

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1400

By: Haste

AS INTRODUCED

An Act relating to health information; amending 63 O.S. 2021, Section 1-133, which relates to Oklahoma State Health Information Network and Exchange; authorizing Oklahoma Health Care Authority to enter into certain contracts; and providing an effective date.

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

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

2. "Health information exchange organization" means an entity whose primary business activity is health information exchange; and

3. "Oklahoma State Health Information Network and Exchange" or "OKSHINE" means a health information exchange organization charged with facilitating the exchange of health information to and from

1 authorized individuals and health care organizations in this state
2 and shall serve as the state-designated entity for health
3 information exchange.

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

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

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

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

24 3. Creating the ability to monitor community health status; and
25

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

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

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

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

18 E. 1. A person who provides information and data to OKSHINE
19 retains a property right in the information or data, but grants to
20 the other participants or subscribers a nonexclusive license to
21 retrieve and use that information or data under relevant state or
22 federal privacy laws, rules, regulations or policies including, but
23 not limited to, the Health Insurance Portability and Accountability
24 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 Authority may enter into contracts for the purpose of
10 implementing this section.

11 H. The Oklahoma Health Care Authority Board shall promulgate
12 rules to implement the provisions of this section.

13 SECTION 2. This act shall become effective November 1, 2022.

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