



---

**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

I/T/U Public Notice 2022-06

July 26, 2022

**RE: Oklahoma Statewide Health Information Exchange (HIE)**

Dear Tribal Representative:

The purpose of this letter is to give you notice of proposed policy revisions that will be presented at the **September 6, 2022**, Tribal Consultation.

The proposed revisions will update policy to comply with Oklahoma Senate Bill 1369 which made changes to the statewide Health Information Exchange (HIE). The proposed revisions will add the Office of the State Coordinator for HIE; designate the Office of the State Coordinator for HIE to oversee the state-designated entity for HIE; and revise the definition of "health information exchange organization" to indicate that it is an organization governed by its stakeholders. Additional revisions will state that beginning July 1, 2023, all qualified health care providers, as defined by OHCA rules and who are licensed by and located in Oklahoma, shall report data to and utilize the state-designated entity for HIE.

The proposed changes will be promulgated through the emergency rulemaking process. The proposed policy changes will be presented to the OHCA Board for vote on September 21, 2022; then, submitted to the Governor's office for approval and adoption.

The OHCA values consultation with tribal governments and will strive to provide your representatives with timely information regarding our policy changes. We have also attached the draft rules for your review.

Sincerely,

S\

Dana Miller  
Director, Tribal Government Relations



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

SUBCHAPTER 3. GENERAL PROVIDER POLICIES

PART 1. GENERAL SCOPE AND ADMINISTRATION

**317:30-3-35. Oklahoma State Health Information Network and Exchange (OKSHINE) Statewide Health Information Exchange**

(a) **Authority.** This rule is promulgated under the authority granted in Title 63 of the Oklahoma Statutes Section 1-133 (63 O.S. § 1-133). This Section is intended to be read in conjunction with applicable Oklahoma statutes and federal law.

(b) **Applicability and purpose.**

(1) **Applicability.** This section shall apply to and govern the establishment and operation of the statewide health information exchange (HIE), ~~herein referred to as OKSHINE.~~

(2) **Purpose.** ~~OKSHINE is the state-designated organization that facilitates the exchange of health information to and from authorized individuals and health care organizations in the state for the purpose of improving health outcomes, as per 63 O.S. § 1-133. The Office of the State Coordinator for HIE is the office within the Oklahoma Health Care Authority (OHCA) that holds the power and duty to oversee the state-designated entity for health information exchange, as described under 63 O.S. § 1-133.~~

(c) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) ~~"OKSHINE" means an organization that oversees, governs, and facilitates health information exchange among health care providers that are not related health care organizations as defined in the Oklahoma Statutes, to improve the security of patient information, coordination of patient care, and the efficiency of health care delivery.~~



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerca.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

~~(2) "Participant" means an organization, health care practitioner or institution, health plan, or health care clearinghouse who has executed a written participation agreement (PA) and business associate agreement (BAA) with OKSHINE.~~

~~(3) "Participant agreement" means the agreement between OKSHINE and a participant which authorizes the participant to have access to OKSHINE and outlines the policies and procedures for access, protection, and use of the electronic protected health information.~~

~~(4) "Oklahoma Statewide Health Information Exchange (OKHIE)" means a certified HIE as referenced in 63 O.S. § 1-133 whose primary business activity is health information exchange.~~

(1) "Health care provider" means the following individuals and organizations who are licensed pursuant to the laws of the State of Oklahoma and includes organizations who employ or contract with such licensed individuals for the purpose of providing services associated with their licenses to residents of Oklahoma:

(A) A hospital or related institution licensed pursuant to 63 O.S. § 1-702;

(B) Nursing facilities licensed pursuant to 63 O.S. § 1-1903;

(C) Doctors as specified in 59 O.S. § 725.2, subsection A, paragraphs 1 through 9;

(D) Physical therapists as specified in 59 O.S. § 887.2, paragraph 3;

(E) Physician assistants as specified in 59 O.S. § 519.2, paragraph 5;

(F) Pharmacists as specified in 59 O.S. § 353.1, paragraph 15;

(G) Nurses as specified in 59 O.S. § 567.3a, paragraphs 3 through 10;

(H) Licensed Mental Health Professionals as specified in 43a O.S. § 1-103; and

(I) Home Health Care Agencies and/or providers licensed pursuant to 63 O.S. § 1-1965.

(2) "Health care provider organization" means the legal entity that offers the services of health care providers to patients in Oklahoma.

(3) "Report data to" means that health care providers shall establish a direct, secure connection to the HIE technology vendor identified by the Office of the State Coordinator for HIE and submit data in the form and format as defined on the Office of the State Coordinator for HIE website.

(4) "State designated entity (SDE)" means the health information exchange organization designated by the State of Oklahoma under 63 O.S. § 1-133. The name and contact information for the state designated entity for HIE is found on the Office of the State Coordinator for HIE website.

(5) "Utilize" means to actively use the HIE services to securely access records during and/or in support of patient treatment or health care operations.



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



Kevin Corbett | Chief Executive Officer

J. Kevin Stitt | Governor

~~(d) **OKHIE Certification.** Per 63 O.S. '1-133, an initial certification and an annual recertification will be required for health information exchanges to qualify as an OKHIE. In order to receive certification, the applying HIE must submit an application to the Oklahoma Health Care Authority (OHCA) and provide all requested documentation. The application and standards for certification shall be posted on the OHCA OKSHINE public website.~~

~~(1) The OHCA shall establish a health information exchange certification with input from stakeholders.~~

~~(2) Until such time as the health information exchange certification is established by the OHCA, an OKSHINE or an HIE organization that was previously certified by the Oklahoma Health Information Exchange Trust (OHiet) shall be deemed an OKHIE.~~

~~(3) An HIE must provide documentation of certification from OHiet to OHCA in order to receive initial OKHIE certification.~~

~~(e) **Fees.**~~

~~(1) **Certification fees.** Each health information exchange which applies for certification, will be required to pay annual certification/recertification fees. The OHCA will develop the certification criteria and will publish the criteria and associated fees, when available, on the OHCA OKSHINE public website.~~

~~(2) **Participant fees.** Each participant, as defined in this section, will be required to pay an annual participation fee as outlined in the participant agreement. The OHCA will develop the criteria for the fees and will publish the criteria when available. The participant agreement and fee schedule will be posted on the OHCA OKSHINE public website.~~

**(d) Required participation.**

(1) By July 1, 2023, all health care providers as defined above and who are licensed by and located in the state of Oklahoma shall report data to and utilize the SDE.

(2) The state acknowledges that establishing the connection to the HIE can take substantial time to complete. A health care provider will be considered to have met the requirement to report data to and utilize the SDE as long as the provider is actively engaged in the process of connecting to the HIE as reported by the SDE.

(3) In order to report data to, and utilize the SDE, each health care provider or their health care provider organization shall secure access to HIE services by the following:

(A) Completing and maintaining an active participation agreement with the SDE for HIE;

(B) Executing annually an order form electing at a minimum the set of core services relevant to the provider practice or organization; and

(C) Maintaining good standing as a participating organization in the SDE for HIE by remaining compliant with the terms and conditions, network policies and procedures, and paying all fees associated with the services elected on the order form.

(4) Each health care provider or health care provider organization will provide a utilization report from the SDE to the Office of the State Coordinator for HIE on an



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767



**Kevin Corbett** | Chief Executive Officer

**J. Kevin Stitt** | Governor

annual basis. Utilization metrics and benchmarks will be determined annually by the Office of the State Coordinator for HIE in consultation with the board of directors of the SDE and will be published three (3) months prior to the commencement of each State Fiscal Year.

**(e) Hardship exemption.**

(1) The Office of the State Coordinator for HIE may allow exemptions from the requirement to report data to and utilize the SDE beginning July 1, 2023, on the basis of financial hardship, size, or technological capability of a health care provider or organization or such other bases as may be provided by rules promulgated by OHCA.

(2) Any health care provider or health care provider organization as defined above that believes they will fall under hardship in order to meet the requirements to report data to and utilize the SDE must submit a request for exemption providing detailed justification as to the hardship they will sustain as specified on the Office of the State Coordinator for HIE website.

(3) The authorization of a hardship exemption does not exclude the provider from having to meet the requirements to report data to and utilize the SDE but will provide additional time for the provider to mitigate their hardship in doing so.

**(f) Penalty.**

(1) In the event a health care provider fails to meet the requirement to report data to and utilize the SDE or successfully obtain a hardship exemption, the health care provider shall pay a monthly penalty to the Office of the State Coordinator for HIE until the provider or organization submits proof that they are in compliance.

(2) The amount of the penalty will be based on the annual base fee plus an additional twenty-five percent (25%) of the annual fee.



**ADDRESS**

4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105



**WEBSITES**

okhca.org  
mysoonerCare.org



**PHONE**

Admin: 405-522-7300  
Helpline: 800-987-7767