

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB574 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Marcus McEntire

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 574

6 By: McCortney of the Senate

7 and

8 McEntire of the House

9 FLOOR SUBSTITUTE

10 An Act relating to health information; defining
11 terms; imposing certain duties on Oklahoma Health
12 Care Authority; designating purposes of Oklahoma
13 State Health Information Network and Exchange
14 (OKSHINE); providing certain protections for
15 participation in OKSHINE; specifying ownership of
16 certain property; providing for and limiting
17 disclosure of certain health information; directing
18 promulgation of rules; repealing Section 1, Chapter
19 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section
20 34.201), which relates to Health Information
21 Technology Advisory Board; repealing 63 O.S. 2011,
22 Section 1-131, which relates to Health Information
23 Infrastructure Advisory Board; repealing 63 O.S.
24 2011, Section 1-132, as amended by Section 1, Chapter
157, O.S.L. 2015 (63 O.S. Supp. 2020, Section 1-132),
which relates to Oklahoma Health Information Exchange
Trust; providing for codification; and declaring an
emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-133 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. As used in this section:

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

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

11 3. "Oklahoma State Health Information Network and Exchange" or
12 "OKSHINE" means a health information exchange organization charged
13 with facilitating the exchange of health information to and from
14 authorized individuals and healthcare organizations in this state
15 and shall serve as the state-designated entity for health
16 information exchange.

17 B. The Oklahoma Health Care Authority shall establish a health
18 information exchange certification with input from stakeholders.

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

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

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

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

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

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

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

17 D. 1. A person who participates in the services or information
18 provided by OKSHINE or an OKHIE shall not be liable in any action
19 for damages or costs of any nature that result solely from the
20 person's use or failure to use either an OKHIE or OKSHINE
21 information or data that was entered or retrieved under relevant
22 state or federal privacy laws, rules, regulations or policies
23 including, but not limited to, the Health Insurance Portability and
24 Accountability Act of 1996.

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

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

8 E. 1. A person who provides information and data to OKSHINE
9 retains a property right in the information or data, but grants to
10 the other participants or subscribers a nonexclusive license to
11 retrieve and use that information or data under relevant state or
12 federal privacy laws, rules, regulations or policies including, but
13 not limited to, the Health Insurance Portability and Accountability
14 Act of 1996.

15 2. All processes or software developed, designed, or purchased
16 by the OKSHINE shall remain the property of the OKSHINE subject to
17 use by participants or subscribers.

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

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

1 SECTION 2. REPEALER Section 1, Chapter 258, O.S.L. 2016
2 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

3 SECTION 3. REPEALER 63 O.S. 2011, Section 1-131, is
4 hereby repealed.

5 SECTION 4. REPEALER 63 O.S. 2011, Section 1-132, as
6 amended by Section 1, Chapter 157, O.S.L. 2015 (63 O.S. Supp. 2020,
7 Section 1-132), is hereby repealed.

8 SECTION 5. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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13 58-1-8205 AB 04/22/21

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