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**Information Technology Department**

600 E Boulevard Ave., Dept 112 • Bismarck, ND 58505-0100 • (701) 328-3190

July 16, 2013

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

RE: Proposed N.D. Administrative Rules, N.D.A.C. Article 113-02  
N.D. Health Information Network

Dear Mr. Walstad;

Enclosed for filing in the Office of the Legislative Council is the Notice of Intent to Adopt Administrative Rules and a copy of the proposed rules relating to the N.D. Health Information Network as required by N.D.C.C. § 28-32-10(1).

If you have questions, concerns, or need additional information, please contact me at 701-328-1991. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Sheldon H. Wolf". The signature is written in a cursive style.

Sheldon Wolf  
Director, North Dakota Health Information Network

Enclosure: Notice of Intent to Adopt Administrative Rules  
Administrative Rules



**NOTICE OF INTENT TO ADOPT ADMINISTRATIVE RULES**

**NORTH DAKOTA HEALTH INFORMATION NETWORK**

**N.D.A.C. ARTICLE 113-02**

TAKE NOTICE that the Health Information Technology Office of the ND Information Technology Department (ITD), in collaboration with the ND Health Information Technology Advisory Committee, will hold a public hearing to address proposed new rules for the North Dakota Health Information Network.

The hearing will be held at 11:00 a.m. CST on August 22, 2013 in the Sakakawea Room, 600 East Boulevard Ave, Bismarck, ND 58505. Written and oral comments will be accepted at the hearing. Written comments may be submitted to the following address. Written comments on the proposed rules must be received no later than 5:00 p.m. on Tuesday, September 3, 2013.

North Dakota Health Information Technology Office  
600 East Boulevard Avenue, Dept. 113  
Bismarck, ND 58505-0100

The proposed rules are required by N.D.C.C. § 54-59-26(2)(c) and (d) and incorporate Senate Bill No. 2250 of the sixty-third legislative Assembly of North Dakota relating to an individual's decision to opt-out of participation in the North Dakota Health Information Network.

The Health Information Technology Office is required by statute to implement a statewide health information exchange and promote interoperability of health information systems for the purposes of improving health care quality, patient safety, and the overall efficiency of health care and public health services.

The Health Information exchange has been named the ND Health Information Network (“NDHIN”). The Health Information Office, in collaboration of the Health Information Technology Advisory Committee, is required to adopt rules to address the use and access of health information, the use of the network, participation in the network, privacy and security protections, and enforcement by health information technology office director. The purpose of the rules is to address all of those subjects and to establish individual rights regarding participation.

The usage of the North Dakota Health Information Network is optional for health care providers. Individuals are considered to be participating and have the opportunity to opt out of participation. “Opt Out” means that an individual has chosen to not participate in the North Dakota health information network. The individual’s health information may not be accessed by search through the North Dakota Health Information Network other than the provider who originally created or ordered the creation of the health information and except as required by law or as authorized by the individual in a medical emergency.

Currently there are no costs associated for participants in the North Dakota Health Information Network. However, there may be fees assessed to participants in the future.

Even though participation in the North Dakota Health Information Network is voluntary and no costs will be incurred by participants as a result of the new Administrative Rules, a provider may incur expenses up to \$30,000 or more to develop interfaces between its electronic health record system and North Dakota Health Information Network. The North Dakota Health Information Technology Advisory Committee established a grant program to assist health care providers with those costs. Eligible providers may apply for and be awarded between \$10,000 and \$30,000 to assist with developing interfaces.

Proposed rules are created under Article 113-02 of the North Dakota Administrative Code. Copies of the proposed rules are available for review at the Information Technology Department. Copies may be requested by phone by calling (855) 761-0534

and are also available on line at [http://www.healthit.nd.gov/files/2010/07/Admin-Rule\\_Article-113.pdf](http://www.healthit.nd.gov/files/2010/07/Admin-Rule_Article-113.pdf) .

**ATTENTION TO PERSONS WITH DISABILITIES**

If you plan to attend the hearing and need special facilities or assistance, please contact NDHIN at (855) 761-0534 at least five (5) before the hearing.

Dated this 16<sup>th</sup> day of July 2013

Sheldon Wolf, Director, North Dakota Health Information Network