

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2074

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact a new subsection to section 26.1-36.4-09 of the North  
2 Dakota Century Code, relating to treatment of health insurance utilization reports; to amend and  
3 reenact subsection 1 of section 26.1-36.4-09 of the North Dakota Century Code, relating to  
4 health insurance utilization reports; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 26.1-36.4-09 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. Once each calendar year, for any employer with fifty-one~~twenty-six~~ or more eligible  
9 employees, any employer investigating becoming part of a health plan, including a  
10 plan sponsored by an association or a multiple employer welfare arrangement, or any  
11 employer upon termination of health insurance coverage ~~for any employer~~, the  
12 employer is entitled to a report from the insurer or administrator of that employer's  
13 employee health plan which includes a:
- 14 a. A monthly accounting for the most recent twenty-four-month period of the total  
15 number of insured or covered employees and dependents by class of coverage,  
16 the total premiums paid, and the total~~separate totals of the medical and~~  
17 prescription drug benefits paid on behalf of the employer's health plan.
- 18 b. An accounting of high-dollar medical and prescription drug claims paid for  
19 employees and dependents. For purposes of this subdivision, "high-dollar  
20 medical and prescription drug claims" means the total amount of claims paid for  
21 an employee or dependent during each twelve-month period of the most recent  
22 twenty-four-month period equal to or exceeding twenty-five thousand dollars. The  
23 accounting must also include the current status of coverage for any employees  
24 and dependents with high-dollar claims.

1           c. A current census of employees and dependents covered under the employer's  
2           health plan.

3           **SECTION 2.** A new subsection to section 26.1-36.4-09 of the North Dakota Century Code is  
4 created and enacted as follows:

5           Any person obtaining a report under this section shall treat the data in compliance with  
6           the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L.  
7           104-191; 110 Stat. 1996; 29 U.S.C. 1181 et seq.].

8           **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.