

1 ENGROSSED SENATE
2 BILL NO. 1398

By: Rosino of the Senate

3 and

4 Hill of the House

5
6 An Act relating to public health; amending 63 O.S.
7 2021, Section 1-119, which relates to collection of
8 health care data; amending 63 O.S. 2021, Section 1-
9 120, which relates to confidentiality of data;
10 deleting requirements relating to the Health Care
11 Information Advisory Committee; repealing 63 O.S.
12 2021, Section 1-122, which relates to the Health Care
13 Information Advisory Committee; updating statutory
14 reference; and providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-119, is
17 amended to read as follows:

18 Section 1-119. A. 1. The Division of Health Care Information
19 within the State Department of Health shall, ~~with the advice of the~~
20 ~~Health Care Information Advisory Committee and~~ in accordance with
21 the rules of the State ~~Board~~ Commissioner of Health, collect health
22 care information from information providers.

23 2. The information to be collected about information providers
24 may include, but shall not be limited to:

- 25 a. financial information including, but not limited to,
- 26 consumption of resources to provide services,

- 1 reimbursement, costs of operation, revenues, assets,
2 liabilities, fund balances, other income, rates,
3 charges, units of service, wage and salary data,
4 b. service information including, but not limited to,
5 occupancy, capacity, and special and ancillary
6 services,
7 c. physician profiles in the aggregate by clinical
8 specialties and nursing services,
9 d. discharge data including, but not limited to,
10 completed discharge data sets or comparable
11 information for each patient discharged from the
12 facility after the effective date of this act, and
13 e. ambulatory care data including, but not limited to,
14 provider-specific and encounter data.

15 3. The Division shall implement a demonstration project for the
16 voluntary submission of ambulatory care data, including, but not
17 limited to, submissions from federally qualified health centers,
18 migrant health programs and rural health clinics as defined in Title
19 3 of the Federal Public Health Service Act (PL 104-299), and the
20 Oklahoma Health Care Authority. The Division shall complete the
21 demonstration project by January 1, 2002.

22 4. The Division shall establish a phase-in schedule for the
23 collection of health care data. The phase-in schedule shall provide
24 that prior to January 1, 1994, only data currently collected shall

1 be required to be submitted to the Division. Thereafter, in the
2 collection of health care data, the Division shall whenever possible
3 utilize existing health data resources and avoid duplication in the
4 collection of health care data.

5 5. Except as provided by Section 1-120 of this title and as
6 otherwise authorized by the provisions of the Oklahoma Health Care
7 Information System Act, the provisions of the Oklahoma Health Care
8 Information System Act shall not be construed to lessen or reduce
9 the responsibility of the information provider with regard to:

- 10 a. the accuracy of the data or information submitted,
- 11 b. liability for release of the data or information to
- 12 the Division, data processor or as otherwise
- 13 authorized by this section, or
- 14 c. the preservation of confidentiality of such data or
- 15 information until submitted to the Division.

16 B. Upon the request of the State Department of Health, every
17 state agency, board or commission shall provide the Division of
18 Health Care Information with the health care data and other health
19 care information requested at no charge to the Department or the
20 Division. Except as otherwise provided by the Health Care
21 Information System Act for the purpose of statistical and similar
22 reports, information which is required by state or federal law to be
23 confidential shall not be transferred to any entity by the Division
24 unless a separate written agreement for such transfer has been

1 executed with the state agency, board or commission providing the
2 information to the Division.

3 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-120, is
4 amended to read as follows:

5 Section 1-120. A. Except as otherwise provided by Section 1-
6 119 of this title, the individual forms, computer tapes, or other
7 forms of data collected by and furnished to the Division of Health
8 Care Information or to a data processor pursuant to the Oklahoma
9 Health Care Information System Act shall be confidential and shall
10 not be public records as defined in the Oklahoma Open Records Act.

11 B. After approval by the State Department of Health, the
12 compilations prepared for release or dissemination from the data
13 collected, except for a report prepared at the request of an
14 individual data provider containing information concerning only its
15 transactions, shall be public records. ~~The Division shall establish~~
16 ~~a Health Care Information Advisory Committee as provided in Section~~
17 ~~1-122 of this title, to assist with determinations related to data~~
18 ~~collection, and information to be released and disseminated to the~~
19 ~~public.~~

20 C. The confidentiality of identifying information is to be
21 protected and the pertinent statutes, rules and regulations of ~~the~~
22 ~~State of Oklahoma~~ this state and of the federal government relative
23 to confidentiality shall apply.

1 D. Identifying information shall not be disclosed, and shall
2 not be used for any purpose except for the creation and maintenance
3 of anonymous medical case histories for statistical reporting and
4 data analysis.

5 E. The Division or other state agency receiving information
6 pursuant to the Oklahoma Health Care Information System Act shall be
7 subject to the same confidentiality restrictions imposed by state or
8 federal law as the public or private agency providing the
9 information and is prohibited from taking any administrative,
10 investigative or other action with respect to any individual on the
11 basis of the identifying information. The Division data analyzer or
12 other state agency receiving information pursuant to the Oklahoma
13 Health Care Information System Act is further prohibited from
14 identifying, directly or indirectly, any individual in any report of
15 scientific research or long-term evaluation, or otherwise disclosing
16 identities in any manner.

17 F. Except as otherwise authorized by the Oklahoma Health Care
18 Information System Act, identifying information submitted to the
19 Division which would directly or indirectly identify any person
20 shall not be disclosed by the Division either voluntarily or in
21 response to any legal process, unless directed to by a court of
22 competent jurisdiction, granted after application showing good cause
23 therefor with notice of the hearing to the Division. In assessing
24 good cause the court shall only grant such application if it seeks

1 to challenge the statistical efficacy of a finding made by the
2 Division or alleges a violation of confidentiality by the Division.
3 Such application shall then be granted only when the public interest
4 and the need for disclosure outweighs the injury to the person, to
5 the physician-patient relationship, and to the treatment services.
6 Upon the granting of such order, the court, in determining the
7 extent to which any disclosure of all or any part of any record is
8 necessary, shall impose appropriate safeguards against unauthorized
9 disclosure.

10 G. Any person who submits or receives data as required or
11 authorized by the Oklahoma Health Care Information System Act shall
12 be immune from liability in any civil action for any action taken as
13 required by the provisions of the Oklahoma Health Care Information
14 System Act. This immunity is in addition to any other immunity for
15 the same or similar acts to which the person is otherwise entitled.

16 H. Any person who violates the confidentiality provisions of
17 this section shall be punishable by a fine of Five Thousand Dollars
18 (\$5,000.00).

19 SECTION 3. REPEALER 63 O.S. 2021, Section 1-122, is
20 hereby repealed.

21 SECTION 4. This act shall become effective November 1, 2022.

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1 Passed the Senate the 16th day of February, 2022.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives