  
14 individual,

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

20       c. identifies the individual or from which there is a  
21 reasonable basis to believe the information can be  
22 used to identify the individual; and

23       3. "Health care entity" means:

- 1           a.    a health plan that, either as an individual or group,  
2                    provides for, or pays the cost of, medical care,  
3           b.    a health care provider that offers or renders medical  
4                    or health services, or  
5           c.    any further individual or association defined as a  
6                    covered entity under 45 C.F.R., Section 160.103.

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

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

13          B.   The authorization form adopted and distributed by the Board  
14   shall comply with all applicable federal and state privacy and  
15   privilege laws.

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

19          A.   A health care entity shall accept the authorization form  
20   adopted and distributed by the Board as a valid authorization for  
21   the exchange of health information.

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

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

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

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

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

17 SECTION 8. This act shall become effective November 1, 2008.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO  
19 PASS, As Amended and Coauthored.