

65-6804. Health care database; duties of the secretary of health and environment; health data collection contracts; acceptance of data; system of fees; rules and regulations; data confidential; penalties for violations.

(a) The secretary of health and environment shall administer the health care database. In administering the health care database, the secretary shall receive health care data from those entities identified in K.S.A. 65-6805, and amendments thereto, and provide for the dissemination of such data.

(b) The secretary of health and environment may contract with an organization experienced in health care data collection to collect the data from the health care facilities as described in subsection (h) of K.S.A. 65-425, and amendments thereto, build and maintain the database. The secretary of health and environment may accept data submitted by associations or related organizations on behalf of health care providers by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to this section.

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

- (1) Measures have been taken to provide system security for all data and information acquired under this act;
- (2) data will be collected in the most efficient and cost-effective manner for both the department and providers of data;
- (3) procedures will be developed to assure the confidentiality of patient records;
- (4) users may be charged for data preparation or information that is beyond the routine data disseminated and that the secretary of health and environment shall establish by the adoption of such rules and regulations a system of fees for such data preparation or dissemination; and
- (5) the secretary of health and environment will ensure that the health care database will be kept current, accurate and accessible as prescribed by rules and regulations.

(d) Data and other information collected pursuant to this act shall not be disclosed by the department of health and environment or made public in any manner which would identify individuals. A violation of this subsection (d) is a class C misdemeanor.

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

History: L. 1993, ch. 174, § 4; L. 1994, ch. 90, § 3; L. 1995, ch. 260, § 9; L. 2000, ch. 131, § 3; L. 2005, ch. 187, § 32; L. 2012, ch. 102, § 27; July 1.