

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1660

By: McEntire

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 63 O.S. 2021, Section 7100.2, which relates to  
9 legislative findings in the Oklahoma Health  
10 Information Exchange Act; clarifying the purpose to  
11 include rights afforded under the Health Insurance  
12 Portability and Accountability Act (HIPAA) and not  
13 supersede HIPAA; amending 63 O.S. 2021, Section  
14 7100.3, which relates to definitions in the Oklahoma  
15 Health Information Exchange Act; adding new  
16 definitions; and providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2021, Section 7100.2, is  
19 amended to read as follows:

20 Section 7100.2 A. The Legislature finds that the exchange of  
21 health information in Oklahoma has been impeded as a result of:

22 1. Confusion about the proper application of federal and state  
23 privacy and privilege law; and

24 2. Concern regarding potential liability for violations of such  
laws.

B. The purpose of this act is to:

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

6           C. Nothing in this act shall be construed as superseding,  
7 preempting, or altering rights and protections afforded under the  
8 Health Insurance Portability and Accountability Act of 1996 (HIPAA).  
9 Nothing in this act shall be construed as affecting the obligations  
10 of covered entities under existing HIPAA regulations.

11           SECTION 2.           AMENDATORY           63 O.S. 2021, Section 7100.3, is  
12 amended to read as follows:

13           Section 7100.3 As used in the Oklahoma Health Information  
14 Exchange Act:

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

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

4 3. "Health care entity" means:

5 a. a health plan that, either as an individual or group,  
6 provides for, or pays the cost of, medical care,

7 b. a health care provider that offers or renders medical  
8 or health services, or

9 c. any further individual or association defined as a  
10 covered entity under 45 C.F.R., Section 160.103;

11 4. "HIPAA" means the federal Health Insurance Portability and  
12 Accountability Act of 1996, and any amendments thereto; and

13 5. "HIPAA Privacy Rule" means the privacy rule found at 45 CFR  
14 Part 160 and subparts A and E of Part 164.

15 SECTION 3. This act shall become effective November 1, 2023.

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