

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 574

6 By: McCortney of the Senate

7 and

8 McEntire of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to health information; defining  
11 terms; designating Oklahoma State Health Information  
12 Network and Exchange (OKSHINE) as the official state  
13 health information exchange; stating purposes;  
14 imposing certain duties on Oklahoma Health Care  
15 Authority; providing certain protections for  
16 participation in OKSHINE; specifying ownership of  
17 certain property; providing for and limiting  
18 disclosure of certain health information; directing  
19 promulgation of rules; repealing Section 1, Chapter  
20 258, O.S.L. 2016 (62 O.S. Supp. 2020, Section  
21 34.201), which relates to Health Information  
22 Technology Advisory Board; repealing 63 O.S. 2011,  
23 Section 1-131, which relates to Health Information  
24 Infrastructure Advisory Board; repealing 63 O.S.  
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. "Agency" has the same meaning as provided by Section 840-1.3  
6 of Title 74 of the Oklahoma Statutes;

7 2. "Health information exchange" means the electronic movement  
8 of health-related information among organizations according to  
9 nationally recognized standards for treatment purposes;

10 3. "Health information technology" means technology that allows  
11 comprehensive management of medical information and its secure  
12 exchange between health care consumers and providers for treatment  
13 purposes; and

14 4. "Oklahoma State Health Information Network and Exchange" or  
15 "OKSHINE" means a unit of the Oklahoma Health Care Authority charged  
16 with facilitating the exchange of health information to and from  
17 authorized individuals and healthcare organizations in this state.  
18 OKSHINE shall be comprised of a digital platform used for the  
19 exchange of health information including, but not limited to,  
20 software and data tools.

21 B. The Oklahoma State Health Information Network and Exchange  
22 (OKSHINE) shall serve as the official health information exchange  
23 for this state. OKSHINE shall be organized for the purpose of  
24 improving the health of residents of this state by:

1 1. Promoting efficient and effective communication among  
2 multiple health care providers including, but not limited to,  
3 hospitals, physicians, payers, employers, pharmacies, laboratories,  
4 and other health care entities or health information exchange  
5 networks and organizations;

6 2. Creating efficiencies in health care costs by eliminating  
7 redundancy in data capture and storage and reducing administrative,  
8 billing, and data collection costs;

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

10 4. Providing reliable information to health care consumers and  
11 purchasers regarding the quality of health care.

12 C. The Oklahoma Health Care Authority shall:

13 1. Coordinate the health information technology initiatives of  
14 the state with relevant state agencies, nonprofit corporations and  
15 institutions of higher education;

16 2. Assure the effective coordination and collaboration of  
17 health information technology planning, development, implementation  
18 and financing;

19 3. Review and approve all health information technology-related  
20 grant applications of state agencies before submission to funding  
21 entities;

22 4. Accept, receive, retain, disburse and administer any state  
23 or federal funds specifically appropriated for health information  
24 technology; and

1           5. Establish reasonable fees for the use of the Oklahoma State  
2 Health Information Network and Exchange (OKSHINE) to fund the  
3 operational costs of OKSHINE. Fees established under this paragraph  
4 shall be set with the input and guidance of the users of OKSHINE,  
5 stakeholders and other interested parties. Fees established under  
6 this paragraph shall not exceed the total cost of operating OKSHINE,  
7 not including staffing costs for OKSHINE.

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

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

19           E. 1. A person who provides information and data to OKSHINE  
20 retains a property right in the information or data, but grants to  
21 the other participants or subscribers a nonexclusive license to  
22 retrieve and use that information or data under relevant state or  
23 federal privacy laws, rules, regulations or policies including, but  
24

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

3 2. All processes or software developed, designed, or purchased  
4 by the OKSHINE shall remain the property of the OKSHINE subject to  
5 use by participants or subscribers.

6 F. 1. Patient-specific protected health information shall only  
7 be disclosed in accordance with the patient's authorization or in  
8 compliance with relevant state or federal privacy laws, rules,  
9 regulations or policies including, but not limited to, the Health  
10 Insurance Portability and Accountability Act of 1996.

11 2. All identified or deidentified health information contained  
12 in, stored in, submitted to, transferred by, or released from the  
13 OKSHINE is not disclosable under applicable state or federal law.

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

16 SECTION 2. REPEALER Section 1, Chapter 258, O.S.L. 2016  
17 (62 O.S. Supp. 2020, Section 34.201), is hereby repealed.

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

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

23 SECTION 5. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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