

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 9. HEALTH CARE INFORMATION**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:9-1-2 [AMENDED]

Subchapter 7. Health Care Information Advisory Committee

310:9-7-1 [REVOKED]

310:9-7-2 [REVOKED]

310:9-7-3 [REVOKED]

SUMMARY:

The purpose of the rule change is to align with SB 1398, which became effective November 1, 2022. This SB deleted requirements relating to the Health Care Information Advisory Committee and updated rule making authority to the Commissioner of Health instead of the State Board of Health. The proposed rule revokes references to the Health Information Advisory Committee and replaces reference to the Board of Health with the Commissioner of Health.

AUTHORITY:

Commissioner of Health; Title 63 O.S. § 1-104, Title 63 O.S. § 1-119, SB 1398.

COMMENT PERIOD:

November 15, 2022 through the close of the Department's normal business hours, 5 PM, on December 15, 2022. Interested persons may informally discuss the proposed rules with the contact person identified below; or may, through the close of the Department's normal business hours, 5 PM, on December 15, 2022 submit written comment to the contact person identified below, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on December 15, 2022 at the Oklahoma State Department of Health Auditorium, 123 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102 from 9:30 AM to 12:30 PM. The meeting may adjourn earlier if all attendees who signed up to comment have completed giving their comments. The alternate date and time in the event of an office closure due to inclement weather is December 19, 2022 in the Auditorium, from 9:30 AM to 12:30 PM. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice. Validated parking will be provided for the parking lot located at the east corner of Broadway and Robert S. Kerr Avenue, subject to availability.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing through December 15, 2022, to the contact person identified below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person identified below or via the agency website at www.ok.gov/health.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is available through the contact person identified below or via the agency website at www.ok.gov/health.

CONTACT PERSON:

Audrey C. Talley, Agency Rule Liaison, Oklahoma State Department of Health, 123 Robert S. Kerr Avenue, Oklahoma City, OK 73102, phone (405) 426-8563, e-mail AudreyT@health.ok.gov.

INITIAL RULE IMPACT STATEMENT

(This document may be revised based on comment received during the public comment period.)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
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1. DESCRIPTION:

SB 1398 Passed and became effective November 1, 2022. This bill deleted requirements relating to the Health Care Information Advisory Committee. It also replaced the reference to State Board of Health with the Commissioner for rule making authority.

2. DESCRIPTION OF PERSONS AFFECTED AND COST IMPACT RESPONSE:

Aligns rule with current legislation. No anticipated impact or cost.

3. DESCRIPTION OF PERSONS BENEFITING, VALUE OF BENEFIT AND EXPECTED HEALTH OUTCOMES:

Aligns rule with current legislation. Deletes / updates outdated requirements, reduces the amount of administrative code.

4. ECONOMIC IMPACT, COST OF COMPLIANCE, AND FEE CHANGES: COST OF COMPLIANCE AND FEE CHANGES:

There will be no impact.

5. COST AND BENEFITS OF IMPLEMENTATION AND ENFORCEMENT TO THE AGENCY:

Aligns rule with current legislation. No anticipated impact or cost.

6. IMPACT ON POLITICAL SUBDIVISIONS:

There will be no impact on political subdivisions.

7. ADVERSE EFFECT ON SMALL BUSINESS:

There will be no impact on small business.

8. EFFORTS TO MINIMIZE COSTS OF THE RULE:

There are no less costly means currently identified.

9. EFFECT ON PUBLIC HEALTH AND SAFETY:

No effect on public health and safety is projected.

10. DETRIMENTAL EFFECTS ON PUBLIC HEALTH AND SAFETY WITHOUT ADOPTION:

There are no detrimental effects on public health and safety.

11. PREPARATION AND MODIFICATION DATES:

This rule impact statement was prepared on August 22, 2022.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
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SUBCHAPTER 1. GENERAL PROVISIONS

310:9-1-2. Definitions.

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

~~"Administrator" means the chief executive officer for a facility.~~

"Ambulatory care data" means data elements required by the Department regarding persons treated by hospitals, free-standing ambulatory surgery centers, or other health care providers, for less than 24 hours.

"Ambulatory surgery center" means a hospital-based or free-standing center providing surgery with patient stays of less than 24 hours, licensed under 63 O.S. Section 2657 et seq.

~~"Board" means Oklahoma State Board of Health.~~

~~"Commissioner" means the Commissioner of the Oklahoma State Department of Health.~~

~~"Committee" means the Health Care Information Advisory Committee.~~

"Custom Data Set" means a subset of the Public Use Data File developed by the Department on special request.

"Custom report" means a compilation or study developed by the Department on special request.

"Data element" means the specific information collected and recorded for the purpose of health care and health care service delivery. Data elements include information to identify the individual, the health care provider, the data supplier, the services provided, charges for service, payor source, medical diagnosis, medical treatment and other data as requested.

"Data file" means an electronic file containing data elements.

"Data submission manual" means a manual developed by the Department containing data elements required to be submitted by information providers.

"Data use agreement" means a document that must be submitted in order to obtain the public use data file or any anonymous patient-level data. The document assures the Department that the user will not attempt to identify or contact any person included in the data set.

"Department" means the Oklahoma State Department of Health.

"Direct Patient Identifiers" Data elements that directly identify a patient (e.g. name, SSN, etc).

"Division" means the Health Care Information Division of the Oklahoma State Department of Health.

"Facility" means hospital or ambulatory surgery center.

"Health care information system" means the system for receipt, collection, analysis, evaluation, processing, utilization and dissemination of health care data established and maintained by the Health Care Information Division pursuant to the Oklahoma Health Care Information System Act.

"Health care provider" means hospitals, nursing facilities, ambulatory surgery centers, and any other health care provider licensed or certified by the Department or any other state agency; doctors as defined in Section 725.2 of Title 59 of the Oklahoma Statutes; or physical therapists, physician assistants, pharmacists, nurses and home health care providers licensed pursuant to the laws of this state.

~~"Health data" means information relating to the health status of individuals, health services delivered, the availability of health manpower and facilities, and the use and costs of resources and services to the consumer.~~

"Hospital" means a hospital licensed under 63 O.S. Section 1-704.

"Hospital discharge data" means data elements required by the Department regarding persons admitted to and discharged from a hospital.

"Identifying information" means information that could uniquely identify an individual.

"Information provider" means all health care providers and the third-party payor or public-supported provider as defined in Section 1-116 of Title 63 of the Oklahoma Statutes.

~~"Oklahoma Cooperative Annual Hospital Survey" means a voluntary annual survey of all Oklahoma hospitals regarding service and financial information.~~

~~"Public use data file" means an electronic file for public use containing data elements from the hospital discharge or ambulatory surgery data file that do not directly or indirectly identify an individual or physician.~~

~~"Standard information provider report" means a compilation of data submitted by an information provider that is generated by the Division for the information provider.~~

~~"Standard report" means a compilation or study developed to display information on selected topics, published periodically.~~

~~"Third-party data processor" means any entity that provides data processing services.~~

~~"Third-party payor" means any entity, other than a purchaser, which is responsible for payment either to the purchaser or the health care provider for health care services rendered by the health care provider.~~

SUBCHAPTER 7. HEALTH CARE INFORMATION ADVISORY COMMITTEE [REVOKED]

310:9-7-1. Committee appointment [REVOKED]

~~The Commissioner shall appoint a Health Care Information Advisory Committee to advise and assist the Department.~~

310:9-7-2. Membership [REVOKED]

~~The membership of the Committee shall include, but not be limited to, the presidents, or their designees, of the Oklahoma State Chamber of Commerce, the Oklahoma Hospital Association, the Oklahoma State Medical Association, the Oklahoma Osteopathic Association, the Oklahoma AFL-CIO, a statewide health care consumer coalition, the Oklahoma Health Care Association, the Association of Oklahoma Life Insurance Companies, the Oklahoma Health Care Association, the Oklahoma Pharmaceutical Association, the Oklahoma Dental Association, the Joint Chiropractic Association of Oklahoma, the Oklahoma Optometric Association, the Oklahoma Physical Therapy Association, the Oklahoma Podiatric Medical Association, the Oklahoma Psychological Association, the Oklahoma Nurses Association, Community Health Care Centers, Inc., and the Oklahoma Association of Home Care.~~

310:9-7-3. Duties [REVOKED]

~~The Committee shall:~~

~~(1) Advise and assist the Health Care Information Division with determinations related to data elements to be collected, reporting requirements, and the release and dissemination of information to the public.~~

~~(2) Assist in the development of implementation methods and in the interpretation and evaluation of the data received pursuant to the Oklahoma Health Care Information System Act.~~