

1 ENGROSSED SENATE  
2 BILL NO. 983

By: Thompson of the Senate

3 and

4 Martin of the House

5  
6 [ health information technology - creating certain  
7 Board - codification - effective date ]  
8

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

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

13 A. There is hereby created the Health Information Technology  
14 Advisory Board. The Advisory Board shall provide guidance related  
15 to health information technology and act in an advisory capacity to  
16 the Chief Information Officer as established under the Oklahoma  
17 Information Services Act. The Advisory Board shall advise in the  
18 development of a long-range plan for health information technology,  
19 including, but not limited to, the use of electronic health records,  
20 statewide data sharing interchanges among health information  
21 exchanges, health information service providers and other methods of  
22 incorporating and monitoring information technology in pursuit of  
23 protecting the privacy of patient personal and health care  
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1 information, greater cost-effectiveness and better patient outcomes  
2 in health care.

3 B. The Advisory Board shall meet as often as necessary to  
4 conduct business but shall meet no less than four times a year, with  
5 an organizational meeting to be held prior to December 1, 2016. The  
6 organizational meeting shall be called by the Chief Information  
7 Officer. A majority of the members of the Advisory Board shall  
8 constitute a quorum for the transaction of business, and any  
9 official action of the Advisory Board must have a favorable vote by  
10 a majority of the members present.

11 C. The initial chair and vice-chair shall be elected by the  
12 Advisory Board members at the first meeting of the Advisory Board  
13 and shall preside over meetings of the Advisory Board and perform  
14 other duties as may be required by the Advisory Board. Upon the  
15 resignation or expiration of the term of the chair or vice-chair,  
16 the members shall elect a chair or vice-chair. The Advisory Board  
17 shall elect one of its members to serve as secretary.

18 D. Appointments to the Advisory Board shall be for three-year  
19 terms. Members of the Advisory Board shall serve at the pleasure of  
20 and may be removed from office by the appointing authority. Members  
21 shall continue to serve until their successors are appointed. Any  
22 vacancy shall be filled in the same manner as the original  
23 appointment. The Advisory Board shall be composed of nine (9)  
24 members as follows:

1 1. The Governor shall appoint:

2 a. the Health and Human Services Secretary or his or her  
3 designee,

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

6 c. one member who is a representative of a statewide  
7 organization representing allopathic physicians;

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

9 a. one member who is a representative of a statewide  
10 organization representing osteopathic physicians,

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

13 c. one member who is a private citizen receiving health  
14 care services in this state; and

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

16 a. one member who is a representative of a statewide  
17 organization promoting access to health care,

18 b. one member who is a representative of a health care  
19 provider licensed to practice in this state and  
20 affiliated with a health care organization, and

21 c. one member who is a representative of a Native  
22 American tribal health care facility operating in this  
23 state.

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1 E. Members of the Advisory Board shall be subject to the  
2 following:

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

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

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

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

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

21 6. Notwithstanding any other section of law, any member of the  
22 Advisory Board attending a meeting via teleconference shall be  
23 counted as being present in person and shall count toward the  
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1 determination of whether quorum of the Advisory Board is present at  
2 the meeting; and

3 7. Except as otherwise provided in this subsection, no member  
4 of the Advisory Board shall be a lobbyist registered in this state  
5 as provided by law, be a member of a governing board or employed  
6 directly or indirectly by a private Health Information Exchange  
7 operating in this state, or be employed directly or indirectly by  
8 any vendor or organization eligible to bid on a proposal for  
9 technology.

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

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

14 H. The Advisory Board shall act in accordance with the  
15 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open  
16 Records Act and the Administrative Procedures Act.

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

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1 Passed the Senate the 8th day of March, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2016.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives