

1 **SENATE FLOOR VERSION**

2 February 28, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1400

By: Haste

6
7 An Act relating to health information; amending 63
8 O.S. 2021, Section 1-133, which relates to health
9 information exchange; adding and deleting
10 definitions; directing State of Oklahoma to serve as
11 or designate the state designated entity for health
12 information exchange; requiring health care entities
13 to report data to and utilize state designated
14 entity; providing exemption; eliminating certain
15 requirements of Oklahoma Health Care Authority;
16 removing certain provisions relating to Oklahoma
17 Statewide Health Information Exchange and Oklahoma
18 State Health Information Network and Exchange;
19 modifying terminology; providing an effective date;
20 and declaring an emergency.

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

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

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

1. "Health care entity" means:

- 21 a. a health plan that, either as an individual or group,
22 provides for, or pays the cost of, medical care,
23 b. a health care provider that offers or renders medical
24 or health services, or

1 c. any further individual or association defined as a
2 covered entity under 45 C.F.R., Section 160.103;

3 2. "Health information exchange" means the electronic movement
4 of health-related information among organizations according to
5 nationally recognized standards for purposes including, but not
6 limited to, payment, treatment, and administration; and

7 ~~2.~~ 3. "Health information exchange organization" means an
8 entity whose primary business activity is health information
9 exchange; ~~and~~

10 ~~3. "Oklahoma State Health Information Network and Exchange" or~~
11 ~~"OKSHINE" means a health information exchange organization charged~~
12 ~~with facilitating the exchange of health information to and from~~
13 ~~authorized individuals and health care organizations in this state~~
14 ~~and.~~

15 B. The State of Oklahoma shall serve as or shall designate the
16 ~~state-designated~~ state designated entity for health information
17 exchange.

18 ~~B. The Oklahoma Health Care Authority (OHCA) shall establish a~~
19 ~~health information exchange certification with input from~~
20 ~~stakeholders. Such certification shall be required in order for a~~
21 ~~health information exchange organization to qualify as an Oklahoma~~
22 ~~Statewide Health Information Exchange (OKHIE). Until such time as~~
23 ~~the health information exchange certification is established by~~
24 ~~OHCA, an OKHIE shall mean either OKSHINE or a health information~~

~~exchange organization that was previously certified by the Oklahoma Health Information Exchange Trust.~~

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

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

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

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

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

C. Beginning July 1, 2023, all health care entities licensed by and located in this state shall report data to and utilize the state designated entity. The Oklahoma Health Care Authority may, as provided by rules promulgated by the Oklahoma Health Care Authority Board, allow exemptions from the requirement provided by this subsection on the basis of financial hardship, size, or technological capability of a health care entity or such other bases as may be provided by rules promulgated by the Board.

1 D. 1. A person who participates in the services or information
2 provided by ~~OKSHINE or an OKHIE~~ the state designated entity shall
3 not be liable in any action for damages or costs of any nature that
4 result solely from the person's use or failure to use ~~either an~~
5 ~~OKHIE or OKSHINE~~ information or data from the state designated
6 entity that was entered or retrieved under relevant state or federal
7 privacy laws, rules, regulations, or policies including, but not
8 limited to, the Health Insurance Portability and Accountability Act
9 of 1996.

10 2. A person shall not be subject to antitrust or unfair
11 competition liability based on participation ~~in OKSHINE or an OKHIE~~
12 with the state designated entity as long as the participation
13 provides an essential governmental function for the public health
14 and safety and enjoys state action immunity.

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

17 E. ~~1.~~ A person who provides information and data to ~~OKSHINE~~
18 the state designated entity retains a property right in the
19 information or data, but grants to the other participants or
20 subscribers a nonexclusive license to retrieve and use that
21 information or data under relevant state or federal privacy laws,
22 rules, regulations, or policies including, but not limited to, the
23 Health Insurance Portability and Accountability Act of 1996.

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

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

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

11 SECTION 2. This act shall become effective July 1, 2022.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
17 February 28, 2022 - DO PASS AS AMENDED
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