

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 983

By: Thompson of the Senate

and

6 Martin of the House

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10 COMMITTEE SUBSTITUTE

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

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

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

23 A. There is hereby created the Health Information Technology
24 Advisory Board. The Advisory Board shall provide guidance related
to health information technology and act in an advisory capacity to

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

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

1 official action of the Advisory Board must have a favorable vote by
2 a majority of the members present.

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

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

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

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

2 a. one member who is a representative of a statewide
3 organization representing osteopathic physicians,

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

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

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

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

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

14 c. one member who is a representative of a statewide
15 organization representing allopathic physicians.

16 E. Members of the Advisory Board shall be subject to the
17 following:

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

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

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

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

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

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

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

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

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

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

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

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