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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **1261**

02/14/2019 Authored by Fischer, Lesch, Franson, Gruenhagen, Considine and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act  
1.2 relating to health; modifying record and data provisions for quality of care  
1.3 complaints; amending Minnesota Statutes 2018, section 62D.115, subdivision 4.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 62D.115, subdivision 4, is amended to read:

1.6 Subd. 4. **Records.** (a) Each health maintenance organization shall maintain records of  
1.7 all quality of care complaints and their resolution and retain those records for five years.  
1.8 Notwithstanding section 145.64, upon written request of the enrollee or individual who  
1.9 made the complaint, the commissioner shall require the health maintenance organization  
1.10 to provide a record of the resolution of the complaint to the commissioner. The record must  
1.11 be provided within 45 days of receipt of the request from the enrollee or individual making  
1.12 the complaint. For purposes of this subdivision, the record provided to the commissioner  
1.13 is limited to information on the resolution of the complaint, the conclusion of the  
1.14 investigation, and any corrective action plan.

1.15 (b) Information provided to the commissioner according to this subdivision is classified  
1.16 as confidential data on individuals or protected nonpublic data as defined in section 13.02,  
1.17 subdivision 3 or 13-, provided that information that does not identify individuals, including  
1.18 individuals participating in or the subject of peer review, is accessible to the enrollee or  
1.19 individual who made the complaint. To the extent records provided to the commissioner or  
1.20 an enrollee or complainant under this subdivision are subject to peer protection confidentiality  
1.21 under state or federal law, those records are not subject to discovery or subpoena and may  
1.22 not be included or referenced in a court file, introduced into evidence, or used to obtain an  
1.23 affidavit of expert review under section 145.682. This subdivision does not prohibit the use

- 2.1 in a civil action of information, documents, or records subject to discovery or otherwise
- 2.2 available from original sources.