

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 219

By: Dahm

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6 AS INTRODUCED

7 An Act relating to public health; amending 63 O.S.
8 2011, Section 1-132, which relates to the Oklahoma
9 Health Information Exchange Trust; providing that
10 provisions shall cease to be effective as of certain
11 date; specifying certain duties of Oklahoma State
12 Department of Health; prohibiting acceptance of
13 certain grants or taking of further action; and
14 providing an effective date.

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

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

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

- 23 1. Finalizing the declaration of trust;
- 24 2. Adoption of the declaration of trust by an official action
of the trustees of OHIET; and

1 3. Submission of OHIET for acceptance of the beneficial
2 interest and approval as required by Section 177 of Title 60 of the
3 Oklahoma Statutes.

4 B. The approved declaration of trust shall:

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

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

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

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

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

22 C. The approved declaration of trust shall also require the
23 trustees of OHIET to establish an advisory board which shall make
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1 recommendations to the trustees. The advisory board shall include
2 in its membership representatives of:

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

5 2. Health plans;

6 3. Patient or consumer organizations that represent the
7 population to be served;

8 4. Health information technology vendors;

9 5. Health care purchasers and employers;

10 6. Public health agencies;

11 7. Health professions schools, universities, and colleges;

12 8. Clinical researchers;

13 9. Other users of health information technology, such as the
14 support and clerical staff of providers and others involved in the
15 care and care coordination of patients; and

16 10. Such other entities as may be determined appropriate by the
17 Secretary of Health and Human Services pursuant to 42 U.S.C.,
18 Section 300jj-33.

19 D. OHIET shall have seven (7) trustees, three of which shall be
20 appointed by the Governor, two of which shall be appointed by the
21 President Pro Tempore of the Senate, and two of which shall be
22 appointed by the Speaker of the House of Representatives.

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

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1 1. Of the trustees first appointed, one member appointed by the
2 Governor shall be appointed for a term of one (1) year, one member
3 appointed by the President Pro Tempore of the Senate shall be
4 appointed for a term of two (2) years, one member appointed by the
5 Speaker of the House of Representatives shall be appointed for a
6 term of three (3) years, one member appointed by the Governor shall
7 be appointed for a term of four (4) years, one member appointed by
8 the President Pro Tempore of the Senate shall be appointed for a
9 term of five (5) years, one member appointed by the Speaker of the
10 House of Representatives shall be appointed for a term of (5) years,
11 and one member appointed by the Governor shall be appointed for a
12 term of five (5) years; and

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

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

3 G. The provisions of this section shall cease to be in effect
4 on January 1, 2014. As of such date, the State Department of Health
5 shall fulfill the purpose set forth in subparagraph a of paragraph 2
6 of subsection B of this section with respect to grants awarded prior
7 to the effective date of this act, but no further grants shall be
8 accepted for such purpose, nor shall any further action be taken
9 with respect to the purpose set forth in subparagraph b of paragraph
10 2 of subsection B of this section.

11 SECTION 2. This act shall become effective November 1, 2013.

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