

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                           1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1688

By: McEntire of the House

and

**Haste** of the Senate

7  
8  
9                                   COMMITTEE SUBSTITUTE

10           An Act relating to public health and safety; amending  
11           63 O.S. 2021, Section 1-133, as amended by Section 2,  
12           Chapter 250, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
13           1-133), which relates to state-designated entity for  
14           health information exchange; adding a definition; and  
15           providing an effective date.

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

17           SECTION 1.           AMENDATORY           63 O.S. 2021, Section 1-133, as  
18           amended by Section 2, Chapter 250, O.S.L. 2022 (63 O.S. Supp. 2022,  
19           Section 1-133), is amended to read as follows:

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

21           1. "Health information exchange" means the electronic movement  
22           of health-related information among organizations according to  
23           nationally recognized standards for purposes including, but not  
24           limited to, payment, treatment, and administration; ~~and~~

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

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

11        B. The State of Oklahoma:

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

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

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

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

1 hardship, size, or technological capability of a health care  
2 provider or such other ~~bases~~ basis as may be provided by rules  
3 promulgated by the Board.

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

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

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

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

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

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

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

10  
11 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2023 - DO PASS,  
12 As Amended and Coauthored.