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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2560

03/03/2014 Authored by Zerwas and Halverson

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; exempting home health care agencies from health care
1.3 information system requirements; amending Minnesota Statutes 2012, section
1.4 62J.498, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2012, section 62J.498, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definitions.** The following definitions apply to sections 62J.498 to
1.8 62J.4982:

1.9 (a) "Clinical transaction" means any meaningful use transaction that is not covered
1.10 by section 62J.536.

1.11 (b) "Commissioner" means the commissioner of health.

1.12 (c) "Direct health information exchange" means the electronic transmission of
1.13 health-related information through a direct connection between the electronic health
1.14 record systems of health care providers without the use of a health data intermediary.

1.15 (d) "Health care provider" or "provider" means a health care provider or provider as
1.16 defined in section 62J.03, subdivision 8.

1.17 (e) "Health data intermediary" means an entity that provides the infrastructure to
1.18 connect computer systems or other electronic devices used by health care providers,
1.19 laboratories, pharmacies, health plans, third-party administrators, or pharmacy benefit
1.20 managers to facilitate the secure transmission of health information, including
1.21 pharmaceutical electronic data intermediaries as defined in section 62J.495. This does not
1.22 include health care providers engaged in direct health information exchange.

1.23 (f) "Health information exchange" means the electronic transmission of health-related
1.24 information between organizations according to nationally recognized standards.

2.1 (g) "Health information exchange service provider" means a health data intermediary
2.2 or health information organization that has been issued a certificate of authority by the
2.3 commissioner under section 62J.4981.

2.4 (h) "Health information organization" means an organization that oversees, governs,
2.5 and facilitates the exchange of health-related information among organizations according
2.6 to nationally recognized standards.

2.7 (i) "HITECH Act" means the Health Information Technology for Economic and
2.8 Clinical Health Act as defined in section 62J.495.

2.9 (j) "Major participating entity" means:

2.10 (1) a participating entity that receives compensation for services that is greater
2.11 than 30 percent of the health information organization's gross annual revenues from the
2.12 health information exchange service provider;

2.13 (2) a participating entity providing administrative, financial, or management services
2.14 to the health information organization, if the total payment for all services provided by the
2.15 participating entity exceeds three percent of the gross revenue of the health information
2.16 organization; and

2.17 (3) a participating entity that nominates or appoints 30 percent or more of the board
2.18 of directors of the health information organization.

2.19 (k) "Meaningful use" means use of certified electronic health record technology that
2.20 includes e-prescribing, and is connected in a manner that provides for the electronic
2.21 exchange of health information and used for the submission of clinical quality measures
2.22 as established by the Center for Medicare and Medicaid Services and the Minnesota
2.23 Department of Human Services pursuant to sections 4101, 4102, and 4201 of the HITECH
2.24 Act.

2.25 (l) "Meaningful use transaction" means an electronic transaction that a health care
2.26 provider must exchange to receive Medicare or Medicaid incentives or avoid Medicare
2.27 penalties pursuant to sections 4101, 4102, and 4201 of the HITECH Act.

2.28 (m) "Participating entity" means any of the following persons, health care providers,
2.29 companies, or other organizations with which a health information organization or health
2.30 data intermediary has contracts or other agreements for the provision of health information
2.31 exchange service providers:

2.32 (1) a health care facility licensed under sections 144.50 to 144.56, a nursing home
2.33 licensed under sections 144A.02 to 144A.10, and any other health care facility otherwise
2.34 licensed under the laws of this state or registered with the commissioner;

2.35 (2) a health care provider, and any other health care professional otherwise licensed
2.36 under the laws of this state or registered with the commissioner;

3.1 (3) a group, professional corporation, or other organization that provides the services
3.2 of individuals or entities identified in clause (2), including but not limited to a medical
3.3 clinic, a medical group, ~~a home health care agency~~, an urgent care center, and an emergent
3.4 care center, but does not include a group, professional corporation, or other organization
3.5 that is a home care provider as defined under section 144A.43, subdivision 4;

3.6 (4) a health plan as defined in section 62A.011, subdivision 3; and

3.7 (5) a state agency as defined in section 13.02, subdivision 17.

3.8 (n) "Reciprocal agreement" means an arrangement in which two or more health
3.9 information exchange service providers agree to share in-kind services and resources to
3.10 allow for the pass-through of meaningful use transactions.

3.11 (o) "State-certified health data intermediary" means a health data intermediary that:

3.12 (1) provides a subset of the meaningful use transaction capabilities necessary for
3.13 hospitals and providers to achieve meaningful use of electronic health records;

3.14 (2) is not exclusively engaged in the exchange of meaningful use transactions
3.15 covered by section 62J.536; and

3.16 (3) has been issued a certificate of authority to operate in Minnesota.

3.17 (p) "State-certified health information organization" means a nonprofit health
3.18 information organization that provides transaction capabilities necessary to fully support
3.19 clinical transactions required for meaningful use of electronic health records that has been
3.20 issued a certificate of authority to operate in Minnesota.