

## 2012 Kansas Statutes

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

- (a) "Act" means the Kansas health information technology and exchange act.
- (b) "Approved HIO" means a health information organization operating in the state which has been approved by the corporation.
- (c) "Corporation" means the Kansas health information exchange, inc., created by executive order 10-06.
- (d) "Covered entity" means a health care provider, a health care component of a hybrid entity, a health plan or a health care clearinghouse.
- (e) "Designated record set" means designated record set as that term is defined by the HIPAA privacy rule.
- (f) "Disclosure" means disclosure as that term is defined by the HIPAA privacy rule.
- (g) "DPOA-HC" means the person to whom a durable power of attorney for health care decisions has been granted by an individual in accordance with K.S.A. 58-625 et seq., and amendments thereto.
- (h) "Electronic protected health information" means electronic health information as that term is defined by the HIPAA privacy rule.
- (i) "Health care" means health care as that term is defined by the HIPAA privacy rule.
- (j) "Health care clearinghouse" means a health care clearinghouse, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (k) "Health care provider" means a health care provider, as that term is defined by the HIPAA privacy rule, that furnishes health care to individuals in the state.
- (l) "Health information" means health information as that term is defined by the HIPAA privacy rule.
- (m) "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 health information exchange.
- (n) "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) health information exchange; (4) electronic order entry; and (5) electronic decision support.
- (o) "Health plan" means a health plan, as that term is defined by the HIPAA privacy rule, doing business within the state.
- (p) "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.
- (q) "Hybrid entity" means hybrid entity as that term is defined by the HIPAA privacy rule.
- (r) "Individual" means individual as that term is defined by the HIPAA privacy rule.
- (s) "Individually identifiable health information" means individually identifiable health information as that term is defined by the HIPAA privacy rule.
- (t) "Interoperability" means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.
- (u) "Participation agreement" means a written agreement between a covered entity and an approved HIO concerning the covered entity's participation in the approved HIO on terms consistent with K.S.A. 2012 Supp. 65-6832, and amendments thereto.
- (v) "Personal representative" means the person who has the legal authority to act on behalf of an individual.
- (w) "Protected health information" means protected health information as that term is defined by the HIPAA privacy rule.
- (x) "Public health authority" means public health authority as that term is defined by the HIPAA privacy rule.
- (y) "Secretary" means the secretary of health and environment.
- (z) "Standard authorization form" means the standard authorization form developed and promulgated by the secretary pursuant to K.S.A. 2012 Supp. 65-6826, and amendments thereto.
- (aa) "State" means the state of Kansas.
- (bb) "Use" means, with respect to individually identifiable health information, use as the term is defined by the HIPAA privacy rule.

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

**History:** L. 2011, ch. 114, § 22; June 9.