An Act

ENROLLED SENATE
BILL NO. 983

By: Thompson and Pittman of the Senate

and

Martin of the House

An Act relating to health information technology; creating the Health Information Technology Advisory Board; directing meeting schedules; specifying certain membership requirements; providing certain restrictions; prohibiting member liability; establishing procedure for filling board vacancies; requiring compliance with certain acts; providing for codification; and providing an effective date.

SUBJECT: Health Information Technology Advisory Board

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 34.201 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Health Information Technology Advisory Board. The Advisory Board shall provide guidance related to health information technology and act in an advisory capacity to the Chief Information Officer as established under the Oklahoma Information Services Act. The Advisory Board shall advise in the development of a long-range plan to achieve improved cost effectiveness and improved health outcomes for all Oklahomans through the state's utilization of health information technology including, but not limited to, best practices and policies to secure

and protect individual and personal health information, the capabilities and use of electronic health record systems, the engagement of state entities with Oklahoma's private health information exchanges, statewide data-sharing interchanges among health information exchanges, health information service providers and other methods of incorporating and monitoring information technology in pursuit of protecting the privacy of patient personal and health care information, greater cost effectiveness and better patient outcomes in health care. As a component of providing guidance to the Chief Information Officer, the Advisory Board will provide input in the review and consideration of all potential health information exchange solutions.

B. The Advisory Board shall meet as often as necessary to conduct business but shall meet no less than four times a year, with an organizational meeting to be held prior to December 1, 2016. The organizational meeting shall be called by the Chief Information Officer. A majority of the members of the Advisory Board shall constitute a quorum for the transaction of business, and any official action of the Advisory Board must have a favorable vote by a majority of the members present.

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

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

1. The Governor shall appoint:

    a. the Health and Human Services Secretary or his or her designee,

b. one member who is a representative of a statewide organization representing urban and rural hospitals, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Except as otherwise provided in this subsection, no member of the Advisory Board shall be a lobbyist registered in this state as provided by law or be employed directly or indirectly by any vendor or organization eligible to bid on a proposal for technology. No more than two of the Advisory Board members shall be a member of a single governing board or employed directly or indirectly by a single private health information exchange operating in this state.

F. Members of the Board shall serve without compensation.

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

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

SECTION 2. This act shall become effective November 1, 2016.

Passed the Senate the 28th day of April, 2016.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2016.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 2nd

day of May, 2016, at 2:40 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 5th

day of May, 2016, at 3:05 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 5th

day of May, 2016, at 3:38 o'clock P. M.

By: Chris Benge