

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1268

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to health care information; amending
8 63 O.S. 2011, Section 1-132, which relates to the
9 Oklahoma Health Information Exchange Trust;
10 clarifying language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-132, is
13 amended to read as follows:

14 Section 1-132. A. The state expressly approves the creation of
15 a public trust to be named the "Oklahoma Health Information Exchange
16 Trust", also known as "OHIET", of which the state shall be the
17 beneficiary; provided, however, such approval shall be contingent
18 upon satisfaction of the following conditions:

- 19 1. Finalizing the declaration of trust;
- 20 2. Adoption of the declaration of trust by an official action
21 of the trustees of OHIET; and
- 22 3. Submission of OHIET for acceptance of the beneficial
23 interest and approval as required by Section 177 of Title 60 of the
24 Oklahoma Statutes.

1 B. The approved declaration of trust shall:

2 1. Specify that OHIET shall be created as a public trust
3 pursuant to Section 176 et seq. of Title 60 of the Oklahoma Statutes
4 and shall have the same rights, responsibilities, and attributes as
5 any public trust created under such laws;

6 2. Specify that the primary purpose of OHIET shall be to:

7 a. serve as Oklahoma's "Qualified State-Designated
8 Entity" for purposes of any grants awarded pursuant to
9 42 U.S.C., Section 300jj-33 for purposes of
10 facilitating and expanding the electronic movement and
11 use of health information among organizations
12 according to nationally recognized standards, and

13 b. promote, develop, and sustain electronic health
14 information exchanges at the state level; and

15 3. To the extent required by law, specify the adoption of
16 bylaws and rules for the due and orderly administration and
17 regulation of affairs of OHIET, which shall require approval in
18 accordance with the provisions of the Administrative Procedures Act.

19 C. The approved declaration of trust shall also require the
20 trustees of OHIET to ~~establish~~ create an advisory board which shall
21 make recommendations to the trustees. The advisory board shall
22 include in its membership representatives of:

23 1. Health care providers, including providers that provide
24 services to low income and underserved populations;

- 1 2. Health plans;
- 2 3. Patient or consumer organizations that represent the
- 3 population to be served;
- 4 4. Health information technology vendors;
- 5 5. Health care purchasers and employers;
- 6 6. Public health agencies;
- 7 7. Health professions schools, universities, and colleges;
- 8 8. Clinical researchers;
- 9 9. Other users of health information technology, such as the
- 10 support and clerical staff of providers and others involved in the
- 11 care and care coordination of patients; and
- 12 10. Such other entities as may be determined appropriate by the
- 13 Secretary of Health and Human Services pursuant to 42 U.S.C.,
- 14 Section 300jj-33.

15 D. OHIET shall have seven (7) trustees, three of which shall be

16 appointed by the Governor, two of which shall be appointed by the

17 President Pro Tempore of the Senate, and two of which shall be

18 appointed by the Speaker of the House of Representatives.

19 E. The terms of the trustees shall be as follows:

- 20 1. Of the trustees first appointed, one member appointed by the
- 21 Governor shall be appointed for a term of one (1) year, one member
- 22 appointed by the President Pro Tempore of the Senate shall be
- 23 appointed for a term of two (2) years, one member appointed by the
- 24 Speaker of the House of Representatives shall be appointed for a

1 term of three (3) years, one member appointed by the Governor shall
2 be appointed for a term of four (4) years, one member appointed by
3 the President Pro Tempore of the Senate shall be appointed for a
4 term of five (5) years, one member appointed by the Speaker of the
5 House of Representatives shall be appointed for a term of (5) years,
6 and one member appointed by the Governor shall be appointed for a
7 term of five (5) years; and

8 2. At the expiration of the term of each member and of each
9 succeeding member, the entity who originally appointed such member
10 shall appoint a successor who shall serve for a term of five (5)
11 years. Whenever a vacancy on the trust occurs, the entity who
12 originally appointed such member shall fill the same by appointment
13 and the appointee shall hold office during the unexpired term. Each
14 member shall hold office until the member's successor has been
15 appointed and qualified.

16 F. The provisions of the Governmental Tort Claims Act shall
17 apply to OHIET as a state-beneficiary public trust created pursuant
18 to state law. OHIET shall also be immune from liability relating to
19 the accuracy or completeness of any information submitted by a third
20 party to any health information exchange operated by OHIET.

21 SECTION 2. This act shall become effective November 1, 2014.

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