

1 *necessary to provide appropriate care for the individual;*

2 ~~(4)(e)~~ specification of documentation requirements to demonstrate  
3 delivery of such notice to an individual, or such individual's personal  
4 representative, by or on behalf of the covered entity prior to the covered  
5 entity's disclosure of the individual's protected health information to the  
6 approved HHO;

7 ~~(5)~~ standards for determining the reasonableness of an individual's  
8 written request, or the written request of such individual's personal  
9 representative, not to disclose specified categories of the individual's  
10 protected health information to the approved HHO based on the covered  
11 entity's technological capabilities; and

12 ~~(6)~~ specification of the purposes for which a covered entity may  
13 access protected health information through the approved HHO.

14 ~~(b)~~ This section shall take effect on and after July 1, 2011.

15 Sec. 11. K.S.A. 2012 Supp. 65-6833 is hereby amended to read as  
16 follows: 65-6833. ~~(a)~~ Any health information organization which is not an  
17 approved HHO health information organization shall not be eligible for any  
18 financial support from the state, or assistance or support from the state in  
19 securing any other source of funding.

20 ~~(b)~~ This section shall take effect on and after July 1, 2011.

21 Sec. 12. K.S.A. 2012 Supp. 65-6834 is hereby amended to read as  
22 follows: 65-6834. (a) ~~Notwithstanding any other provision of this act,~~ No  
23 use or disclosure of protected health information maintained by or on an  
24 approved HHO health information organization shall be made except  
25 pursuant to rules and regulations adopted by the ~~corporation department~~  
26 consistent with this act. An approved HHO health information organization  
27 that uses or discloses protected health information in compliance with such  
28 rules shall be immune from any civil or criminal liability or any adverse  
29 administrative action arising out of or relating to such use or disclosure.

30 (b) ~~This section shall take effect on and after July 1, 2011. Protected~~  
31 ~~health information in the possession of an approved health information~~  
32 ~~organization shall not be subject to discovery, subpoena or other means of~~  
33 ~~legal compulsion for the release of such PHI to any person or entity. An~~  
34 ~~approved health information organization shall not be compelled by a~~  
35 ~~request for production, subpoena, court order or otherwise, to disclose~~  
36 ~~protected health information relating to an individual.~~

37 New Sec. 13. (a) There is hereby established an advisory council on  
38 health information technology. The advisory council on health information  
39 technology shall be advisory to the secretary of health and environment  
40 and shall be within the division of health of the department of health and  
41 environment.

42 (b) The advisory council on health information technology shall be  
43 composed of 22 voting members, as follows:

Proposed amendments to SB 210  
Senate Committee on Public Health and Welfare  
March 18, 2013  
Prepared by Nobuko Folmsbee  
Office of Revisor of Statutes

1 (1) The secretary of the Kansas department of health and  
2 environment, or such secretary's designee;

3 (2) the governor of the state of Kansas, or such governor's designee;

4 (3) four legislators selected as follows: The chairperson and ranking  
5 minority member or their designees of the committee on health and human  
6 services of the house of representatives, and the chairperson and ranking  
7 minority member or their designees from the committee on public health  
8 and welfare of the senate;

9 (4) two members appointed by the secretary who represent  
10 consumers;

11 (5) one member appointed by the secretary who represents  
12 employers;

13 (6) one member appointed by the secretary who represents payers;

14 (7) ~~two~~ members appointed by the secretary who represent local  
15 health departments from a list of three names submitted by the Kansas  
16 association of local health departments;

17 (8) three members appointed by the secretary who represent  
18 hospitals, from a list of three names for each position submitted by the  
19 Kansas hospital association. One of the hospital representatives appointed  
20 herein shall be involved in the administration of a critical access hospital;

21 (9) three members appointed by the secretary from a list of three  
22 names for each position by the Kansas medical society. At least two of the  
23 members appointed herein shall be practicing physicians, and one of the  
24 physicians shall be a physician in a primary care specialty;

25 (10) two members appointed by the secretary who represent  
26 pharmacists, from a list of three names submitted by the Kansas  
27 pharmacists association. At least one of the members appointed herein  
28 shall be a practicing pharmacist;

29 (11) one member shall be a representative of the university of Kansas  
30 center for health information; and

31 (12) one member shall be a representative of the Kansas foundation  
32 for medical care.

(13) one member shall be a representative of the association  
of community mental health centers of Kansas.

33 (c) At the first meeting of the council, following the effective date of  
34 this act, terms of its members, except the secretary and governor or their  
35 designees, shall be determined by lot with five members serving for one  
36 year, five members serving for two years, five members serving for three  
37 years, and ~~five~~ members serving for four years. Following their initial  
38 term, members of the council shall be eligible for re-appointment and, if  
39 re-appointed, shall serve for terms of four years. Members shall only be  
40 eligible to serve two consecutive four-year terms. Whenever a vacancy  
41 occurs regarding a member of the council due to the resignation, death,  
42 removal or expiration of a term, a new member shall be appointed prior to  
43 the next meeting, according to the process and to the specific position on

six

; and