

1 ENGROSSED SENATE  
2 BILL NO. 574

By: McCortney of the Senate

3 and

4 McEntire of the House

5 [ health information - Oklahoma State Health  
6 Information Network and Exchange (OKSHINE) -  
7 repealers - codification -  
8 emergency ]

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 1-133 of Title 63, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. As used in this section:

14 1. "Agency" has the same meaning as provided by Section 840-1.3  
15 of Title 74 of the Oklahoma Statutes;

16 2. "Health information exchange" means the electronic movement  
17 of health-related information among organizations according to  
18 nationally recognized standards for treatment purposes;

19 3. "Health information technology" means technology that allows  
20 comprehensive management of medical information and its secure  
21 exchange between health care consumers and providers for treatment  
22 purposes; and

23 4. "Oklahoma State Health Information Network and Exchange" or  
24 "OKSHINE" means a unit of the Oklahoma Health Care Authority charged

1 with facilitating the exchange of health information to and from  
2 authorized individuals and healthcare organizations in this state.  
3 OKSHINE shall be comprised of a digital platform used for the  
4 exchange of health information including, but not limited to,  
5 software and data tools.

6 B. The Oklahoma State Health Information Network and Exchange  
7 (OKSHINE) shall serve as the official health information exchange  
8 for this state. OKSHINE shall be organized for the purpose of  
9 improving the health of residents of this state by:

10 1. Promoting efficient and effective communication among  
11 multiple health care providers including, but not limited to,  
12 hospitals, physicians, payers, employers, pharmacies, laboratories,  
13 and other health care entities or health information exchange  
14 networks and organizations;

15 2. Creating efficiencies in health care costs by eliminating  
16 redundancy in data capture and storage and reducing administrative,  
17 billing, and data collection costs;

18 3. Creating the ability to monitor community health status; and

19 4. Providing reliable information to health care consumers and  
20 purchasers regarding the quality of health care.

21 C. The Oklahoma Health Care Authority shall:

22 1. Coordinate the health information technology initiatives of  
23 the state with relevant state agencies, nonprofit corporations and  
24 institutions of higher education;

1        2. Assure the effective coordination and collaboration of  
2 health information technology planning, development, implementation  
3 and financing;

4        3. Review and approve all health information technology-related  
5 grant applications of state agencies before submission to funding  
6 entities;

7        4. Accept, receive, retain, disburse and administer any state  
8 or federal funds specifically appropriated for health information  
9 technology; and

10       5. Establish reasonable fees for the use of the Oklahoma State  
11 Health Information Network and Exchange (OKSHINE) to fund the  
12 operational costs of OKSHINE. Fees established under this paragraph  
13 shall be set with the input and guidance of the users of OKSHINE,  
14 stakeholders and other interested parties. Fees established under  
15 this paragraph shall not exceed the total cost of operating OKSHINE,  
16 not including staffing costs for OKSHINE.

17       D. 1. A person who participates in the services or information  
18 provided by OKSHINE shall not be liable in any action for damages or  
19 costs of any nature that result solely from the person's use or  
20 failure to use OKSHINE information or data that was entered or  
21 retrieved under relevant state or federal privacy laws, rules,  
22 regulations or policies including, but not limited to, the Health  
23 Insurance Portability and Accountability Act of 1996.

1        2. A person shall not be subject to antitrust or unfair  
2 competition liability based on participation in OKSHINE as long as  
3 the participation provides an essential governmental function for  
4 the public health and safety and enjoys state action immunity.

5        E. 1. A person who provides information and data to OKSHINE  
6 retains a property right in the information or data, but grants to  
7 the other participants or subscribers a nonexclusive license to  
8 retrieve and use that information or data under relevant state or  
9 federal privacy laws, rules, regulations or policies including, but  
10 not limited to, the Health Insurance Portability and Accountability  
11 Act of 1996.

12        2. All processes or software developed, designed, or purchased  
13 by the OKSHINE shall remain the property of the OKSHINE subject to  
14 use by participants or subscribers.

15        F. 1. Patient-specific protected health information shall only  
16 be disclosed in accordance with the patient's authorization or in  
17 compliance with relevant state or federal privacy laws, rules,  
18 regulations or policies including, but not limited to, the Health  
19 Insurance Portability and Accountability Act of 1996.

20        2. All identified or deidentified health information contained  
21 in, stored in, submitted to, transferred by, or released from the  
22 OKSHINE is not disclosable under applicable state or federal law.

23        G. The Oklahoma Health Care Authority Board shall promulgate  
24 rules to implement the provisions of this section.

SECTION 2. REPEALER Section 1, Chapter 258, O.S.L. 2016  
(62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

SECTION 3. REPEALER 63 O.S. 2011, Section 1-131, is hereby repealed.

SECTION 4. REPEALER 63 O.S. 2011, Section 1-132, as amended by Section 1, Chapter 157, O.S.L. 2015 (63 O.S. Supp. 2020, Section 1-132), is hereby repealed.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 10th day of March, 2021.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2021.

Presiding Officer of the House  
of Representatives