

## SENATE BILL No. 212

By Committee on Health Care Strategies

2-7

---

9 AN ACT concerning the health care data governing board; relating to  
10 health care data collection; prescribing certain duties for the board;  
11 procedures and guidelines for data collection, submission and availa-  
12 bility; amending K.S.A. 65-6804 and 65-6805 and K.S.A. 2004 Supp.  
13 65-6803 and repealing the existing sections.

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. 2004 Supp. 65-6803 is hereby amended to read as  
17 follows: 65-6803. (a) There is hereby created a health care data governing  
18 board.

19 (b) The board shall consist of 15 members appointed as follows: One  
20 member shall be appointed by the Kansas medical society, one member  
21 shall be appointed by the Kansas hospital association, one member shall  
22 be appointed by the executive vice chancellor of the university of Kansas  
23 school of medicine, one member who is a licensed professional nurse  
24 shall be appointed by the Kansas state nurses association, one member  
25 representing health care insurers or other commercial payors shall be  
26 appointed by the governor, one member representing a large business  
27 that is self-insured as to medical coverage for its employees shall be ap-  
28 pointed by the governor, one member representing a small business that  
29 is self-insured as to medical coverage for its employees shall be appointed  
30 by the governor, one member representing adult care homes shall be  
31 appointed by the governor, one member representing the Kansas health  
32 institute, one member shall be appointed by the state board of regents,  
33 one member representing consumers of health care shall be appointed  
34 by the governor and one additional member the governor deems appro-  
35 priate to serve on this board shall be appointed by the governor. The  
36 secretary of health and environment, the secretary of social and rehabil-  
37 itation services and the insurance commissioner, or their designees, shall  
38 be voting members of the board. The secretary of health and environ-  
39 ment, or the designee of the secretary, shall also serve as chairperson of  
40 the board. Board members and task force members shall not be paid  
41 compensation, subsistence allowances, mileage or other expenses as oth-  
42 erwise may be authorized by law for attending meetings or subcommittee  
43 meetings of the board. The members appointed to the board shall serve

1 for three-year terms or until their successors are appointed and qualified.

2 (c) The chairperson of the health care data governing board may ap-  
3 point a task force or task forces of interested citizens and providers of  
4 health care for the purpose of studying technical issues relating to the  
5 collection of health care data. At least one member of the health care  
6 data governing board shall be a member of any task force appointed under  
7 this subsection.

8 (d) The board shall meet at least quarterly and at such other times  
9 deemed necessary by the chairperson.

10 (e) The board shall develop policy regarding the collection of health  
11 care data and procedures for ensuring the confidentiality and security of  
12 these data.

13 (f) *The board shall develop a plan to distribute and publish health*  
14 *care data by July 1, 2006, and shall publish the health care data by Jan-*  
15 *uary 1, 2007.*

16 (g) *The board shall establish data collection elements consistent with*  
17 *federal government data gathering initiatives.*

18 Sec. 2. K.S.A. 65-6804 is hereby amended to read as follows: 65-  
19 6804. (a) The secretary of health and environment shall administer the  
20 health care database. In administering the health care database, the sec-  
21 retary shall receive health care data from those entities identified in  
22 K.S.A. 65-6805 and amendments thereto and provide for the dissemi-  
23 nation of such data as directed by the board.

24 (b) As directed by the board, the secretary of health and environment  
25 may contract with an organization experienced in health care data collec-  
26 tion to collect the data from the health care facilities as described in  
27 subsection (h) of K.S.A. 65-425 and amendments thereto, build and main-  
28 tain the database. The secretary of health and environment may accept  
29 data submitted by associations or related organizations on behalf of health  
30 care providers by entering into binding agreements negotiated with such  
31 associations or related organizations to obtain data required pursuant to  
32 this section.

33 (c) The secretary of health and environment shall adopt rules and  
34 regulations approved by the board governing the acquisition, compilation  
35 and dissemination of all data collected pursuant to this act. The rules and  
36 regulations shall provide at a minimum that:

37 (1) Measures have been taken to provide system security for all data  
38 and information acquired under this act;

39 (2) data will be collected in the most efficient and cost-effective man-  
40 ner for both the department and providers of data;

41 (3) procedures will be developed to assure the confidentiality of pa-  
42 tient records. Patient names, addresses and other personal identifiers will  
43 be omitted from the database;

1 (4) procedures to assure that the removal of patient names and other  
2 patient identifiers does not prevent the analysis of an episode of patient  
3 care;

4 ~~(4)~~ (5) users may be charged for data preparation or information that  
5 is beyond the routine data disseminated and that the secretary shall es-  
6 tablish by the adoption of such rules and regulations a system of fees for  
7 such data preparation or dissemination; and

8 ~~(5)~~ (6) the secretary of health and environment will ensure that the  
9 health care database will be kept current, accurate and accessible as pre-  
10 scribed by rules and regulations.

11 (d) Data and other information collected pursuant to this act ~~shall be~~  
12 ~~confidential, shall be disseminated only for statistical purposes pursuant~~  
13 ~~to rules and regulations adopted by the secretary of health and environ-~~  
14 ~~ment and approved by the board and shall not be disclosed or made public~~  
15 in any manner which would identify individuals. A violation of this sub-  
16 section (d) is a class C misdemeanor.

17 (e) In addition to such criminal penalty under subsection (d), any  
18 individual whose identity is revealed in violation of subsection (d) may  
19 bring a civil action against the responsible person or persons for any dam-  
20 ages to such individual caused by such violation.

21 Sec. 3. K.S.A. 65-6805 is hereby amended to read as follows: 65-  
22 6805. Each medical care facility as defined by subsection (h) of K.S.A.  
23 65-425 and amendments thereto; health care provider as defined in  
24 K.S.A. 40-3401 and amendments thereto; providers of health care as de-  
25 fined in subsection (f) of K.S.A. 65-5001 and amendments thereto; health  
26 care personnel as defined in subsection (e) of K.S.A. 65-5001 and amend-  
27 ments thereto; home health agency as defined by subsection (b) of K.S.A.  
28 65-5101 and amendments thereto; psychiatric hospitals licensed under  
29 K.S.A. 75-3307b and amendments thereto; state institutions for the men-  
30 tally retarded; community mental retardation facilities as defined under  
31 K.S.A. 65-4412 and amendments thereto; community mental health cen-  
32 ter as defined under K.S.A. 65-4432 and amendments thereto; adult care  
33 homes as defined by K.S.A. 39-923 and amendments thereto; laboratories  
34 described in K.S.A. 65-1,107 and amendments thereto; pharmacies; board  
35 of nursing; Kansas dental board; board of examiners in optometry; state  
36 board of pharmacy; state board of healing arts and third-party payors,  
37 including but not limited to, licensed insurers, medical and hospital serv-  
38 ice corporations, health maintenance organizations, fiscal intermediaries  
39 for government-funded programs and self-funded employee health plans,  
40 shall file health care data with the secretary of health and environment  
41 as prescribed by the board *beginning January 1, 2007*. The provisions of  
42 this section shall not apply to any individual, facility or other entity under  
43 this section which uses spiritual means through prayer alone in accord-

1   ance with the tenets and practices of a recognized church or religious  
2   denomination for the treatment or cure of disease.

3       Sec. 4.   K.S.A. 65-6804 and 65-6805 and K.S.A. 2004 Supp. 65-6803  
4   are hereby repealed.

5       Sec. 5.   This act shall take effect and be in force from and after its  
6   publication in the statute book.