

A bill for an act
relating to health; changing the evaluation process for mandated health benefit
proposals; requiring a report; amending Minnesota Statutes 2006, section 62J.26.

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

Section 1. Minnesota Statutes 2006, section 62J.26, is amended to read:

62J.26 EVALUATION OF PROPOSED HEALTH COVERAGE MANDATES.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have
the meanings given unless the context otherwise requires:

(1) "commissioner" means the commissioner of ~~commerce~~ health;

(2) "health plan" means a health plan as defined in section 62A.011, subdivision 3,
but includes coverage listed in clauses (7) and (10) of that definition;

(3) "mandated health benefit proposal" means a proposal that would statutorily or
by adopted rules require a health plan to do the following:

(i) provide coverage or increase the amount of coverage for the treatment of a
particular disease, condition, or other health care need;

(ii) provide coverage or increase the amount of coverage of a particular type of
health care treatment or service or of equipment, supplies, or drugs used in connection
with a health care treatment or service; or

(iii) provide coverage for care delivered by a specific type of provider.

"Mandated health benefit proposal" does not include health benefit proposals
~~amending which solely amend~~ the scope of practice of a licensed health care professional.

Subd. 2. **Evaluation process and content.** (a) The commissioner, in consultation
with the ~~commissioners of health and employee relations~~ commissioner of commerce,
must evaluate mandated health benefit proposals as provided under subdivision 3.

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(b) The purpose of the evaluation is to provide ~~the legislature with~~ a complete and timely analysis of all ramifications of any mandated health benefit proposal. The evaluation must include, in addition to other relevant information, the following:

(1) an evidence-based scientific review of the proposed treatment, service, equipment, supply, or drug. "Evidence-based scientific review" means a comprehensive review which examines reliable scientific evidence regarding safety, effectiveness, and effect on health outcomes. The criteria for such a review shall utilize a preponderance of reliable evidence as described in Minnesota Rules, part 4685.0700, subpart 4, item F.

~~(2) scientific and medical information on the proposed health benefit, on the potential for harm or benefit to the patient, and on the comparative benefit or harm from alternative forms of treatment;~~

~~(2)~~ (3) public health, economic, and fiscal impacts of the proposed mandate mandated health benefit proposal on persons receiving health services in Minnesota, on the relative cost-effectiveness of the benefit, and on the health care system in general;

~~(3)~~ (4) the extent to which the service mandated health benefit proposal is generally utilized by a significant portion of the population;

~~(4)~~ (5) the extent to which insurance coverage for the proposed mandated health benefit proposal is already generally available;

~~(5)~~ (6) the extent to which the mandated coverage health benefit proposal will increase or decrease the cost of the service; and

~~(6)~~ (7) the commissioner may consider actuarial analysis done by health insurers in determining the cost of the proposed mandated health benefit proposal.

(c) The commissioner must summarize the nature and quality of available information on these issues, and, if possible, must provide preliminary information to the public. The commissioner may conduct appropriate new research on these issues or may determine that existing research is sufficient ~~to meet the informational needs of the legislature.~~ The commissioner must include the opinions of two or more private firms which specialize in the independent evaluation of health care treatments, services, equipment, supplies, or drugs using evidence-based scientific review as defined in this subdivision. Additionally, the commissioner may seek the assistance and advice of researchers, community leaders, or other persons or organizations with relevant expertise.

Subd. 3. Requests for evaluation. (a) Whenever a legislative measure containing a mandated health benefit proposal is introduced as a bill or offered as an amendment to a bill, or is likely to be introduced as a bill or offered as an amendment, ~~at the chair of any the~~ the standing legislative committee that has jurisdiction over the subject matter of the proposal ~~may shall~~ request that the commissioner complete an evaluation of the proposal

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under this section, in order to inform any the committee of prior to floor action by either house of the legislature.

~~(b) The commissioner must conduct an evaluation described in subdivision 2 of each mandated health benefit proposal for which an evaluation is requested under paragraph (a), unless the commissioner determines under paragraph (c) or subdivision 4 that priorities and resources do not permit its evaluation.~~

~~(c) If requests for evaluation of multiple proposals are received, the commissioner must consult with the chairs of the standing legislative committees having jurisdiction over the subject matter of the mandated health benefit proposals to prioritize the requests and establish a reporting date for each proposal to be evaluated. The commissioner is not required to direct an unreasonable quantity of the commissioner's resources to these evaluations.~~

(b) Whenever a regulatory agency proposes any order, action, or review or approval of contracts of coverage which has the effect of creating a mandated health benefit proposal, the proponent of the order, action, or contract review shall request the commissioner of health to complete an evaluation of the proposal under this section, in order to inform the proponent prior to final order, action, or contract review.

Subd. 4. **Sources of funding.** (a) The commissioner need not use any funds for purposes of this section other than as provided in this subdivision or as specified in an appropriation.

(b) The commissioner may seek and accept funding from sources other than the state to pay for evaluations under this section to supplement or replace state appropriations. Any money received under this paragraph must be deposited in the state treasury, credited to a separate account for this purpose in the special revenue fund, and is appropriated to the commissioner for purposes of this section.

(c) If a request for an evaluation under this section has been made, the commissioner may use for purposes of the evaluation:

(1) any funds appropriated to the commissioner specifically for purposes of this section; or

(2) funds available under paragraph (b), if use of the funds for evaluation of that mandated health benefit proposal is consistent with any restrictions imposed by the source of the funds.

(d) The commissioner must ensure that the source of the funding has no influence on the process or outcome of the evaluation.

Subd. 5. **Report to legislature.** (a) For an evaluation under subdivision 3, paragraph (a), the commissioner must submit a written report on the evaluation to the legislature

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4.1 no later than ~~180~~ 90 days after the request. The report must be submitted in compliance
4.2 with sections 3.195 and 3.197.

4.3 (b) For an evaluation under subdivision 3, paragraph (b), the commissioner must
4.4 submit a written report on the evaluation to the requesting agency proponent no later than
4.5 90 days after the request and concurrently publish a notice in the State Register to make
4.6 the report available to the public.