

# OK-SAFE, Inc. - OHIET Legislation and Related Initiatives

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## The Oklahoma Health Information Infrastructure Advisory Board - HIIAB

The Health Information Infrastructure Advisory Board (HIIAB) was created in 2009 by [SB 757](#). The purpose of the advisory board is to “*advise and assist the Oklahoma Health Care Authority in:*

*a. developing a strategy for the adoption and use of electronic medical records and health information technologies that is consistent with emerging national standards and promotes interoperability of health information systems.”*

The HIIAB is part of the federal health care reform agenda. Several states have established these advisory boards, including California, Florida, Maryland, Ohio, Oklahoma, Oregon and Washington.

The Oklahoma HIIAB advises the Oklahoma Health Information Exchange Trust, created in 2010 by SB 1373, also below. Initially, [John Calabro](#), CIO for the Oklahoma Health Care Authority, served as the chair of the OK HIIAB. In August 2011, Jerry Scherer was appointed Chairman of the HIIAB by OHCA CEO Mike Fogarty.



Steele

**2009 - [SB 757](#)** - By Burrage/Steele - Creating the Health Information Infrastructure Advisory Board (HIIAB). This bill was so significant in laying the foundation for “Obama Care” that we’ve listed most of the bill’s language below. The fact that so many states established this same Health Information Infrastructure Advisory Board (HIIAB), indicates that this advisory board was created from model language.

**SECTION 1. NEW LAW** A new section of law to be codified in the Oklahoma Statutes as Section 1-131 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. (Electronic medical record) or (EMR) means an electronic record of health-related information on an individual that can be created, gathered, managed, and
2. “Health data exchange” means record-level health data exchanged for the purpose of statistical data analysis, including, but not limited to, quality, expenditure, and utilization data, for the purpose of developing a uniform and routinely compiled dataset that will make possible the ongoing analysis, comparison, and evaluation of trends in the quality and delivery of health care services for the purpose of effective health care planning by public and private entities, cost containment, health facility development, and improving access to, and quality of care;
3. “Health information exchange” or “HIE” means the electronic movement of health-related information among organizations according to nationally recognized standards for treatment purposes;
4. “Health information technology” or “HIT” means technology that allows comprehensive management of medical information and its secure exchange between health care consumers and providers for treatment purposes; and
5. “Hub” means a registry, a data repository, or a patient identity manager.

**B.1. There is hereby created the “Health Information Infrastructure Advisory Board.”**

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2. The purpose of the advisory board shall be to advise and assist the Oklahoma Health Care Authority in:
  - a. developing a strategy for the adoption and use of electronic medical records and health information technologies that is consistent with emerging national standards and promotes interoperability of health information systems. The strategy shall:
    - (1) be researched and contain the best practices in electronic medical records systems and health information technologies,
    - (2) be designed to reduce medical errors and enable patients to make better decisions about their own health care by promoting secure access to medical records online, and
    - (3) ***assist in the design of the health information infrastructure roadmap, which shall contain the state plan for the exchange of health information,***
  - b. the determinations related to data elements to be collected, and
  - c. the governance structure and policies and procedures for the health information exchange, ensuring that the strategy and plan preserve the privacy and security of health information as required by state and federal law.
3. Duties of the advisory board shall not include the development of a health data exchange; however, key features of a health information exchange shall be designed to integrate with a state health data exchange.
4. ***The Authority shall operate as a hub for health information exchange between health related state agencies and other health information organizations. Information exchange shall be implemented through interagency agreements among all health related agencies. The agreement shall ensure, but shall not be limited to:***
  - a. confidentiality of information,
  - c. procedures for coordinating, monitoring, and improving data exchange that is compatible with current adopters of electronic medical record systems and health information technologies.
5. The advisory board shall consist of ten (10) members who shall be appointed by the directors of the following agencies and shall include, but not be limited to, individuals from:
  - a. the Oklahoma Health Care Authority,
  - b. the State Department of Health,
  - c. the Department of Mental Health and Substance Abuse Services,
  - d. the Department of Human Services,
  - e. the State and Education Employees Group Insurance Board,
  - f. the Insurance Department,
  - g. the Department of Corrections,
  - h. the State Department of Rehabilitative Services, and
  - i. the City-County Health Departments.
6. Vacancies occurring in the advisory board shall be filled by appointment of the director of the represented agency.
7. The member from the Oklahoma Health Care Authority shall chair the advisory board, and the Authority shall staff the advisory board.
8. Each agency shall receive one vote and a majority of the members in attendance at a meeting shall be able to take action on behalf of the advisory board.
9. Members of the advisory board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses in accordance with the State Travel Reimbursement Act.”

[Senate Votes](#) on SB 757 - 5/13/09

[House Votes](#) on SB 757 - 5/15/09

## The Oklahoma Health Information Exchange Trust - OHIET



**2010 - SB 1373** - By Crain/Schwartz - Creating the Oklahoma Health Information Exchange Trust (OHIET). The language creating this trust was added in the last week of the 2010 session. The OHIET was created, “for the purposes of 1) serving as “Qualified State Designated Entity,” for purposes of any federal grant money awarded to facilitate and expand the electronic movement and use of health information among organizations according the nationally recognized health and 2) to promote, develop and sustain electronic health information exchange at the State level.”

This trust is governed by seven appointed trustees, without legislative oversight. The Trust and its beneficiary (the state of Oklahoma) have immunity against claims.

The trust's indenture lists 16 purposes, including:

- Establish and maintain a framework for the exchange of health information, through a single or multiple health information exchanges, and encourage the **widespread adoption and use of electronic health records** systems among Oklahoma health care providers, payors and patients.
- Promote and facilitate the **sharing of health information among health care provider within Oklahoma and in other states by providing for the transfer of health information, medical records, and other health data** for...reduction of administrative costs and **any other benefits deemed appropriate by the Trust.**
- **Establish and adopt standards** for accessing the health information exchange(s) established by the Trust...consistent with applicable **federal and State standards and laws.**
- **Identify barriers to adoption of electronic health records systems...**
- **Solicit and accept grants, loans, contributions or appropriations from any public or private source and expend those moneys, through contracts, grants, loans, or agreements, on activities it considers suitable to the performance of its duties.**

Additionally, the trust is authorized:

- **To make and change investments, to convert real into personal property, and vice versa, to lease , improve, exchange or sell, at public or private sale, upon such terms as they deem proper, and to resell, at any time and as often as they deem advisable, ANY OR ALL THE PROPERTY IN THE TRUST, REAL AND PERSONAL.**
- **...to purchase and sell such supplies, goods, commodities and services as are incident to the operation of its properties.**

The question is do the electronic health records, or data collected from their creation and exchange, become the property of the Trust? Can the OHIET exchange or sell that information?

[Senate Votes](#) on SB 1373 - 5/25/10

[House Votes](#) on SB 1373 - 5/27/10

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## The HUB and the Exchanges

2011- [HB 2130](#) - By Steele/Jolley - Making the Secretary of Health and Human Services (Terry Cline) the Executive Director of the Health Care for the Uninsured (HUB) Board, to designate the members of the HUB, for the purpose of establishing the state health insurance exchange. This HUB would work with the already in place OHIET trust to establish the connections between health information exchange and the health insurance exchange, linking the patient, the provider and the payer.



Mulready

Freshman legislator [Rep. Glen Mulready](#) presented [HB 2130](#) for Speaker/Author Kris Steele. An insurance agent, Mulready was elected in 2010 to HD 68 in Tulsa; Blue Cross/Blue Shield contributed [\\$5,000](#) to his campaign.

[The bill narrowly passed by the House on March 17, 2011.](#) House leadership went to great lengths to assure the passage of this controversial bill, waiting until the necessary 51 required votes were achieved. (House Video [archive of 3/17/11](#); HB 2130 debate and vote is viewable from minute marker 06:25:00 to 07:32:53.)

Due to the controversy, the OK Senate did not hear the bill in 2011. However, **this contentious and controversial bill is still alive and will have to be stopped in 2012.**

Amendatory language includes:

1. The Health Care for the Uninsured Board shall consist of:
  - a. **three members to be appointed by the Governor who shall represent the actuarial interests of the top ten health insurance providers in the state who have expressed a commitment to participate in the HUB.**
  - b. one member to be appointed by the President Pro Tempore of the Senate who shall represent the interests of insurance agents in the state,
  - c. one member to be appointed by the Speaker of the House of Representatives who shall represent the interests of Oklahoma employers,
  - d. the Chief Executive Officer of the Oklahoma Health Care Authority, or designee,
  - e. the Insurance Commissioner, or designee,
  - f. one member who shall represent the State and Education Employees Group Insurance Board, and
  - g. one member who shall represent the Oklahoma State Employees Benefits Council.
2. Appointees shall represent interests affected by insurance exchange requirements, including business interests, consumers and insurance providers.

The bill goes on to read:

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3. Apply for grants or other federal Medicaid funds available to implement the provisions of the Health Care for Oklahomans Act;
4. Establish a system of counseling, including a website, for those individuals who are without health insurance and are not covered by Medicaid, that includes but is not limited to:
  - a. educating consumers about insurance programs certified by the state in accordance with this section,
  - b. aiding consumers in choosing policies that cover medically necessary services for that consumer, and
  - c. educating consumers on how to utilize primary and preventative care in order to reduce the unnecessary utilization of services by the consumer; and
5. Establish a system whereby if an individual **qualifies** for a subsidy under the premium assistance program, established in Section 1010.1 of Title 56 of the Oklahoma Statutes, **that person is able to become enrolled through the HUB in conjunction with local, qualified insurance producers.**

It goes on to state that the Insurance Commission shall establish a system:

for the certification of low-cost health insurance programs designed to provide coverage to **eligible individuals**. Such programs shall not be required to include certain mandates. The Board may recommend that plans certified by the Commissioner be offered statewide to eligible individuals.

The HUB is to be federally funded by grants monies:

**E. The HUB shall receive no general revenue appropriations, but shall be funded by grants awarded to the state.**

[House Votes](#) on HB 2130 - 3/17/11

**Again, this contentious and controversial bill is still alive and will have to be stopped in 2012.**

Please call your Oklahoma elected officials and tell them to vote REPEAL SB 757 from 2009, REPEAL SB 1373 from 2010, and to vote NO on any version of HB 2130 in 2012.

OK House members click here- [House](#)

OK Senate members click here - [Senate](#)

Oklahoma House of Representatives: 1-800-522-8502 or 405-521-2711

Oklahoma Senate: 1-800-865-6490 or 405-524-0126