

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2332

That the House recede from its amendments on pages 1258-1260 of the Senate Journal and pages 1126 and 1127 of the House Journal and that Engrossed Senate Bill No. 2332 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 6-09 and a new section to chapter 23-01 of the North Dakota Century Code, relating to Bank of North Dakota loan funds for health information technology and creation of a health information technology office; to amend and reenact section 23-01-31 of the North Dakota Century Code, relating to the North Dakota health information technology steering committee; to provide an appropriation; to provide for a report to the legislative council; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

**Health information technology loans and grants.**

1. The low-interest health information planning loan fund is established in the Bank for the purpose of providing low-interest loans to health care entities to assist those entities in improving their health information technology infrastructure. The Bank shall make available six million five hundred thousand dollars to make low-interest loans from this fund to health care entities as directed by the North Dakota health information technology steering committee under section 23-01-31.
2. The health information technology loan fund is established as a revolving loan fund in the Bank for the purpose of providing loans to health care providers to purchase and upgrade electronic health record technology, train personnel in its use, and improve security of information exchange. The Bank shall make available one million dollars to meet any required match of federal funds made available to health care providers to purchase and upgrade electronic health record technology, train personnel in its use, and improve security of information exchange. The combined state and federal funds must be used to make loans from this fund to health care providers as directed by the North Dakota health information technology steering committee under section 23-01-31 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. A loan made under this fund must be repayable over a period of ten years.
3. The electronic health information exchange grant fund is established in the Bank for the purpose of providing grants to facilitate and expand electronic health information exchange pursuant to legislative appropriations. The Bank shall make available three million five hundred thousand dollars, and effective September 1, 2010, the Bank shall make available an additional one million five hundred thousand dollars, to meet any required match of federal funds made available to facilitate and expand electronic health information exchange. The combined state and federal funds must be used to provide funding to the health information technology steering

committee under section 23-01-31 pursuant to legislative appropriations for the purpose of providing grants to facilitate and expand electronic health information exchange.

**SECTION 2. AMENDMENT.** Section 23-01-31 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-31. North Dakota health information technology steering committee - Duties - Loan programs.**

1. The North Dakota health information technology steering committee consists of 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, and nine individuals appointed by the governor to represent state government interests, and individuals appointed by the state health officer to represent health information technology stakeholders.
  
2. The health information technology steering committee shall:
  - a. Apply for federal funds that may be available to assist the state, health care entities, and health care providers in implementing and improving health information technology.
  
  - b. Administer a low-interest loan program and authorize loans from the low-interest health information planning loan fund in the Bank of North Dakota to health care entities for the purpose of assisting health care entities in being prepared to meet state and federal criteria to qualify for medicare and medicaid incentives.
  
  - c. Administer a health information technology loan program and authorize loans from the health information technology loan fund in the Bank of North Dakota 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.
  
  - d. Establish an application process and loan eligibility requirements for loans under subdivisions b and c.
  
  - e. Notify the Bank of North Dakota of the approval of a loan applicant and the amount of the loan for which the applicant is approved under subdivision c or d.
  
  - f. Establish a grant program to provide grants from the electronic health information exchange grant fund in the Bank of North Dakota to facilitate and expand electronic health information exchange.
  
  - g. Establish an application process and eligibility requirements for grants under subdivision f.
  
  - h. Consult with the information technology department regarding the health information technology infrastructure of the state.

**SECTION 3.** A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

**Health information technology office.** The health information technology office is created in the state department of health. The health information technology steering committee and the information technology department shall make

recommendations to the health information technology office for implementing a statewide 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. The health information technology office shall provide or arrange for administrative services to assist the health information technology steering committee.

**SECTION 4. HEALTH INFORMATION TECHNOLOGY OFFICE AND HEALTH INFORMATION TECHNOLOGY STEERING COMMITTEE - REPORT TO LEGISLATIVE COUNCIL.** Before October 2010 the health information technology office and health information technology steering committee shall report to the legislative council on the status of the health information technology activities.

**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state department of health for the purpose of defraying the costs of the health information technology office and advisory committee, for the period beginning with the effective date of this Act and ending June 30, 2011.

**SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the electronic health information exchange grant fund, not otherwise appropriated, the sum of \$38,500,000, or so much of the sum as may be necessary, including up to \$35,000,000 of federal funds deposited in the fund from the federal American Recovery and Reinvestment Act of 2009 to the state department of health for the purpose of providing grants to facilitate and expand electronic health information exchange, for the period beginning with the effective date of this Act and ending June 30, 2011.

**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly