

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2134

02/25/2014 Authored by Quam; Gruenhagen; Newberger; Anderson, M., and Pugh

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to health; requiring background checks and fingerprints on persons
1.3 having access to personal data through MNsure; amending Minnesota Statutes
1.4 2013 Supplement, section 62V.05, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2013 Supplement, section 62V.05, subdivision 1, is
1.7 amended to read:

1.8 Subdivision 1. **General.** (a) The board shall operate MNsure according to this
1.9 chapter and applicable state and federal law.

1.10 (b) The board has the power to:

1.11 (1) employ personnel and delegate administrative, operational, and other
1.12 responsibilities to the director and other personnel as deemed appropriate by the board.

1.13 This authority is subject to chapters 43A and 179A. The director and managerial staff of
1.14 MNsure shall serve in the unclassified service and shall be governed by a compensation
1.15 plan prepared by the board, submitted to the commissioner of management and budget
1.16 for review and comment within 14 days of its receipt, and approved by the Legislative
1.17 Coordinating Commission and the legislature under section 3.855, except that section
1.18 15A.0815, subdivision 5, paragraph (e), shall not apply;

1.19 (2) establish the budget of MNsure;

1.20 (3) seek and accept money, grants, loans, donations, materials, services, or
1.21 advertising revenue from government agencies, philanthropic organizations, and public
1.22 and private sources to fund the operation of MNsure. No health carrier or insurance
1.23 producer shall advertise on MNsure;

1.24 (4) contract for the receipt and provision of goods and services;

2.1 (5) enter into information-sharing agreements with federal and state agencies and
2.2 other entities, provided the agreements include adequate protections with respect to
2.3 the confidentiality and integrity of the information to be shared, and comply with all
2.4 applicable state and federal laws, regulations, and rules, including the requirements of
2.5 section 62V.06; and

2.6 (6) exercise all powers reasonably necessary to implement and administer the
2.7 requirements of this chapter and the Affordable Care Act, Public Law 111-148.

2.8 (c) The board shall establish policies and procedures to gather public comment and
2.9 provide public notice in the State Register.

2.10 (d) Within 180 days of enactment, the board shall establish bylaws, policies, and
2.11 procedures governing the operations of MNsure in accordance with this chapter.

2.12 (e) The board shall ensure that any person operating through MNsure or in
2.13 conjunction with MNsure who has access to enrollees' personal data has a criminal
2.14 background check and fingerprint check. Any person with a conviction for theft or fraud is
2.15 disqualified from having access to enrollees' personal data. Fingerprints must be kept in
2.16 the statewide system with the Bureau of Criminal Apprehension.