

2021 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2341

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2341
2/10/2021

relating to access to public employees retirement system uniform group insurance data

Chair Klein opened the hearing at 8:30 a.m. All members were present. Senators Klein, Larsen, Burckhard, Kreun, Vedaa, and Marcellais.

Discussion Topics:

- Health Insurance
- Claims versus Premium Information
- Health Insurance in Retirement

Scott Miller, NDPERS testified in support and submitted testimony #6157 [8:33].

Senator Davison testified in support [8:39].

Additional written testimony: 6158 and 6164.

Senator Larsen moved to adopt Amendment 21.1059.01001 [8:43].

Senator Burckhard seconded the motion [8:43].

[8:43]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed: 6-0-0

Senator Larsen moved a DO PASS AS AMENDED [8:44].

Senator Burckhard seconded the motion [8:44].

[8:44]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed: 6-0-0

Senator Burckhard will carry the bill [8:45].

Chair Klein ended the hearing at 8:46 a.m.

Isabella Grotberg, Committee Clerk

February 10, 2021

OK
2/10
10/1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2341

Page 1, line 3, after "data" insert "; and to amend and reenact section 54-52.1-05.1 of the North Dakota Century Code, relating to access to insured and provider health insurance benefits coverage data"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 54-52.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-05.1. Health insurance benefits coverage - Insured and provider data disclosure.

Except as necessary for treatment, payment, or health care operations, a carrier providing health insurance benefits coverage under this chapter may not disclose identifiable or unidentifiable insured or provider data or information to a related or unrelated health care delivery entity. The board may establish exceptions to the disclosure limitations under this section for the limited purpose of addressing public interest and benefit activities ~~or~~, for the limited purpose of addressing research, public health, or health care operations, or as necessary for board business purposes, including the solicitation of bids pursuant to section 54-52.1-04. An exception established by the board under this section may not be more permissive than allowed under state and federal privacy laws."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2341: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 3, after "data" insert "; and to amend and reenact section 54-52.1-05.1 of the North Dakota Century Code, relating to access to insured and provider health insurance benefits coverage data"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 54-52.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-05.1. Health insurance benefits coverage - Insured and provider data disclosure.

Except as necessary for treatment, payment, or health care operations, a carrier providing health insurance benefits coverage under this chapter may not disclose identifiable or unidentifiable insured or provider data or information to a related or unrelated health care delivery entity. The board may establish exceptions to the disclosure limitations under this section for the limited purpose of addressing public interest and benefit activities ~~or~~, for the limited purpose of addressing research, public health, or health care operations, or as necessary for board business purposes, including the solicitation of bids pursuant to section 54-52.1-04. An exception established by the board under this section may not be more permissive than allowed under state and federal privacy laws."

Renumber accordingly

TESTIMONY OF SCOTT MILLER

Senate Bill 2341 – Access to NDPERS Data

Good Morning, my name is Scott Miller. I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I am here to testify in support of Senate Bill 2341.

This bill grants NDPERS the specific authority to provide de-identified health insurance information to political subdivisions for their use in obtaining bids for a separate health insurance plan. NDPERS has been providing this information for years, but a recent, more specific request for information caused us to review exactly what we could share. Pursuant to that review, we could not find the specific authority to share the information. This bill clarifies that.

We have also proposed the attached amendment to Senator Davison. The amendment grants NDPERS the specific authority to share necessary health insurance information with prospective bidders in NDPERS' own request for proposals process in order to obtain the most accurate bids possible. NDPERS currently has the implied authority to do so; this makes that authority explicit.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2341

Page 1, line 2, after “Code,” insert, “and to amend and reenact section 54-52.1-05.1,”

Page 1, after line 11, insert the following:

Section 2. Amendment. Section 54-52.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-05.1. Health insurance benefits coverage - Insured and provider data disclosure. Except as necessary for treatment, payment, or health care operations, a carrier providing health insurance benefits coverage under this chapter may not disclose identifiable or unidentifiable insured or provider data or information to a related or unrelated health care delivery entity. The board may establish exceptions to the disclosure limitations under this section for the limited purpose of addressing public interest and benefit activities, ~~or~~ for the limited purpose of addressing research, public health, or health care operations, or as necessary for board business purposes, including the solicitation of bids pursuant to section 54-52.1-04. An exception established by the board under this section may not be more permissive than allowed under state and federal privacy laws.

Renumber accordingly.

TESTIMONY OF DERRICK HOHBEIN
Senate Bill 2341 – Access to NDPERS Data

Good morning, my name is Derrick Hohbein. I am the Chief Operating/Financial Officer of the North Dakota Public Employees Retirement System, or NDPERS. I appear before you today in a neutral position on Senate Bill 2341. I am available should there be any questions related to the impact of the bill on any of the NDPERS benefits.

TESTIMONY OF REBECCA FRICKE
Senate Bill 2341 – Access to NDPERS Data

Good morning, my name is Rebecca Fricke. I am the Chief Benefits Officer of the North Dakota Public Employees Retirement System, or NDPERS. I appear before you today in a neutral position on Senate Bill 2341. I am available should there be any questions related to the impact of the bill on any of the NDPERS benefits.

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2341

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2341
3/11/2021

Relating to access to PERS uniform group insurance data; relating to access to insured and provider health insurance benefits coverage data

Chairman Kasper opened the hearing at 8:33 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	A
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- NDPERS Data
- Health Insurance Bids
- HIPAA

Senator Davison introduced and testified in favor.

Scott Miller, Executive Director, NDPERS, testified in favor and submitted a proposed amendment, #7539, #9169.

Rep. Vetter moved to **adopt Scott Miller's amendment** to "add an emergency clause" and "provide a report in compliance with HIPAA," (**#9169**). **Rep. Steiner** seconded. **Voice vote. Motion carries.**

(8:45) Rep. B. Koppelman moved to **further amend** to replace "necessary for board business purposes, including" with "for". **Rep. Steiner** seconded. **Voice vote. Motion carries.**

Rep. B. Koppelman moved **Do Pass as amended**. **Rep. Karls** seconded.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y

Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	A
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

Motion carries. 13-0-1. **Rep. Steiner** is the carrier.

Additional written testimony: #7587

Chairman Kasper ended at 8:47 a.m.

Carmen Hart, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2341

Page 1, line 3, after the semi-colon, remove the word "and"

Page 1, line 4, after "data", insert "; and to declare an emergency"

Page 2, line 2, after the period insert, "The board shall provide the report in a manner that is in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.]."

Page 2, after line 2, insert the following:

Section 3. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2341

Page 1, line 3, remove the first "and"

Page 1, line 4, after "data" insert "; and to declare an emergency"

Page 1, line 14, replace the underscored comma with an underscored semicolon

Page 1, line 15, replace the underscored comma with an underscored semicolon

Page 1, line 15, remove "as"

Page 1, line 16, replace "necessary for board business purposes, including" with "for"

Page 2, line 2, after the underscored period insert "The board shall provide the report in a manner that is in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.]."

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2341, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, after "data" insert "; and to declare an emergency"

Page 1, line 14, replace the underscored comma with an underscored semicolon

Page 1, line 15, replace the underscored comma with an underscored semicolon

Page 1, line 15, remove "as"

Page 1, line 16, replace "necessary for board business purposes, including" with "for"

Page 2, line 2, after the underscored period insert "The board shall provide the report in a manner that is in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.]."

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

Renumber accordingly

TESTIMONY OF SCOTT MILLER

Engrossed Senate Bill 2341 – Access to NDPERS Data

Good Morning, my name is Scott Miller. I am the Executive Director of the North Dakota Public Employees Retirement System, or NDPERS. I am here to testify in support of Senate Bill 2341.

This bill grants NDPERS the specific authority to provide de-identified health insurance information to political subdivisions for their use in obtaining bids for a separate health insurance plan. NDPERS has been providing this information for years, but a recent, more specific request for information caused us to review exactly what we could share. Pursuant to that review, we could not find the specific authority to share the information. This bill clarifies that.

The bill also grants NDPERS the specific authority to share necessary health insurance information with prospective bidders in NDPERS' own request for proposals process in order to obtain the most accurate bids possible. NDPERS currently has the implied authority to do so; this makes that authority explicit.

Finally, I would propose the attached amendment to add an emergency declaration to the bill. When we first started working with Senator Davison on this issue, we thought an August 1 effective date might work. However, in the past few weeks we have had two additional requests for data, which we cannot provide until this bill becomes effective. After communicating with Senator Davison, we agreed an emergency declaration was appropriate. As such, we would request your positive consideration of the attached amendment.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2341

Page 1, line 3, after the semi-colon, remove the word “and”

Page 1, line 4, after “data”, insert “; and to declare an emergency”

Page 2, after line 2, insert the following:

Section 3. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2341

Page 1, line 3, after the semi-colon, remove the word "and"

Page 1, line 4, after "data", insert "; and to declare an emergency"

Page 2, line 2, after the period insert, "The board shall provide the report in a manner that is in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.]."

Page 2, after line 2, insert the following:

Section 3. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly.

TESTIMONY OF DERRICK HOHBEIN
Senate Bill 2341 – Access to NDPERS Data

Good morning, my name is Derrick Hohbein. I am the Chief Operating/Financial Officer of the North Dakota Public Employees Retirement System, or NDPERS. I appear before you today in support of Senate Bill 2341. I am available should there be any questions related to the impact of the bill on any of the NDPERS benefits.