

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

April 11, 2024

ENGROSSED HOUSE
BILL NO. 3556

By: Kendrix, Maynard, and Stark
of the House

and

Howard of the Senate

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. 2023, Section 1-133), which relates to state-designated entity for health information exchange; modifying mandatory language; 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. 2023, 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.

1 B. The State of Oklahoma:

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

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

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

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

18 D. 1. A person who participates in the services or information
19 provided by the state-designated entity shall not be liable in any
20 action for damages or costs of any nature that result solely from
21 the person's use or failure to use information or data from the
22 state-designated entity that was entered or retrieved under relevant
23 state or federal privacy laws, rules, regulations, or policies
24

1 including, but not limited to, the Health Insurance Portability and
2 Accountability Act of 1996.

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2024.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 April 11, 2024 - DO PASS
24