

SENATE BILL NO. 2364

Introduced by

Senator J. Lee

1 A BILL for an Act to amend and reenact subsection 2 of section 54-59-25, subsection 2 of
2 section 54-59-26, and section 54-59-29 of the North Dakota Century Code, relating to the health
3 information technology loan fund and confidential health information; and to repeal section
4 6-09-42 of the North Dakota Century Code, relating to the health information technology loan
5 fund.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 54-59-25 of the North Dakota Century
8 Code is amended and reenacted as follows:

9 2. The health information technology advisory committee shall collaborate with and make
10 recommendations to the health information technology office, as provided under
11 sections ~~6-09-42~~, 6-09-43, 54-59-26, and 54-59-27.

12 **SECTION 2. AMENDMENT.** Subsection 2 of section 54-59-26 of the North Dakota Century
13 Code is amended and reenacted as follows:

14 2. The health information technology office director, in collaboration with the health
15 information technology advisory committee, shall:
16 a. Apply for federal funds that may be available to assist the state and health care
17 providers in implementing and improving health information technology.
18 b. Implement and administer a health information exchange that utilizes information
19 infrastructure and systems in a secure and cost-effective manner to facilitate the
20 collection, storage, and transmission of health records.
21 c. Adopt rules under chapter 28-32 for the use of health information, use of the
22 health information exchange, and participation in the health information
23 exchange.

- 1 d. Adopt rules under chapter 28-32 for accessing the health information exchange
2 to ensure appropriate and required privacy and security protections and relating
3 to the authority of the director to suspend, eliminate, or terminate the right to
4 participate in the health information exchange.
- 5 ~~e. Establish a health information technology loan program to provide loans to health~~
6 ~~care providers for the purpose of purchasing and upgrading certified electronic~~
7 ~~health record technology, training personnel in the use of such technology, and~~
8 ~~improving the secure electronic exchange of health information, and for any other~~
9 ~~purpose under section 6-09-42.~~
- 10 f. Establish a health information technology planning loan program to provide
11 low-interest loans to health care entities to assist those entities in improving their
12 health information technology infrastructure under section 6-09-43.
- 13 ~~g-f.~~ Facilitate and expand electronic health information exchange in the state, directly
14 or by awarding grants.
- 15 ~~h-g.~~ Establish an application process and eligibility criteria for and accept and process
16 applications for loans and grants under subdivisions e, f, and g. The eligibility
17 criteria must be consistent with federal requirements associated with federal
18 funds received under subdivision a. The eligibility criteria for loans under
19 subdivision f must include a requirement that the recipient's approved health
20 information technology be strategically aligned with the state's health information
21 technology plan and the associated federal standards and that the recipient has
22 passed an onsite electronic medical record readiness assessment conducted by
23 an assessment team determined by the health information technology advisory
24 committee and the health information technology office director.
- 25 ~~i-h.~~ Determine fees and charges for access and participation in the health information
26 exchange. Any moneys collected under this subdivision must be deposited in the
27 electronic health information exchange fund.
- 28 ~~j-i.~~ Consult and coordinate with the state department of health and the department of
29 human services to facilitate the collection of health information from health care
30 providers and state agencies for public health purposes, including identifiable

1 health information that may be used by state agencies, departments, or
2 institutions to comply with applicable state or federal laws.

3 **SECTION 3. AMENDMENT.** Section 54-59-29 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **54-59-29. Health information exchange - Confidential and exempt records.**

6 ~~Any individually identifiable health information, as defined under the federal Health-~~
7 ~~Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191],~~Information submitted to,
8 stored in, or transmitted by the health information exchange under this chapter and any such
9 data or record in the possession of the health information technology office is an exempt record
10 under chapter 44-04 unless the information is confidential under applicable federal or state law.
11 ~~Any other information relating to patients, individuals, or individually identifiable demographic-~~
12 ~~information contained in a master client index submitted to, stored in or transmitted by the-~~
13 ~~health information exchange or in the possession of the health information technology office is-~~
14 ~~an exempt record.~~

15 **SECTION 4. REPEAL.** Section 6-09-42 of the North Dakota Century Code is repealed.