

1 STATE OF OKLAHOMA

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

3 SENATE BILL 574

By: McCortney

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5
6 AS INTRODUCED

7 An Act relating to health information technology;
8 amending Section 1, Chapter 258, O.S.L. 2016 (62 O.S.
9 Supp. 2020, Section 34.201), which relates to the
10 Health Information Technology Advisory Board;
11 modifying certain entity; adding certain entity and
12 statutory reference; adding duties; updating certain
13 title; defining term; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY Section 1, Chapter 258, O.S.L.
17 2016 (62 O.S. Supp. 2020, Section 34.201), is amended to read as
18 follows:

19 Section 34.201. A. There is hereby created the Health
20 Information Technology Advisory Board. The Advisory Board shall
21 provide guidance related to health information technology and act in
22 an advisory capacity to the ~~Chief Information Officer as established~~
23 ~~under the Oklahoma Information Services Act~~ Oklahoma State Health
24 Information Network and Exchange (OKSHINE). The Advisory Board
shall:

1 ~~advise~~ 1. Advise in the development of a long-range plan to
2 achieve improved cost effectiveness and improved health outcomes for
3 all Oklahomans through the state's utilization of health information
4 technology including, but not limited to, best practices and
5 policies to secure and protect individual and personal health
6 information, the capabilities and use of electronic health record
7 systems, the engagement of state entities and health care entities
8 as defined in Section 7100.3 of Title 63 of the Oklahoma Statutes
9 with Oklahoma's private health information exchanges, statewide
10 data-sharing interchanges among health information exchanges, health
11 information service providers and other methods of incorporating and
12 monitoring information technology in pursuit of protecting the
13 privacy of patient personal and health care information, greater
14 cost effectiveness and better patient outcomes in health care. ~~As;~~

15 2. As a component of providing guidance to ~~the Chief~~
16 ~~Information Officer, the Advisory Board will~~ OKSHINE, provide input
17 in the review and consideration of all potential health information
18 exchange solutions;

19 3. Adopt rules as necessary to implement this act; and

20 4. Assess fees as appropriate to sustain activities.

21 B. The Advisory Board shall meet as often as necessary to
22 conduct business but shall meet no less than four times a year, with
23 an organizational meeting to be held prior to December 1, 2016. The
24 organizational meeting shall be called by ~~the Chief Information~~

1 ~~Officer~~ OKSHINE. A majority of the members of the Advisory Board
2 shall constitute a quorum for the transaction of business, and any
3 official action of the Advisory Board must have a favorable vote by
4 a majority of the members present.

5 C. The initial chair and vice-chair shall be elected by the
6 Advisory Board members at the first meeting of the Advisory Board
7 and shall preside over meetings of the Advisory Board and perform
8 other duties as may be required by the Advisory Board. Upon the
9 resignation or expiration of the term of the chair or vice-chair,
10 the members shall elect a chair or vice-chair. The Advisory Board
11 shall elect one of its members to serve as secretary.

12 D. Appointments to the Advisory Board shall be for three-year
13 terms. Members of the Advisory Board shall serve at the pleasure of
14 and may be removed from office by the appointing authority. Members
15 shall continue to serve until their successors are appointed. Any
16 vacancy shall be filled in the same manner as the original
17 appointment. The Advisory Board shall be composed of nine (9)
18 members as follows:

- 19 1. The Governor shall appoint:
 - 20 a. the ~~Health and Human Services~~ Secretary of Health and
21 Mental Health or his or her designee,
 - 22 b. one member who is a representative of a statewide
23 organization representing urban and rural hospitals,
24 and

1 c. one member representing a city-county health
2 department;

3 2. The President Pro Tempore of the Senate shall appoint:

4 a. one member who is a representative of a statewide
5 organization representing osteopathic physicians,

6 b. one member who is a representative of a statewide
7 organization representing primary care providers, and

8 c. one member who is a payor that participates in a
9 private health information exchange; and

10 3. The Speaker of the House of Representatives shall appoint:

11 a. one member who is a representative of a Native
12 American tribal health care facility operating in this
13 state,

14 b. one member who is a private citizen receiving health
15 care services in this state, and

16 c. one member who is a representative of a statewide
17 organization representing allopathic physicians.

18 E. Members of the Advisory Board shall be subject to the
19 following:

20 1. In the event an appointed member does not attend at least
21 seventy-five percent (75%) of the regularly scheduled meetings of
22 the Advisory Board during a calendar year, the appointing authority
23 may remove the member;

1 2. No Advisory Board member shall be individually or personally
2 liable for any action of the Advisory Board;

3 3. Except for a breach of fiduciary obligation, an Advisory
4 Board member shall not be individually or personally responsible for
5 any action of the Advisory Board;

6 4. A member may also be removed for any other cause as provided
7 by law;

8 5. No member of the Advisory Board shall accept gifts or
9 gratuities with a value in excess of Ten Dollars (\$10.00) per year
10 from an individual or an organization that is a health information
11 technology vendor responding to a request for proposal. The
12 provisions of this section shall not be construed to prevent the
13 members of the Advisory Board from attending educational seminars,
14 conferences, meetings or similar functions;

15 6. Notwithstanding any other section of law, any member of the
16 Advisory Board attending a meeting via teleconference shall be
17 counted as being present in person and shall count toward the
18 determination of whether quorum of the Advisory Board is present at
19 the meeting; and

20 7. Except as otherwise provided in this subsection, no member
21 of the Advisory Board shall be a lobbyist registered in this state
22 as provided by law or be employed directly or indirectly by any
23 vendor or organization eligible to bid on a proposal for technology.
24 No more than two of the Advisory Board members shall be a member of

1 a single governing board or employed directly or indirectly by a
2 single private health information exchange operating in this state.

3 F. Members of the Board shall serve without compensation.

4 G. Any vacancy occurring on the Advisory Board shall be filled
5 for the unexpired term of office in the same manner as provided for
6 in subsection D of this section.

7 H. The Advisory Board shall act in accordance with the
8 provisions of the Oklahoma Open Meeting Act, the Oklahoma Open
9 Records Act and the Administrative Procedures Act.

10 I. As used in this section, "Oklahoma State Health Information
11 Network and Exchange" or "OKSHINE" means a state entity charged with
12 allowing health information to flow seamlessly to and from
13 authorized individuals and healthcare organizations in Oklahoma. It
14 shall be comprised of a digital platform used for the exchange of
15 health information including, but not limited to, software and data
16 tools, and the governance thereof.

17 SECTION 2. This act shall become effective October 1, 2021.

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