

1 **SENATE FLOOR VERSION**

2 April 8, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2517

By: West (Tammy) of the House

5 and

6 Rosino of the Senate

7
8 An Act relating to birth defects; amending 63 O.S.
9 2011, Sections 1-550.1 and 1-550.2, which relate to
10 birth defects surveillance program; updating
11 definition; updating code reference; modifying
12 certain record requirements; and providing an
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-550.1, is
16 amended to read as follows:

17 Section 1-550.1 As used in this act:

- 18 1. "Birth defect" means any physical or chemical abnormality
19 present at birth;
- 20 2. "Commissioner" means the Commissioner of Health;
- 21 3. "Department" means the Oklahoma State Department of Health;
- 22 4. ~~"ICD-9-CM diagnostic code categories"~~ "ICD diagnostic code
23 categories" means the International Classification of ~~Disease~~
24 Diseases which assigns numbers to each of the congenital anomalies
and poor reproductive outcomes; and

1 5. "Poor reproductive outcomes" includes but is not limited to
2 stillbirths and miscarriages.

3 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-550.2, is
4 amended to read as follows:

5 Section 1-550.2 A. It is hereby found that the occurrence of a
6 birth defect is a tragedy for the child, the family and the
7 community, and a matter of vital concern to the public health. A
8 system to obtain more information about these conditions could
9 result in their prevention, treatment and management. Therefore, it
10 is the intent of the Oklahoma State Legislature, in enacting this
11 section, to:

12 1. Obtain information on the incidence and trends of birth
13 defects and poor reproductive outcomes;

14 2. Obtain information to determine whether environmental
15 hazards are associated with birth defects and poor reproductive
16 outcomes;

17 3. Obtain information as to other possible causes of birth
18 defects and poor reproductive outcomes; and

19 4. Develop prevention strategies for reducing the incidence of
20 birth defects, and poor reproductive outcomes.

21 B. The Commissioner of Health may establish a system for the
22 collection and verification of information concerning birth defects
23 and other poor reproductive outcomes. In establishing the system,
24 the Commissioner may require general acute care hospitals to

1 maintain a list of patients up to six (6) years of age who have been
2 diagnosed with birth defects incorporated within the ~~ICD-9-CM~~
3 ~~diagnostic code categories 740 through 759.9~~ newest version of the
4 ICD diagnostic code categories or such other information as the
5 Commissioner deems appropriate, and all women discharged with a
6 diagnosis of stillbirth ~~or~~, miscarriage or poor reproductive
7 outcomes. The list shall be made available to the Commissioner upon
8 request and shall be used solely for purposes provided in this
9 section.

10 C. The Commissioner may require general acute care hospitals,
11 and other sources as deemed necessary, to make available to the
12 State Department of Health the medical records of those patients who
13 have been diagnosed with birth defects or poor reproductive outcomes
14 as required in this section.

15 D. The Commissioner may require general acute care hospitals,
16 and other sources as deemed necessary, to make electronic medical
17 records of those patients who have been diagnosed with birth defects
18 or poor reproductive outcomes, as required in this section,
19 available to the State Department of Health through remote computer
20 access, provided the hospital and/or other source have established
21 remote computer access capabilities.

22 E. The system shall be implemented statewide.

23 ~~E.~~ F. The Commissioner may use the information collected
24 pursuant to subsection B of this section and information available

1 from other reporting systems and health providers to conduct studies
2 to:

3 1. Investigate the causes of birth defects and poor
4 reproductive outcomes;

5 2. Determine and evaluate measures designed to prevent their
6 occurrences; and

7 3. Where possible, ensure delivery of services for children
8 identified with birth defects. The Department's investigation of
9 poor reproductive outcomes shall include geographic, time-related or
10 occupational associations, as well as investigations of past
11 exposure to potentially harmful substances.

12 ~~F. The Commissioner may appoint an advisory committee of health~~
13 ~~professionals who shall advise on the implementation of this~~
14 ~~section. Advisory committee members shall serve without~~
15 ~~compensation.~~

16 ~~G. If the Commissioner finds it is necessary to collect~~
17 ~~information from sources other than general acute care hospitals,~~
18 ~~the Commissioner shall first submit for approval to the advisory~~
19 ~~committee a proposal stating the need for such information.~~

20 ~~H.~~ All information collected and analyzed pursuant to this
21 section shall be confidential insofar as the identity of the
22 individual patient is concerned and shall be used solely for the
23 purpose provided in this section. Access to such information shall
24 be limited to the State Department of Health, ~~;~~ provided, that the

1 Commissioner may provide access to those scientists ~~approved by the~~
2 ~~advisory committee~~ who are engaged in demographic, epidemiological
3 or other similar studies related to health, and who agree, in
4 writing as nonstate employees, to be identified and coded while
5 maintaining confidentiality as described herein.

6 ~~F.~~ H. The Department shall maintain an accurate record of all
7 persons who are given access to the information in the system. The
8 record shall include:

- 9 1. The name of the persons authorizing access;
- 10 2. The name, title and organizational affiliation of persons
11 given access;
- 12 3. The dates of access;
- 13 4. The specific purpose for which the information is to be
14 used; and
- 15 5. The results of the independent research.

16 ~~J.~~ I. Nothing in this section shall prohibit the publishing of
17 statistical compilations relating to birth defects or poor
18 reproductive outcomes which do not in any way identify individual
19 cases or individual sources of information.

20 ~~K.~~ J. Any person who, in violation of a written agreement to
21 maintain confidentiality, willfully discloses any information
22 provided pursuant to this section shall be denied further access to
23 any confidential information maintained by the Department. That
24 person shall also be deemed guilty of a misdemeanor, and upon

1 conviction thereof shall be punished by a fine of Two Hundred
2 Dollars (\$200.00) or imprisonment in the county jail for not more
3 than thirty (30) days, or by both such fine and imprisonment.

4 ~~L.~~ K. The State Board of Health is authorized to adopt, amend
5 and repeal rules and regulations for the purpose of carrying out the
6 provisions of this section.

7 SECTION 3. This act shall become effective November 1, 2019.

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
9 April 8, 2019 - DO PASS

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