

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   ENGROSSED SENATE  
5   BILL NO. 1398

By: Rosino of the Senate

and

Hill of the House

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9       An Act relating to public health; amending 63 O.S.  
10      2021, Section 1-119, which relates to collection of  
11      health care data; amending 63 O.S. 2021, Section 1-  
12      120, which relates to confidentiality of data;  
13      deleting requirements relating to the Health Care  
14      Information Advisory Committee; repealing 63 O.S.  
15      2021, Section 1-122, which relates to the Health Care  
16      Information Advisory Committee; updating statutory  
17      reference; and providing an effective date.

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

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

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

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

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

19        3. The Division shall implement a demonstration project for the  
20 voluntary submission of ambulatory care data, including, but not  
21 limited to, submissions from federally qualified health centers,  
22 migrant health programs and rural health clinics as defined in Title  
23 3 of the Federal Public Health Service Act (PL 104-299), and the  
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1 Oklahoma Health Care Authority. The Division shall complete the  
2 demonstration project by January 1, 2002.

3 4. The Division shall establish a phase-in schedule for the  
4 collection of health care data. The phase-in schedule shall provide  
5 that prior to January 1, 1994, only data currently collected shall  
6 be required to be submitted to the Division. Thereafter, in the  
7 collection of health care data, the Division shall whenever possible  
8 utilize existing health data resources and avoid duplication in the  
9 collection of health care data.

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

- 15 a. the accuracy of the data or information submitted,
- 16 b. liability for release of the data or information to  
17 the Division, data processor or as otherwise  
18 authorized by this section, or
- 19 c. the preservation of confidentiality of such data or  
20 information until submitted to the Division.

21 B. Upon the request of the State Department of Health, every  
22 state agency, board or commission shall provide the Division of  
23 Health Care Information with the health care data and other health  
24 care information requested at no charge to the Department or the

1 Division. Except as otherwise provided by the Health Care  
2 Information System Act for the purpose of statistical and similar  
3 reports, information which is required by state or federal law to be  
4 confidential shall not be transferred to any entity by the Division  
5 unless a separate written agreement for such transfer has been  
6 executed with the state agency, board or commission providing the  
7 information to the Division.

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

10 Section 1-120. A. Except as otherwise provided by Section 1-  
11 119 of this title, the individual forms, computer tapes, or other  
12 forms of data collected by and furnished to the Division of Health  
13 Care Information or to a data processor pursuant to the Oklahoma  
14 Health Care Information System Act shall be confidential and shall  
15 not be public records as defined in the Oklahoma Open Records Act.

16 B. After approval by the State Department of Health, the  
17 compilations prepared for release or dissemination from the data  
18 collected, except for a report prepared at the request of an  
19 individual data provider containing information concerning only its  
20 transactions, shall be public records. ~~The Division shall establish~~  
21 ~~a Health Care Information Advisory Committee as provided in Section~~  
22 ~~1-122 of this title, to assist with determinations related to data~~  
23 ~~collection, and information to be released and disseminated to the~~  
24 ~~public.~~

1 C. The confidentiality of identifying information is to be  
2 protected and the pertinent statutes, rules and regulations of ~~the~~  
3 ~~State of Oklahoma~~ this state and of the federal government relative  
4 to confidentiality shall apply.

5 D. Identifying information shall not be disclosed, and shall  
6 not be used for any purpose except for the creation and maintenance  
7 of anonymous medical case histories for statistical reporting and  
8 data analysis.

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

21 F. Except as otherwise authorized by the Oklahoma Health Care  
22 Information System Act, identifying information submitted to the  
23 Division which would directly or indirectly identify any person  
24 shall not be disclosed by the Division either voluntarily or in

1 response to any legal process, unless directed to by a court of  
2 competent jurisdiction, granted after application showing good cause  
3 therefor with notice of the hearing to the Division. In assessing  
4 good cause the court shall only grant such application if it seeks  
5 to challenge the statistical efficacy of a finding made by the  
6 Division or alleges a violation of confidentiality by the Division.  
7 Such application shall then be granted only when the public interest  
8 and the need for disclosure outweighs the injury to the person, to  
9 the physician-patient relationship, and to the treatment services.  
10 Upon the granting of such order, the court, in determining the  
11 extent to which any disclosure of all or any part of any record is  
12 necessary, shall impose appropriate safeguards against unauthorized  
13 disclosure.

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

20 H. Any person who violates the confidentiality provisions of  
21 this section shall be punishable by a fine of Five Thousand Dollars  
22 (\$5,000.00).

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

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

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/05/2022 - DO PASS.