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By: McCortney of the Senate

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-133 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

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

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

3. "Health information technology" means technology that allows comprehensive management of medical information and its secure

1 exchange between health care consumers and providers for treatment  
2 purposes; and

3 4. "Oklahoma State Health Information Network and Exchange" or  
4 "OKSHINE" means a unit of the Oklahoma Health Care Authority charged  
5 with facilitating the exchange of health information to and from  
6 authorized individuals and healthcare organizations in this state.  
7 OKSHINE shall be comprised of a digital platform used for the  
8 exchange of health information including, but not limited to,  
9 software and data tools.

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

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

19 2. Creating efficiencies in health care costs by eliminating  
20 redundancy in data capture and storage and reducing administrative,  
21 billing, and data collection costs;

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

23 4. Providing reliable information to health care consumers and  
24 purchasers regarding the quality of health care.

1 C. The Oklahoma Health Care Authority shall:

2 1. Coordinate the health information technology initiatives of  
3 the state with relevant state agencies, nonprofit corporations and  
4 institutions of higher education;

5 2. Assure the effective coordination and collaboration of  
6 health information technology planning, development, implementation  
7 and financing;

8 3. Review and approve all health information technology-related  
9 grant applications of state agencies before submission to funding  
10 entities;

11 4. Accept, receive, retain, disburse and administer any state  
12 or federal funds specifically appropriated for health information  
13 technology; and

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

21 D. 1. A person who participates in the services or information  
22 provided by OKSHINE shall not be liable in any action for damages or  
23 costs of any nature that result solely from the person's use or  
24 failure to use OKSHINE information or data that was entered or

1 retrieved under relevant state or federal privacy laws, rules,  
2 regulations or policies including, but not limited to, the Health  
3 Insurance Portability and Accountability Act of 1996.

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

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

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

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

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

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

6        SECTION 2.        REPEALER        Section 1, Chapter 258, O.S.L. 2016  
7 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

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

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/07/2021 -  
19 DO PASS, As Amended.  
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