

FACT SHEET AND CONTACT INFORMATION

Fraternal Order of Police, et al v. Oklahoma Health Care Authority

ATTACHED IS A FILE STAMPED COPY OF THE PETITION

1. “The creation of the Oklahoma Health Information Exchange (HIE) is the most dangerous attack on Oklahomans’ privacy in the history of the state,” said Travis Vernier, the attorney for the 6,000 police officers who are members of the Oklahoma Fraternal Order of Police. Vernier was an Oklahoma City police officer for 10 years. Vernier and his partner, Les Bennett, Jr., are the lead lawyers in the litigation. **Travis can be reached for further comment or interview.....cell 918-281-9356.**

2. Since 2021, the state legislature has passed a series of laws that forces Oklahoma health care providers to upload residents’ health records from family doctors, dentists, physical therapists, and most every provider. HOWEVER, the private medical records are not being uploaded to the State of Oklahoma. The Oklahoma Health Care Authority has chosen a private corporation, MYHEALTH Access Network, Inc., to receive, store, and make the records available to other health care providers. Doctors and other providers are being charged thousands of dollars to access the network.

3. The lawsuit asks the District Court of Oklahoma County to declare the state statutes authorizing and setting up the HIE unconstitutional. In addition, the lawsuit requests a temporary injunction to halt the uploading of private medical information until the Court can fully decide the fate of the HIE.

4. Each healthcare provider in Oklahoma is forced by law to upload the private information EVEN IF THE PATIENT HAS NOT AUTHORIZED IT. The statutes use the word SHALL.

5. “The entire process is blatantly unconstitutional,” said Oklahoma City constitutional lawyer Bob Burke, who is one of the attorneys representing a number of doctors that include Alison Dancer, a Stillwater psychiatrist; John Munneke, an Oklahoma City occupational medicine specialist; Ryan Gallagher, an Altus orthopedic surgeon; and Damon White, an Edmond optometrist. All have been ordered by law to upload their patients’ private medical records.

Burke also said, “As recently as 2010, Oklahoma voters amended the Oklahoma Constitution to PROHIBIT the legislature and governor FROM COMPELLING residents of the state to provide their private medical information to any group such as is happening with the HIE. It is clear from the constitutional amendment that people in Oklahoma did not want to be forced to provide their information to a private corporation such as MyHealth Access Network, Inc. IT IS FRIGHTENING BECAUSE the private corporation has the right to sell the information to others.”

6. In addition to asking for the HIE to be declared unconstitutional based upon the 2010 amendment to the Constitution, the plaintiffs allege:

a. The HIE violates the Right to Privacy guaranteed by both the federal and state constitutions.

b. The creation of the HIE has resulted in an unconstitutional tax on health care providers.

c. The creation of the HIE is an unconstitutional taking of personal property without just compensation. Courts have declared medical records to be “personal property” worthy of constitutional protection.

d. Rules made by the Oklahoma Healthcare Authority to set up the HIE are unconstitutional.

Other attorneys joining in the lawsuit are longtime Oklahoma City trial lawyer Joey Chiaf who said, “This is an urgent matter because each day justice is delayed, thousands of medical records are being uploaded by doctors and other health care providers who have no control over dissemination of the records once they are in the hands of the private corporation.”

Altus attorney Tatum Gallagher, whose husband is an orthopedic surgeon, said, “Doctors around the state are confused about what they are supposed to do. The Oklahoma Health Care Authority says it will grant waivers to uploading the information. However, most physicians in the state have contracts with OHCA to

treat patients covered by Sooner Care, or Medicaid. If a physician accepts the waiver on HIE, he or she is in violation of the contract regarding treatment of Medicaid-eligible patients. More than a third of Oklahomans are covered by Medicaid.”