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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

310:9-1-2 [AMENDED]

Subchapter 7. Health Care Information Advisory Committee [REVOKED]

310:9-7-1 [REVOKED]

310:9-7-2 [REVOKED]

310:9-7-3 [REVOKED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104, § 1-119, SB 1398

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

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ADOPTION:

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

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.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(7) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2023:

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.~~