

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 257

By: Senator Irvin
By: Representative Davis

For An Act To Be Entitled

AN ACT TO TRANSFER THE OFFICE OF HEALTH INFORMATION TECHNOLOGY TO THE DEPARTMENT OF HEALTH; TO AMEND THE DUTIES OF THE OFFICE OF HEALTH INFORMATION TECHNOLOGY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE OFFICE OF HEALTH INFORMATION TECHNOLOGY TO THE DEPARTMENT OF HEALTH; AND TO AMEND THE DUTIES OF THE OFFICE OF HEALTH INFORMATION TECHNOLOGY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Transfer of the Office of Health Information Technology to the Department of Health.

(a)(1) The Office of Health Information Technology is transferred to the Department of Health by a type 2 transfer under § 25-2-105.

(2) For the purposes of this act, the Department of Health shall be considered a principal department established by Acts 1971, No. 38.

(b) All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting or purchasing, are transferred to the Department of Health, except as specified by this act.

(c) All powers, duties, and functions, including rulemaking, regulation, and licensing, promulgation of rules, rates, regulations, and standards, and the rendering of findings, orders, and adjudications are



transferred to the Director of the Department of Health.

(d) The members of the Health Information Exchange Council and their successors shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the office except as specified in this act.

(e) The Arkansas Code Revision Commission shall make appropriate name changes in the Arkansas Code to implement this act.

SECTION 2. Arkansas Code § 25-42-101(2), concerning the purpose of the Office of Health Information Technology, is amended to read as follows:

(2) Authorize the Office of Health Information Technology to ~~form transfer to~~ a nonprofit corporation ~~to be known as~~ the State Health Alliance for Records Exchange.

SECTION 3. Arkansas Code § 25-42-103 is amended to read as follows:
25-42-103. Office of Health Information Technology – Creation.

The Office of Health Information Technology is created within the Department of Health.

SECTION 4. Arkansas Code § 25-42-105(b), concerning the duties and responsibilities of the Office of Health Information Technology, is amended to read as follows:

(b) The Office of Health Information Technology Coordinator shall ~~serve as the executive officer of the office~~ be selected and serve in a manner prescribed by the Director of the Department of Health.

SECTION 5. Arkansas Code § 25-42-105(c)(5) and (6), concerning the duties and responsibilities of the Office of Health Information Technology, is amended to read as follows:

(5) ~~Adopt~~ Recommend to the State Board of Health regarding rules necessary to carry out the policies and objectives of this chapter;

(6) Plan, establish, and operate the State Health Alliance for Records Exchange until the time when ~~a nonprofit corporation is formed to operate the State Health Alliance for Records Exchange and~~ the operational responsibility and authority for the State Health Alliance for Records Exchange is transferred to ~~that~~ a nonprofit corporation; and

SECTION 6. Arkansas Code § 25-42-106(a)(3)(A), concerning the creation of the State Health Alliance for Records Exchange, is amended to read as follows:

(3)(A) Until ~~the~~ a nonprofit corporation ~~is formed~~ operates the State Health Alliance for Records Exchange, the State Health Alliance for Records Exchange shall be established and operated by the Office of Health Information Technology with the advice of the Health Information Exchange Council, consisting of the following members appointed by the ~~Governor~~ Director of the Department of Health:

- (i) The Office of Health Information Technology Coordinator;
- (ii) A representative of the Department of Finance and Administration;
- ~~(iii) A representative of the Department of Health;~~
- ~~(iv)~~(iii) A representative of the Department of Human Services;
- ~~(v)~~(iv) A representative of the Department of Information Systems;
- ~~(vi)~~(v) A representative of the health insurance industry;
- ~~(vii) The Director of the Department of Health appointed under § 20-7-103;~~
- ~~(viii)~~(vi) A representative of the Arkansas Foundation for Medical Care;
- ~~(ix)~~(vii) A representative of the Arkansas Hospital Association;
- ~~(x)~~(viii) A representative of the Arkansas Medical Society;
- ~~(xi)~~(ix) A representative of the Arkansas Minority Health Commission;
- ~~(xii)~~(x) A representative of the Arkansas Nurses Association;
- ~~(xiii)~~(xi) A representative of the Division of Science and Technology of the Arkansas Economic Development Commission;
- ~~(xiv)~~(xii) A representative of the Arkansas

Pharmacists Association;

~~(xv)~~(xiii) A representative of the business community;

~~(xvi)~~(xiv) A representative of the Community Health Centers of Arkansas, Inc.;

~~(xvii)~~(xv) A representative of the University of Arkansas for Medical Sciences;

~~(xviii)~~(xvi) A representative of the Arkansas Health Care Association; and

~~(xix)~~(xvii) Two (2) healthcare consumers.

SECTION 7. Arkansas Code § 25-42-106(c), concerning the duties of the State Health Alliance for Records Exchange, is amended to read as follows:

(c) All members will serve until the ~~time the nonprofit corporation is formed and~~ operational responsibility and authority for the State Health Alliance for Records Exchange is transferred to ~~that~~ a nonprofit corporation.

SECTION 8. Arkansas Code § 25-42-106(i), concerning the duties of the State Health Alliance for Records Exchange, is amended to read as follows:

(i) All identified or deidentified health information contained in, stored in, submitted to, transferred by, or released from the State Health Alliance for Records Exchange is not disclosable under applicable state or federal law except to:

(1) A healthcare provider; or

(2) Other authorized person or entity as described by policies and rules promulgated by the State Board of Health or the State Alliance for Records Exchange.

SECTION 9. Arkansas Code § 25-42-106(j)(1), concerning the duties of the State Health Alliance for Records Exchange, is amended to read as follows:

(j)(1) ~~When the nonprofit corporation is formed~~ Upon the transfer to a nonprofit corporation, the State Health Alliance for Records Exchange shall be governed under the bylaws and incorporation documents of the corporation.

APPROVED: 02/22/2017