

ENROLLED SENATE
BILL NO. 1420

By: Sparks and Johnson
(Constance) of the Senate

and

Cox, Lamons and McDaniel
(Jeannie) of the House

An Act relating to public health and safety; creating the Oklahoma Health Information Exchange Act; providing short title; stating legislative findings and purpose of act; defining terms; directing the State Board of Health to adopt and distribute certain form and instructions; directing certain entities to accept certain form; clarifying requirements of certain entities; providing certain immunity; clarifying applicability of certain protections; directing the State Department of Health to establish a statewide coordinated system of care for stroke; stating components of system; directing the State Board of Health to promulgate certain rules; permitting owners of certain facilities to use specified proceeds for business expenses; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 7 of this act shall be known and may be cited as the "Oklahoma Health Information Exchange Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that the exchange of health information in Oklahoma has been impeded as a result of:

1. Confusion about the proper application of federal and state privacy and privilege law; and
2. Concern regarding potential liability for violations of such laws.

B. The purpose of this act is to:

1. Set forth a standard process for authorizing the exchange of health information in compliance with federal and state law; and
2. Ensure immunization from liability under state law for exchanges of health information in accordance with the standard process.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Health Information Exchange Act:

1. "Board" means the State Board of Health;
2. "Health information" means information, regardless of source or form, that:
 - a. includes demographic information collected from an individual,
 - b. relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual, or

- c. identifies the individual or from which there is a reasonable basis to believe the information can be used to identify the individual; and

3. "Health care entity" means:

- a. a health plan that, either as an individual or group, provides for, or pays the cost of, medical care,
- b. a health care provider that offers or renders medical or health services, or
- c. any further individual or association defined as a covered entity under 45 C.F.R., Section 160.103.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health shall adopt and distribute a standard authorization form and accompanying instructions for use in obtaining authorization for the exchange of health information.

B. The authorization form adopted and distributed by the Board shall comply with all applicable federal and state privacy and privilege laws.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A health care entity shall accept the authorization form adopted and distributed by the State Board of Health as a valid authorization for the exchange of health information.

B. A health care entity is not required under this act to use the authorization form adopted and distributed by the Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

Persons exchanging health information under the authorization form adopted and distributed by the State Board of Health pursuant to Section 4 of this act, when used in accordance with the instructions of the Board, shall be immunized from liability in actions based upon state privacy or privilege law that may be claimed to arise from the exchange of such information.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7100.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

The exchange of health information under the authorization form adopted and distributed by the State Board of Health shall not be deemed to have violated or waived any privilege protected under the statutory or common law of this state.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-270 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As funding permits, the State Department of Health shall establish a statewide coordinated system of care for stroke, which shall include special focus and attention on timely access to care, diagnosis, and the most advanced treatment for persons most disproportionately affected by stroke. Such system shall include, but shall not be limited to:

1. Recommendations from the Oklahoma Hospital Advisory Council;
2. Partnerships with relevant associations;
3. Measures to raise awareness about the effects of uncontrolled high blood pressure and diabetes; and
4. Promotion of adherence to primary and secondary stroke recognition and prevention guidelines by health care professionals, including emergency medical services providers, such as emergency medical responders and transport providers, and hospital emergency room and health clinic personnel.

B. The State Board of Health shall promulgate rules as necessary to implement the provisions of this section.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1980 of Title 63, unless there is created a duplication in numbering, reads as follows:

The owner of any nursing home, assisted living center, residential care home, continuum of care facility, independent living facility, life care community, long-term care facility or any other facility offering similar services which may or may not be subject to the licensing requirements of the State Department of Health shall be authorized to use the proceeds from any fees required by and paid to the facility unless named and specifically prohibited by the Long-Term Care Insurance Act for business expenses, including the payment of principal, interest or costs of borrowing related to debt incurred for purposes of capital asset acquisition or the improvement or expansion of the facility.

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

Passed the Senate the 22nd day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2008.

Presiding Officer of the House
of Representatives