

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1688

By: McEntire

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2021, Section 1-133, as amended by Section 2, Chapter 250, O.S.L. 2022 (63 O.S. Supp. 2022, Section 1-133), which relates to state-designated entity for health information exchange; adding a definition; 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, as amended by Section 2, Chapter 250, O.S.L. 2022 (63 O.S. Supp. 2022, 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; ~~and~~

2. "Health information exchange organization" means an entity whose primary business activity is health information exchange and which is governed by its stakeholders; and

1 3. "Oklahoma Health Care Transparency Initiative", means an
2 initiative to create a database including ongoing all-payer claims
3 database projects that receive and store data from a submitting
4 entity relating to medical, dental, pharmaceutical, and other
5 insurance claims information, unique identifiers, and geographic and
6 demographic information for covered individuals as permitted in this
7 section, and provider files.

8 B. The State of Oklahoma:

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

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

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

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

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

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

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

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

1 G. The Oklahoma Health Care Transparency Initiative shall be
2 administered by the state-designated health information exchange.

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

5 SECTION 2. This act shall become effective November 1, 2023.

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