

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1369 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Marcus McEntire

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1369

By: Haste of the Senate

and

McEntire of the House

FLOOR SUBSTITUTE

An Act relating to health insurance; creating the State Coordinator for Health Information Exchange; providing legislative intent; amending 63 O.S. 2021, Section 1-133, which relates to definitions; defining terms; requiring Exchange to establish procedures; identify areas for improvement; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-132.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Office of the State Coordinator for Health Information Exchange within the Oklahoma Health Care Authority.

1 B. The Office shall have the power and duty to oversee the
2 state-designated entity for health information exchange, as
3 described under Section 1-133 of Title 63 of the Oklahoma Statutes.

4 C. The Office shall consist of the State Coordinator for Health
5 Information Exchange, who shall be appointed by and serve at the
6 pleasure of the Administrator of the Authority, and such other
7 employees of the Authority as the Administrator may assign to the
8 Office.

9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-133, is
10 amended to read as follows:

11 Section 1-133. A. As used in this section:

12 1. "Health information exchange" means the electronic movement
13 of health-related information among organizations according to
14 nationally recognized standards for purposes including, but not
15 limited to, payment, treatment, and administration; and

16 2. "Health information exchange organization" means an entity
17 whose primary business activity is health information exchange, ~~and~~
18 which is governed by its stakeholders.

19 ~~3. "Oklahoma State Health Information Network and Exchange" or~~
20 ~~"OKSHINE" means a health information exchange organization charged~~
21 ~~with facilitating the exchange of health information to and from~~
22 ~~authorized individuals and health care organizations in this state~~
23 ~~and shall serve as the state-designated~~

24 B. The State of Oklahoma:

1 1. Shall designate a health information exchange organization
2 as the state-designated entity for health information exchange;

3 2. Shall establish a transition plan to ensure continued
4 operation of the health information exchange; and

5 3. May temporarily serve as the state-designated entity as part
6 of the transition plan described in paragraph 2 of this subsection.

7 ~~B. The Oklahoma Health Care Authority (OHCA) shall establish a~~
8 ~~health information exchange certification with input from~~
9 ~~stakeholders. Such certification shall be required in order for a~~
10 ~~health information exchange organization to qualify as an Oklahoma~~
11 ~~Statewide Health Information Exchange (OKHIE). Until such time as~~
12 ~~the health information exchange certification is established by~~
13 ~~OHCA, an OKHIE shall mean either OKSHINE or a health information~~
14 ~~exchange organization that was previously certified by the Oklahoma~~
15 ~~Health Information Exchange Trust.~~

16 ~~C. The Oklahoma State Health Information Network and Exchange~~
17 ~~(OKSHINE) shall be organized for the purpose of improving the health~~
18 ~~of residents of this state by:~~

19 ~~1. Promoting efficient and effective communication among~~
20 ~~multiple health care providers including, but not limited to,~~
21 ~~hospitals, physicians, payers, employers, pharmacies, laboratories,~~
22 ~~and other health care entities or health information exchange~~
23 ~~networks and organizations;~~

1 ~~2. Creating efficiencies in health care costs by eliminating~~
2 ~~redundancy in data capture and storage and reducing administrative,~~
3 ~~billing, and data collection costs;~~

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

5 ~~4. Providing reliable information to health care consumers and~~
6 ~~purchasers regarding the quality of health care.~~

7 C. Beginning July 1, 2023, all health care providers as defined
8 by the rules promulgated by the Oklahoma Health Care Authority Board
9 and who are licensed by and located in this state shall report data
10 to and utilize the state-designated entity. The Office of the State
11 Coordinator for Health Information Exchange may, as provided by
12 rules promulgated by the Board, allow exemptions from the
13 requirement provided by this subsection on the basis of financial
14 hardship, size, or technological capability of a health care
15 provider or such other bases as may be provided by rules promulgated
16 by the Board.

17 D. 1. A person who participates in the services or information
18 provided by ~~OKSHINE or an OKHIE~~ the state-designated entity shall
19 not be liable in any action for damages or costs of any nature that
20 result solely from the person's use or failure to use ~~either an~~
21 ~~OKHIE or OKSHINE~~ information or data from the state-designated
22 entity that was entered or retrieved under relevant state or federal
23 privacy laws, rules, regulations, or policies including, but not
24

1 limited to, the Health Insurance Portability and Accountability Act
2 of 1996.

3 2. A person shall not be subject to antitrust or unfair
4 competition liability based on participation ~~in OKSHINE or an OKHIE~~
5 with the state-designated entity as long as the participation
6 provides an essential governmental function for the public health
7 and safety and enjoys state action immunity.

8 ~~3. Participating in an OKHIE shall qualify as meeting any~~
9 ~~requirement to send data to OKSHINE.~~

10 E. ~~1.~~ A person who provides information and data to ~~OKSHINE~~
11 the state-designated entity retains a property right in the
12 information or data, but grants to the other participants or
13 subscribers a nonexclusive license to retrieve and use that
14 information or data under relevant state or federal privacy laws,
15 rules, regulations, or policies including, but not limited to, the
16 Health Insurance Portability and Accountability Act of 1996.

17 ~~2. All processes or software developed, designed, or purchased~~
18 ~~by OKSHINE shall remain the property of OKSHINE subject to use by~~
19 ~~participants or subscribers.~~

20 F. Patient-specific protected health information shall only be
21 ~~disclosed in accordance with the patient's authorization or in~~
22 compliance with relevant state or federal privacy laws, rules,
23 regulations, or policies including, but not limited to, the Health
24 Insurance Portability and Accountability Act of 1996.

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

3 SECTION 3. This act shall become effective July 1, 2022.

4 SECTION 4. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8
9 58-2-11418 KN 04/26/22