

**65-6822. Same; definitions.** As used in the Kansas health information technology act:

- (a) "Act" means the Kansas health information technology act.
- (b) "Approved health information organization" means a health information organization operating in the state under a valid certificate of authority issued by the department.
- (c) "Authorization" means a document that permits a covered entity to use or disclose protected health information for purposes other than to carry out treatment, payment or health care operations, and that complies with the requirements of 45 C.F.R. § 164.508.
- (d) "Covered entity" [means] a covered entity as the term is defined in 45 C.F.R. § 160.103.
- (e) "Department" means the Kansas department of health and environment.
- (f) "Disclosure" means disclosure as that term is defined by the HIPAA privacy rule.
- (g) "Health care" means health care as that term is defined by the HIPAA privacy rule.
- (h) "Health care provider" means a health care provider, as that term is defined by the HIPAA privacy rule.
- (i) "Health information" means health information as that term is defined by the HIPAA privacy rule.
- (j) "Health information organization" means any entity operating in the state which:
  - (1) Maintains technical infrastructure for the electronic movement of health information among covered entities; and
  - (2) promulgates and enforces policies governing participation in such sharing of health information.
- (k) "Health information technology" means an information processing application using computer hardware and software for the storage, retrieval, use and disclosure of health information for communication, decision-making, quality, safety and efficiency of health care. "Health information technology" includes, but is not limited to: (1) An electronic health record; (2) a personal health record; (3) the sharing of health information electronically; (4) electronic order entry; and (5) electronic decision support.
- (l) "HIPAA privacy rule" means the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E.
- (m) "Individual" means individual as that term is defined by the HIPAA privacy rule.
- (n) "Individually identifiable health information" means individually identifiable health information as that term is defined by the HIPAA privacy rule.
- (o) "Participation agreement" means a written agreement between a covered entity and an approved health information organization concerning the covered entity's participation in the approved health information organization on terms consistent with K.S.A. 2014 Supp. 65-6832, and amendments thereto.
- (p) "Personal representative" means the person who has the legal authority to act on behalf of an individual.
- (q) "Protected health information" means protected health information as that term is defined by the HIPAA privacy rule.
- (r) "Secretary" means the secretary of health and environment.
- (s) "State" means the state of Kansas.
- (t) "Use" means, with respect to individually identifiable health information, use as the term is defined by the HIPAA privacy rule.

**History:** L. 2011, ch. 114, § 22; L. 2013, ch. 112, § 9; July 1.