

CHAPTER 9 HEALTH CARE INFORMATION

SUBCHAPTER 1: GENERAL PROVISIONS

310:9-1-1. Purpose

The purpose of this Chapter is to establish the rules for a uniform set of health care data as established by Section 1-117 of Title 63 of the Oklahoma Statutes.

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 hospital.

"Ambulatory care data" means data elements required by the Department regarding persons treated by hospitals or ambulatory surgery centers for less than 24 hours.

"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.

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

"Department" means the Oklahoma State Department of Health.

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

"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. Supp. 1998 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 data file that do not directly or indirectly identify an individual or physician.

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

"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.

310:9-1-3. Fees and charges

(a) The fee for the public use data file shall be \$625.00 per quarter year or \$2500.00 per year.

(b) The fee for the Oklahoma Cooperative Annual Hospital Survey data file shall be \$2000.00 per year.

(c) The fee for special reports shall be \$50.00 per staff hour for creating or generating reports.

(d) The Department will accept cash, checks, or money orders for payment of fees. The check or money order must be made payable to the Oklahoma State Department of Health.

SUBCHAPTER 3 INFORMATION RULES

310:9-3-1. Required information to be collected from information providers

(a) The Department is required by law to collect the following types of information from information providers:

(1) Financial information including, but not limited to, consumption of resources to provide services, reimbursement, costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of service, wage and salary data;

(2) Service information including, but not limited to, occupancy, capacity, and special and ancillary services;

(3) Physician profiles in the aggregate by clinical specialties and nursing services;

(4) Discharge data, including but not limited to, completed discharge data sets or comparable information for each patient discharged from the facility after the effective date of this act; and

(5) Ambulatory care data including, but not limited to, provider-specific and encounter data.

(b) The Department will specify the data elements to be submitted by information providers in the data submittal manual.

310:9-3-2. Data Files

(a) When a data file is received from an information provider, the Department will mail the hospital administrator a letter acknowledging receipt of the data. A copy of this letter will be sent either to the hospital technical contact or the third party data processor who submitted the data file.

(b) As hospital discharge or ambulatory care data files are received by the Department, the data will be processed and checked for errors. This process will include error checking for out of range, or invalid data elements as specified in the data submittal manual. Upon processing the submitted data file, the Department will send the information provider:

(1) A standard information provider report developed from the provider's data; and

(2) A list of errors in that information provider's data file and will request the information provider correct errors associated with their data within 30 days of receipt of said letter, electronically or in writing, to the Department.

310:9-3-3. Periodic schedule for submission of information

(a) Hospital discharge data files must be submitted to the Department by May 1 of the following calendar year.

(b) The Department may grant an extension on written request from the information provider on a case-by-case basis.

SUBCHAPTER 5: COLLECTION AND RELEASE OF INFORMATION

310:9-5-1. Confidentiality

(a) All information collected from any source will remain confidential and will not be public records as defined in the Open Records Act except as provided in 63 O.S. 1998 Supp. Section 1-119. Under no circumstances shall the information in the database or any records from which this database is maintained be used for any purpose other than the compilation of aggregate data or the creation of anonymous medical case histories for statistical reporting and data analysis. Prior to release of any information, all identifying information shall be removed which might directly or indirectly reveal the identity of any person. This information may not be released voluntarily or in response to any legal process unless the Department is directed to release it by a court of competent jurisdiction, granted after application showing good cause.

(b) The Department will develop internal procedures to ensure the collection, analysis and dissemination of information is in compliance with all provisions of state and federal laws and regulations, including this Chapter.

(c) State agencies, boards and commissions are required to make information authorized under the Oklahoma Health Care Information System Act available to the Department without charge to the Department. Except as otherwise provided by the Health Care Information System Act, information which is required by state or federal law to be confidential will not be transferred to any entity by the Department unless a separate written agreement for such transfer has been executed by the Department with the state agency, board or commission.

310:9-5-2. Release and dissemination of information

After approval by the Department, aggregate compilations prepared for release or dissemination from the data collected shall be public record. However, reports prepared at the request of an individual information provider containing information concerning only its transactions, shall not be public record.

310:9-5-3. Standard information provider reports

After the information provider's data is processed, the information provider will receive a standard report that will include summary information regarding the information provider's facility and aggregate comparative information.

310:9-5-4. Standard reports

(a) The charge for standard reports will be reproduction costs that are based on the Department's fee schedule.

(b) Standard reports may not be published or sold by another entity without written consent of the Department.

(c) Standard reports will include, but are not limited to, aggregate information regarding:

- (1) Patterns and trends in the health status of Oklahomans;
- (2) Utilization, costs and outcomes; and
- (3) Capacity of the various components of the health care industry to provide needed services.

310:9-5-5. Special reports

(a) Requests for special reports are handled on a case-by-case basis. The Department reserves the right to refuse any request for a special report that could threaten the confidentiality of an individual.

(b) All special reports, except reports prepared at the request of an individual information provider containing information concerning only its transactions, are public record.

(c) Requests for special reports must be made in writing or electronically to the Department. The request should include:

- (1) Name, address, and telephone number of the requestor;
- (2) Employer or organizational affiliation of the requester;
- (3) Statement by the requester confirming that the requested material is in compliance with the confidentiality provisions of the Health Care Information System Act;
- (4) List of the data elements being sought;
- (5) Detailed description of the content and organization of the requested report; and
- (6) An example of the proposed report layout showing how the data should be organized and presented.

(d) Special reports may not be published or sold without written consent of the Department.

SUBCHAPTER 7. HEALTH CARE INFORMATION ADVISORY COMMITTEE

310:9-7-1. Committee appointment

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

310:9-7-2. Membership

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

The Committee shall:

- (a) 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.
- (b) 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.