

Proposed amendments to SB 210
 Senate Committee on Public Health and Welfare
 March 18, 2013
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1 2012 Supp. 65-6832, and amendments thereto.

2 (b) *The department shall ensure that approved health information*
3 *organizations operate within the state in a manner consistent with the*
4 *protection of the security and privacy of health information of the citizens*
5 *of Kansas.*

6 ~~This section shall take effect on and after July 1, 2011.~~

7 Sec. 9. K.S.A. 2012 Supp. 65-6831 is hereby amended to read as
8 follows: 65-6831. (a) The ~~department~~ *department* shall establish and
9 implement:

10 (1) (a) A process by which a health information ~~exchange~~ *organization*
11 may apply for and receive ~~approval~~ *a certificate of authority* issued by the
12 ~~department~~ *department* by demonstrating compliance with the standards
13 promulgated by the ~~department~~ *department* pursuant to K.S.A. 2012 Supp.
14 65-6830, and amendments thereto;

15 (2) (b) a process by which an approved ~~HHO~~ *health information*
16 *organization* shall be re-approved on appropriate intervals by
17 demonstrating continued compliance with the standards promulgated by
18 the ~~department~~ *department* pursuant to K.S.A. 2012 Supp. 65-6830, and
19 amendments thereto; and

20 (3) (c) a process for the investigation of reported concerns and
21 complaints regarding an approved ~~HHO~~ *health information organization*
22 and imposition of appropriate remedial and proactive measures to address
23 any identified deficiencies.

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

25 Sec. 10. K.S.A. 2012 Supp. 65-6832 is hereby amended to read as
26 follows: 65-6832. (a) ~~The~~ *department* shall establish
27 requirements ~~for participation agreements to be used by approved~~
28 *health information organizations in participation agreements with covered*
29 *entities and shall include the following:*

30 (1) (a) Specification of procedures ~~for the covered entity to disclose~~
31 *by which an individual's protected health information to the approved HHO*
32 *will be disclosed by covered entities, will be collected by approved health*
33 *information organizations and will be shared with other participating*
34 *covered entities and with the department as required by law for public*
35 *health purposes;*

36 (2) (b) specification of procedures ~~for the covered entity to access an~~
37 *individual's protected health information from the approved HHO by which*
38 *an individual may elect that protected health information be restricted*
39 *from disclosure by approved health information organizations to covered*
40 *entities;*

41 (3) (c) specifications of purposes for, and procedures by which a
42 covered entity can access an individual's protected health information
43 from the approved health information organization, including access to

(c) No expenditure shall be made from the state general fund for the purposes of
 administration, operation or oversight of the health information organizations
 defined in K.S.A. 65-6821, and amendments thereto, except that the secretary of
 health and environment may make operational expenditures for the purpose of
 adopting and administering the rules and regulations necessary to implement the
 Kansas health information technology act.