

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 257

5 By: Senator Irvin
6 By: Representative Davis
7

For An Act To Be Entitled

9 AN ACT TO TRANSFER THE OFFICE OF HEALTH INFORMATION
10 TECHNOLOGY TO THE DEPARTMENT OF HEALTH; TO AMEND THE
11 DUTIES OF THE OFFICE OF HEALTH INFORMATION
12 TECHNOLOGY; AND FOR OTHER PURPOSES.
13
14

Subtitle

16 TO TRANSFER THE OFFICE OF HEALTH
17 INFORMATION TECHNOLOGY TO THE DEPARTMENT
18 OF HEALTH; AND TO AMEND THE DUTIES OF THE
19 OFFICE OF HEALTH INFORMATION TECHNOLOGY.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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

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

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

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

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



1 transferred to the Director of the Department of Health.

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

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

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

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

14

15 SECTION 3. Arkansas Code § 25-42-103 is amended to read as follows:
16 25-42-103. Office of Health Information Technology – Creation.

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

19

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

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

26

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

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

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

1
 2 SECTION 6. Arkansas Code § 25-42-106(a)(3)(A), concerning the creation
 3 of the State Health Alliance for Records Exchange, is amended to read as
 4 follows:

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

11 (i) The Office of Health Information Technology
 12 Coordinator;

13 (ii) A representative of the Department of Finance
 14 and Administration;

15 ~~(iii) A representative of the Department of Health;~~
 16 ~~(iv)(iii)~~ (iii) A representative of the Department of
 17 Human Services;

18 ~~(v)(iv)~~ (iv) A representative of the Department of
 19 Information Systems;

20 ~~(vi)(v)~~ (v) A representative of the health insurance
 21 industry;

22 ~~(vii) The Director of the Department of Health~~
 23 ~~appointed under § 20-7-103;~~

24 ~~(viii)(vi)~~ (vi) A representative of the Arkansas
 25 Foundation for Medical Care;

26 ~~(ix)(vii)~~ (vii) A representative of the Arkansas Hospital
 27 Association;

28 ~~(x)(viii)~~ (viii) A representative of the Arkansas Medical
 29 Society;

30 ~~(xi)(ix)~~ (ix) A representative of the Arkansas Minority
 31 Health Commission;

32 ~~(xii)(x)~~ (x) A representative of the Arkansas Nurses
 33 Association;

34 ~~(xiii)(xi)~~ (xi) A representative of the Division of
 35 Science and Technology of the Arkansas Economic Development Commission;

36 ~~(xiv)(xii)~~ (xii) A representative of the Arkansas

1 Pharmacists Association;

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

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

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

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

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

11
12 SECTION 7. Arkansas Code § 25-42-106(c), concerning the duties of the
13 State Health Alliance for Records Exchange, is amended to read as follows:

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

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

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

24 (1) A healthcare provider; or

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

28
29 SECTION 9. Arkansas Code § 25-42-106(j)(1), concerning the duties of
30 the State Health Alliance for Records Exchange, is amended to read as
31 follows:

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