

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 34

By: Wilson

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety;  
8 directing the State Department of Health to  
9 coordinate with the Office of State Finance in  
10 developing and implementing a statewide electronic  
11 health records system; directing the Department to  
12 promulgate certain rules; requiring health care  
13 facilities to use the statewide electronic health  
14 records system; providing certain penalty; creating  
15 the Oklahoma Uninsured and Underinsured Revolving  
16 Fund; defining terms; providing for codification; and  
17 providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1-722.1 of Title 63, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. On or before July 1, 2010, the State Department of Health,  
23 in coordination with the Office of State Finance Information  
24 Services Division, shall develop and implement a statewide  
electronic health records system. It is the intent of the  
Legislature that this system be VistA-compatible.

1 B. The Department shall promulgate rules to implement the  
2 statewide electronic health records system which, at a minimum,  
3 shall include:

- 4 1. A system for information sharing between health care  
5 facilities and health care providers licensed in the state;
- 6 2. Measures to protect the privacy of patients; and
- 7 3. Availability of training to health care providers.

8 C. Health care facilities shall require the use of the  
9 statewide electronic health records system by all physicians,  
10 registered nurses, licensed practical nurses, pharmacists and other  
11 persons who are members of or associated with the staff of the  
12 health care facility when treating patients at the facility.

13 D. For each visit with a patient for which the statewide  
14 electronic health records system was not used, health care  
15 facilities shall remit five percent (5%) of the billed amount to the  
16 Oklahoma Uninsured and Underinsured Revolving Fund created in  
17 subsection E of this section.

18 E. There is hereby created in the State Treasury a revolving  
19 fund for the Oklahoma Health Care Authority to be designated the  
20 "Oklahoma Uninsured and Underinsured Revolving Fund". The fund  
21 shall be a continuing fund, not subject to fiscal year limitations,  
22 and shall consist of all monies received by the Oklahoma Health Care  
23 Authority from health care facilities pursuant to subsection D of  
24 this act. All monies accruing to the credit of the fund are hereby

1 appropriated and may be budgeted and expended by the Oklahoma Health  
2 Care Authority for the purpose of providing medical assistance to  
3 the uninsured and underinsured. Expenditures from the fund shall be  
4 made upon warrants issued by the State Treasurer against claims  
5 filed as prescribed by law with the Director of State Finance for  
6 approval and payment.

7 F. As used in this section:

8 1. "Health care provider" means any person who provides health  
9 care services including, but not limited to, physicians, physical  
10 therapists, physician assistants, pharmacists, nurses and home  
11 health care providers licensed pursuant to the laws of this state;

12 2. "Health care facility" means any nonfederal institution or  
13 portion thereof, whether public or private or for profit or  
14 nonprofit, that is used, operated, or designed to provide health  
15 services, medical treatment, or nursing, rehabilitative, or  
16 preventive care to any person or persons. This includes, but is not  
17 limited to, hospitals, ambulatory surgical facilities, intermediate  
18 care facilities, kidney dialysis centers, long-term care facilities,  
19 mental health centers, outpatient facilities, public health centers,  
20 rehabilitation facilities, residential treatment facilities, and  
21 skilled nursing facilities; and

22 3. "VistA" means the Veterans Health Information Systems and  
23 Technology Architecture, the integrated system of software

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1 applications that directly supports patient care at Veterans Health  
2 Administration health care facilities.

3 SECTION 2. This act shall become effective November 1, 2009.

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