

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 983 By: Thompson of the Senate
3 and
4 Martin of the House
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7 [health information technology - creating certain
8 Board - codification - effective date]
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10 AUTHOR: Add the following Senate Coauthor: Pittman

11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
12 entire bill and insert

13 "An Act relating to health information technology;
14 creating the Health Information Technology Advisory
15 Board; directing meeting schedules; specifying
16 certain membership requirements; providing certain
17 restrictions; prohibiting member liability;
18 establishing procedure for filling board vacancies;
19 requiring compliance with certain acts; providing
20 for codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 34.201 of Title 62, unless there
24 is created a duplication in numbering, reads as follows:

A. There is hereby created the Health Information Technology
Advisory Board. The Advisory Board shall provide guidance related

1 to health information technology and act in an advisory capacity to
2 the Chief Information Officer as established under the Oklahoma
3 Information Services Act. The Advisory Board shall advise in the
4 development of a long-range plan to achieve improved cost
5 effectiveness and improved health outcomes for all Oklahomans
6 through the state's utilization of health information technology
7 including, but not limited to, best practices and policies to secure
8 and protect individual and personal health information, the
9 capabilities and use of electronic health record systems, the
10 engagement of state entities with Oklahoma's private health
11 information exchanges, statewide data-sharing interchanges among
12 health information exchanges, health information service providers
13 and other methods of incorporating and monitoring information
14 technology in pursuit of protecting the privacy of patient personal
15 and health care information, greater cost effectiveness and better
16 patient outcomes in health care. As a component of providing
17 guidance to the Chief Information Officer, the Advisory Board will
18 provide input in the review and consideration of all potential
19 health information exchange solutions.

20 B. The Advisory Board shall meet as often as necessary to
21 conduct business but shall meet no less than four times a year, with
22 an organizational meeting to be held prior to December 1, 2016. The
23 organizational meeting shall be called by the Chief Information
24 Officer. A majority of the members of the Advisory Board shall

1 constitute a quorum for the transaction of business, and any
2 official action of the Advisory Board must have a favorable vote by
3 a majority of the members present.

4 C. The initial chair and vice-chair shall be elected by the
5 Advisory Board members at the first meeting of the Advisory Board
6 and shall preside over meetings of the Advisory Board and perform
7 other duties as may be required by the Advisory Board. Upon the
8 resignation or expiration of the term of the chair or vice-chair,
9 the members shall elect a chair or vice-chair. The Advisory Board
10 shall elect one of its members to serve as secretary.

11 D. Appointments to the Advisory Board shall be for three-year
12 terms. Members of the Advisory Board shall serve at the pleasure of
13 and may be removed from office by the appointing authority. Members
14 shall continue to serve until their successors are appointed. Any
15 vacancy shall be filled in the same manner as the original
16 appointment. The Advisory Board shall be composed of nine (9)
17 members as follows:

- 18 1. The Governor shall appoint:
 - 19 a. the Health and Human Services Secretary or his or her
20 designee,
 - 21 b. one member who is a representative of a statewide
22 organization representing urban and rural hospitals,
23 and

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1 c. one member representing a city-county health
2 department;

3 2. The President Pro Tempore of the Senate shall appoint:

4 a. one member who is a representative of a statewide
5 organization representing osteopathic physicians,

6 b. one member who is a representative of a statewide
7 organization representing primary care providers, and

8 c. one member who is a payor that participates in a
9 private health information exchange; and

10 3. The Speaker of the House of Representatives shall appoint:

11 a. one member who is a representative of a Native
12 American tribal health care facility operating in this
13 state,

14 b. one member who is a private citizen receiving health
15 care services in this state, and

16 c. one member who is a representative of a statewide
17 organization representing allopathic physicians.

18 E. Members of the Advisory Board shall be subject to the
19 following:

20 1. In the event an appointed member does not attend at least
21 seventy-five percent (75%) of the regularly scheduled meetings of
22 the Advisory Board during a calendar year, the appointing authority
23 may remove the member;

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1 2. No Advisory Board member shall be individually or personally
2 liable for any action of the Advisory Board;

3 3. Except for a breach of fiduciary obligation, an Advisory
4 Board member shall not be individually or personally responsible for
5 any action of the Advisory Board;

6 4. A member may also be removed for any other cause as provided
7 by law;

8 5. No member of the Advisory Board shall accept gifts or
9 gratuities with a value in excess of Ten Dollars (\$10.00) per year
10 from an individual or an organization that is a health information
11 technology vendor responding to a request for proposal. The
12 provisions of this section shall not be construed to prevent the
13 members of the Advisory Board from attending educational seminars,
14 conferences, meetings or similar functions;

15 6. Notwithstanding any other section of law, any member of the
16 Advisory Board attending a meeting via teleconference shall be
17 counted as being present in person and shall count toward the
18 determination of whether quorum of the Advisory Board is present at
19 the meeting; and

20 7. Except as otherwise provided in this subsection, no member
21 of the Advisory Board shall be a lobbyist registered in this state
22 as provided by law or be employed directly or indirectly by any
23 vendor or organization eligible to bid on a proposal for technology.
24 No more than two of the Advisory Board members shall be a member of

1 a single governing board or employed directly or indirectly by a
2 single private health information exchange operating in this state.

3 F. Members of the Board shall serve without compensation.

4 G. Any vacancy occurring on the Advisory Board shall be filled
5 for the unexpired term of office in the same manner as provided for
6 in subsection D of this section.

7 H. The Advisory Board shall act in accordance with the
8 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
9 Records Act and the Administrative Procedures Act.

10 SECTION 2. This act shall become effective November 1, 2016."

11 Passed the House of Representatives the 12th day of April, 2016.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2016.

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Presiding Officer of the Senate

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