Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2364
(Senator J. Lee)

AN ACT to amend and reenact subsections 1 and 2 of section 54-59-25, subsections 1 and 2 of section 54-59-26, and section 54-59-29 of the North Dakota Century Code, relating to the health information technology loan fund and confidential health information; and to repeal section 6-09-42 of the North Dakota Century Code, relating to the health information technology loan fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 54-59-25 of the North Dakota Century Code is amended and reenacted as follows:

1. The health information technology advisory committee consists of the state chief information officer or the chief information officer's designee, the state health officer or the state health officer's designee, the governor or the governor's designee, the executive director of the department of human services or the executive director's designee, the chairman of the house human services committee and the chairman of the senate human services committee or if either or both of them are unwilling or unable to serve then the chairman of the legislative management shall appoint a replacement who is a member of the same legislative chamber as the individual being replaced, and individuals appointed by the governor to represent a broad range of public and private health information technology stakeholders. A committee member who is not an ex officio member, designee of an ex officio member, state employee, or legislator is entitled to mileage and expenses as provided by law for state officers and employees, to be paid by the health information technology office. A committee member who is an ex officio member, designee of an ex officio member, state employee, or legislator is entitled to receive that member's regular salary and receive mileage and expenses, to be paid by the employing agency.

SECTION 2. AMENDMENT. Subsection 2 of section 54-59-25 of the North Dakota Century Code is amended and reenacted as follows:

2. The health information technology advisory committee shall collaborate with and make recommendations to the health information technology office, as provided under sections ~~6-09-42,~~ 6-09-43, 54-59-26, and 54-59-27.

SECTION 3. AMENDMENT. Subsection 1 of section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

1. The health information technology office is created in the department. The health information technology advisory committee shall make recommendations to the health information technology office for implementing ~~a statewide~~an interoperable health information infrastructure that is consistent with emerging national standards; promote the adoption and use of electronic health records and other health information technologies; and promote interoperability of health information systems for the purpose of improving health care quality, patient safety, and the overall efficiency of health care and public health services.

SECTION 4. AMENDMENT. Subsection 2 of section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

2. The health information technology office director, in collaboration with the health information technology advisory committee, shall:

a. Apply for federal funds that may be available to assist the state and health care providers in implementing and improving health information technology.

b. Implement and administer a health information exchange that utilizes information infrastructure and systems in a secure and cost-effective manner to facilitate the collection, storage, and transmission of health records.

c. Adopt rules under chapter 28-32 for the use of health information, use of the health information exchange, and participation in the health information exchange.

d. Adopt rules under chapter 28-32 for accessing the health information exchange to ensure appropriate and required privacy and security protections and relating to the authority of the director to suspend, eliminate, or terminate the right to participate in the health information exchange.

e. ~~Establish a health information technology loan program to provide loans to health care providers for the purpose of purchasing and upgrading certified electronic health record technology, training personnel in the use of such technology, and improving the secure electronic exchange of health information, and for any other purpose under section 6-09-42.~~

~~f.~~ Establish a health information technology planning loan program to provide low-interest loans to health care entities to assist those entities in improving their health information technology infrastructure under section 6-09-43.

~~g.~~f. Facilitate and expand electronic health information exchange in the state, directly or by awarding grants.

~~h.~~g. Establish an application process and eligibility criteria for and accept and process applications for loans and grants under subdivisions e, f, and g. The eligibility criteria must be consistent with federal requirements associated with federal funds received under subdivision a. The eligibility criteria for loans under subdivision f must include a requirement that the recipient's approved health information technology be strategically aligned with the state's health information technology plan and the associated federal standards and that the recipient has passed an onsite electronic medical record readiness assessment conducted by an assessment team determined by the health information technology advisory committee and the health information technology office director.

~~i.~~h. Determine fees and charges for access and participation in the health information exchange. Any moneys collected under this subdivision must be deposited in the electronic health information exchange fund.

~~j.~~i. Consult and coordinate with the state department of health and the department of human services to facilitate the collection of health information from health care providers and state agencies for public health purposes, including identifiable health information that may be used by state agencies, departments, or institutions to comply with applicable state or federal laws.

SECTION 5. AMENDMENT. Section 54-59-29 of the North Dakota Century Code is amended and reenacted as follows:

54-59-29. Health information exchange - Confidential and exempt records.

~~Any individually identifiable health information, as defined under the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191],~~Information submitted to, stored in, or transmitted by the health information exchange under this chapter and any such data or record in the possession of the health information technology office is an exempt record under chapter 44-04 unless

the information is confidential under applicable federal or state law. ~~Any other information relating to patients, individuals, or individually identifiable demographic information contained in a master client index submitted to, stored in or transmitted by the health information exchange or in the possession of the health information technology office is an exempt record.~~

SECTION 6. REPEAL. Section 6-09-42 of the North Dakota Century Code is repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2364.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 84	Nays 0	Absent 10

Secretary of the Senate

Received by the Governor at 10:23 A.M. on March 26, 2015.

Approved at 2:07 P.M. on March 27, 2015.

Governor

Filed in this office this 27th day of March, 2015,

at 3:03 o'clock P M.

Secretary of State