2011 SENATE HUMAN SERVICES

SB 2036

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2036
1-18-2011
Job Number 13013 and 13018

☐ Conference Committee

Committee Clerk Signature PAMonson

Explanation or reason for introduction of bill/resolution:

Relating to responsibilities and powers and duties of the information technology department.

Minutes: Attached testimony.

Senator Judy Lee opened the hearing on SB 2036. There is no fiscal impact.

Lisa Feldner, Chief Information Officer for the State of ND, provided information about SB 2036. Attachment #1

Senator Judy Lee asked why the language is not needed.

Ms. Feldner replied that wherever this health information exchange winds up being, state or private or non profit, they feel they can connect to it regardless.

Senator Judy Lee asked if it was correct that the various carriers, with whom they had communicated, indicated that this wasn't required in order to enable the process to move forward.

Ms. Feldner believed that was correct.

Sen. Larry Robinson, District # 24 and Chairman of the interim IT Committee, explained that the interim committee had recommended SB 2036 but have since been informed that the bill is not necessary.

Mike Mullen, Assistant Attorney General, responded to the question of why the bill is no longer necessary. He provided written testimony. See attachment #2

Senator Tim Mathern moved a **Do Not Pass**.

Seconded by **Senator Spencer Berry**.

Roll call vote 5-0-0. **Motion carried**.

Carrier is **Senator Tim Mathern**.

Date: 1-18-2011

Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2036

Senate **HUMAN SERVICES** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By **Sen.** Mathern Seconded By **Sen.** Berry

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		**Sen. Tim Mathern**	✓	
Sen. Gerald Uglem, V. Chair	✓				
Sen. Dick Dever	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Mathern

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2036: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Eleventh order on the calendar.

2011 TESTIMONY

SB 2036

#1

TESTIMONY BEFORE HUMAN SERVICES COMMITTEE
SENATE BILL 2036
JANUARY 18, 2011

Madam Chairperson, members of the committee, my name is Lisa Feldner. I serve as the Chief Information Officer for the State of ND. I am here to provide information on Senate Bill 2036 on behalf of the Information Technology Department and the Health Information Technology Advisory Committee.

Senate Bill 2036 contains a change in the last two lines of the bill:

b. Connect to a wide area network service for health information exchange in accordance with federal requirements for health information exchange.

In early 2010, the State applied for and received a HITECH grant to implement a health information exchange (HIE) to exchange electronic medical records. At the time the grant was written, it was unclear how the HIE would be developed. In the event the HIE was built in the private sector, it was initially determined the language was needed in order for the state to connect its Medicaid system to the HIE – a requirement of the HIE.

Recent discussions with members of the Dakota Carrier Network and the ND Association of Telecommunications Cooperatives have indicated the language is not needed, and that the State could connect to an HIE regardless of who builds it.

#2

SB 2036 Is Unnecessary: Explanation

SB 2036, which relates to the powers and duties of ITD is unnecessary.

First, under existing law section 54-59-02 of the North Dakota Century Code provides as a general policy that ITD is responsible for "all wide area network services planning, selection, and implementation for all state agencies..." But further provides:

> Except as provided in section 54-59-05, the department [ITD] may not exercise its powers and duties in a manner that competes or otherwise interferes with the provision of telecommunications service to a private, charitable, or nonprofit entity by a privately or cooperatively owned telecommunications company.

Under current law, subsection 13 of section 54-59-05 of the North Dakota Century Code provides:

"[the Information Technology Department – ITD] [m]ay provide wide area network services to a state agency... or... political subdivision." But subsection 13 further states: "[ITD] may not **provide** wide area network services to any private, charitable or nonprofit entity except ITD may continue to provide wide area network services [ITD] provided to "private, charitable, and nonprofit entities receiving services from ITD on [or before] January 1, 2003.

Section 2 of the bill of SB 2036 would amend subsection 13 of section 54-59-05 permit ITD to:

"Connect to a wide area network services for health information exchange..."

Because ITD may "connect" to a wide area network service provided by a by a privately or cooperatively owned telecommunications company under existing law, SB 2036 is unnecessary.

Wide area network services means --

A **wide area network** (**WAN**) is a computer network that covers a broad area (i.e., any network whose communications links cross metropolitan, regional, or national boundaries [1]). This is in contrast with personal area networks (PANs), local area networks (LANs), campus area networks (CANs), or metropolitan area networks (MANs) which are **usually limited to a room, building, campus or specific metropolitan area (e.g., a city) respectively**.

[Definition from Wikipedia]