

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2250

Introduced by

Senators Sitte, Schaible, Wardner

Representatives Becker, Rohr, Streyle

1 A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota
2 Century Code, relating to participation in the health information organization.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Voluntary participation in the health information organization - Prohibition on**
7 **withholding care or benefits.**

8 1. As used in this section:

9 a. "Health information organization" means the health information exchange created
10 under chapter 54-59.

11 b. "Individually identifiable health information" has the meaning set forth in title 45,
12 Code of Federal Regulations, section 160.103.

13 2. An individual may opt-out of participating in the health information organization by
14 providing notice to the organization. If an individual chooses to opt-out of participating
15 in the health information organization, the individual's individually identifiable health
16 information may not be accessed by search by a health insurer, government health
17 plan, or health care provider other than the provider who originally created or ordered
18 the creation of the individually identifiable health information.

19 3. In opting out of participating in the health information organization under this section,
20 the individual must have the option of:

21 a. Opting out of participating; or

22 b. Conditionally opting out, in which case the accessibility of the individual's
23 individually identifiable health information is limited to access by a health care
24 provider who determines access is required by a medical emergency.

- 1 4. An individual's decision to opt-out of participating in the health information
2 organization:
3 a. May be changed at any time by the individual by providing written notice to the
4 health information organization.
5 b. Does not prohibit use or disclosure of individually identifiable health information
6 which is required by law.
7 5. A health care provider, health insurer, or government health plan may not withhold
8 coverage or care from an individual nor may a health insurer deny an individual a
9 health insurance benefit plan based solely on that individual's choice to participate or
10 to opt-out of the health information organization.