

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2344

By: Cox

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 defining terms; authorizing the State Board of
9 Medical Licensure and Supervision to provide
10 information to credentialing organizations;
11 establishing procedures; authorizing the Board to
12 promulgate rules; limiting certain disclosure;
13 exempting information from discovery; authorizing
14 certain reliance; limiting certain liability;
15 providing for duplicate information; authorizing the
16 Board to seek an injunction for violations;
17 authorizing attorney fees and court costs;
18 authorizing certain contracts; providing for
19 codification; and providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 518.2 of Title 59, unless there
28 is created a duplication in numbering, reads as follows:

29 A. As used in this section:

30 1. "Accrediting organization" means an organization that awards
31 accreditation or certification to hospitals, managed care
32 organizations, or other health care organizations including but not
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1 limited to the Joint Commission on the Accreditation of Health Care
2 Organizations and the National Committee for Quality Assurance;

3 2. "Board" means the State Board of Medical Licensure and
4 Supervision;

5 3. "Credentialing information" means:

6 a. information regarding a physician's:

7 (1) professional training, qualifications,
8 background, practice history, licensure status,
9 and experience,

10 (2) clinical hospital privileges,

11 (3) status of Drug Enforcement Administration
12 certificate,

13 (4) education, training, and board certification,

14 (5) work history,

15 (6) current malpractice coverage,

16 (7) history of professional liability or malpractice
17 claims,

18 (8) drug or alcohol abuse to the extent permitted by
19 law,

20 (9) history of board appearances,

21 (10) loss, surrender, restriction, or suspension of
22 license,

23 (11) felony convictions,
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1 (12) history of loss or limitation of privileges or
2 disciplinary activity,

3 (13) attestation of the correctness and completeness
4 of the application, and

5 (14) history of Medicare or Medicaid or other
6 sanctions, and

7 b. other objective information typically required by
8 accrediting organizations for the purpose of
9 credentialing physicians;

10 4. "Credentialing organization" means a hospital, clinic, or
11 other health care organization, managed care organization, insurer,
12 or health maintenance organization; and

13 5. "Primary source verification procedure" means the procedure
14 used by a credentialing organization to test the accuracy of
15 documents and credentialing information submitted to the
16 organization by or about a physician who is applying for affiliation
17 or participation with the credentialing organization. This
18 procedure involves the verification of credentials with the
19 originating source of the credentials.

20 B. The State Board of Medical Licensure and Supervision is
21 authorized to provide information to credentialing organizations.

22 C. 1. All physicians licensed by the Board shall submit such
23 credentialing information as the Board may request so that the Board
24 may verify the information by the primary source verification

1 procedure in order to make the information available to
2 credentialing organizations. If the physician should fail to submit
3 the information as the Board requests within a period of thirty (30)
4 days, the failure may result in the suspension of the physician's
5 license to practice medicine in this state after the matter is
6 presented to the full Board for a hearing pursuant to the
7 Administrative Procedures Act.

8 2. Any credentialing organization shall submit the
9 credentialing information in its possession to the Board in order to
10 complete the primary source verification procedure, upon the Board's
11 request and upon the Board's providing proof that the physician has
12 authorized the release of the information. The failure of the
13 organization to release the information to the Board shall be
14 grounds to have the license to do business in the State of Oklahoma
15 suspended upon the Board's presenting the proof to the licensing
16 agency of that organization.

17 3. Credentialing organizations may utilize credentialing
18 information provided by the Board and verified by the primary source
19 verification procedure of the Board to evaluate the following:

- 20 a. granting or denying the application of a physician for
21 affiliation or participation within the organization
22 or its networks,
- 23 b. the quality of services provided by a physician or the
24 competency or qualifications of the physician,

1 c. renewal of the affiliation or participation of the
2 physician, and

3 d. the type, extent, or conditions of the physician's
4 privileges or participation in the network.

5 D. The Board shall provide the information within fifteen (15)
6 business days after receipt of the request.

7 E. If any person fails or refuses for any reason to authorize
8 release of credentialing information, the requesting credentialing
9 organization may exclude the person from any privileges, contract,
10 or network of the credentialing organization.

11 F. The Board shall promulgate rules establishing a
12 credentialing information system that:

13 1. Indicate the procedures for the collection and release of
14 credentialing information under this section;

15 2. Establish a fee for credentialing organizations and
16 physician licensees not to exceed One Hundred Dollars (\$100.00); and

17 3. Require that the process of recredentialing a physician be
18 completed within thirty (30) business days unless circumstances
19 beyond the control of the Board make completion of the process
20 within thirty (30) business days impossible or unduly burdensome.

21 G. Credentialing information shall not be disclosed to any
22 party other than the applicable health care provider and the
23 credentialing organization and its designated credentialing and
24 appeals, peer review, and quality improvement committees or bodies.

1 Except as permitted in this section, credentialing information shall
2 not be used for any purpose other than review by the Board and
3 credentialing organizations of the professional background,
4 competency, qualifications, and credentials or renewal of
5 credentials of a health care provider or appeals therefrom.
6 Credentialing information may be disclosed in the following
7 circumstances:

8 1. By the Board in disciplinary hearings before the Board or in
9 any trial or appeal of the Board action or order;

10 2. By the Board or credentialing organization to any licensing,
11 regulatory, or disciplinary authorities or agencies of the United
12 States or of other states or jurisdictions;

13 3. In any legal or regulatory proceeding that:

14 a. is brought by a health care provider, a representative
15 of the health care provider or a class thereof, a
16 local, state, or federal agency or authority, or a
17 patient or group or class of patients or their
18 authorized representatives or agents, and

19 b. challenges the actions, omissions, or conduct of the
20 credentialing organization with respect to the
21 credentialing of any health care provider or the grant
22 or denial of any affiliation or participation of the
23 health care provider with or in the credentialing
24 organization or any network thereof; or

1 4. By any party when authorized to do so by the health care
2 provider to whom the credentialing information relates.

3 H. The evaluation and discussion of credentialing information
4 by a credentialing organization shall not be subject to discovery or
5 admissible pursuant to the Oklahoma Rules of Civil Procedure.

6 I. 1. In lieu of testing credentialing information by its own
7 primary source verification procedure, a credentialing organization
8 may rely upon credentialing information from the Board if the Board
9 certifies that the information provided by the Board has been tested
10 by the Board's primary source verification procedure.

11 2. The credentialing organization shall be immune from civil
12 suit based on any allegation of wrongdoing or negligence involved in
13 the collection and verification of or reliance upon credentialing
14 information on a health care provider if the credentialing
15 organization has utilized the information provided by the Board in
16 credentialing a health care provider for affiliation or
17 participation with the credentialing organization. However, this
18 does not convey immunity from civil suit to a credentialing
19 organization for any credentialing decision it makes.

20 3. Except as provided for in subsection J of this section, a
21 credentialing organization shall be precluded from seeking
22 credentialing information from the physician or from sources other
23 than the Board if:
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1 a. the same credentialing information is available from
2 the Board, and

3 b. at the time the credentialing information is
4 requested, the Board:

5 (1) holds certification by the National Committee for
6 Quality Assurance as a certified credentials
7 verification organization,

8 (2) demonstrates compliance with the principles for
9 credentials verification organizations set forth
10 by the Joint Commission on the Accreditation of
11 Health Care Organizations,

12 (3) documents compliance with the State Department of
13 Health rules applicable to credentialing, and

14 (4) maintains evidence of compliance with the
15 standards stated in divisions (1) through (3) of
16 this subparagraph.

17 J. 1. Credentialing organizations that utilize the
18 credentialing information system offered by the Board shall not
19 attempt to collect duplicate information from individual physicians
20 or originating sources. However, nothing in this section shall
21 prevent any credentialing organization from collecting or inquiring
22 about any data not available from or through the Board, nor from
23 reporting to or inquiring of the National Practitioner Data Bank.

1 2. The Board may seek an injunction against any credentialing
2 organization violating or attempting to violate this section and,
3 upon prevailing, shall be entitled to recover attorney fees and
4 court costs involved in obtaining the injunction.

5 K. The Board shall have the authority to hire employees and
6 enter into contracts necessary to carry out the purposes of this
7 section including but not limited to contracts with users of the
8 credentialing information system.

9 SECTION 2. This act shall become effective November 1, 2010.

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11 52-2-8133 AM 12/18/09

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