

A bill for an act

relating to Hennepin County; authorizing the electronic exchange of certain medical data; amending Minnesota Statutes 2006, section 383B.917, subdivision 1.

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

Section 1. Minnesota Statutes 2006, section 383B.917, subdivision 1, is amended to read:

Subdivision 1. **Data Practices Act.** (a) The corporation is subject to chapter 13, the Minnesota Government Data Practices Act.

(b) "Competitive data," as defined in this subdivision, are nonpublic data pursuant to section 13.02, subdivision 9, or private data on individuals pursuant to section 13.02, subdivision 12. Competitive data are any type of data that the corporation, in its discretion, determines that if disclosed could cause competitive disadvantage to the corporation, including causing adverse effects on the current or future competitive position of the corporation or the entities, facilities, and operations for which it is responsible. Data discussed at an open meeting of the corporation retains the data's original classification, including classification as competitive data, as provided in section 13D.05, subdivision 1, paragraph (c). Any data disseminated by the corporation to the county shall retain the same classification in the hands of the county, including the classification as competitive data, as provided in section 13.03, subdivision 4.

(c) A subsidiary, joint venture, association, partnership, or other entity that is formed by the corporation is not subject to chapter 13, except that if the corporation enters into a contract with such an entity to perform any functions of the corporation, the corporation shall include in the contract terms that make it clear that data created, collected, received,

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stored, used, maintained, or disseminated by the contracting entity in performing those functions is subject to the same requirements under chapter 13 as the corporation under this subdivision. However, this section does not create a duty on the part of the contracting entity to provide access to public data to the public if the public data are available from the corporation, except as required by the terms of the contract. Any entity contracting to perform functions of the corporation may classify data as competitive data as defined in paragraph (b).

(d) Notwithstanding chapter 13, if a nonprofit corporation provides physician services to the corporation and is participating in an electronic exchange of health records with the corporation, the nonprofit corporation may share medical data with all other participants in the exchange for purposes of treatment, payment, or health care operations. The nonprofit corporation and other participants in the exchange are considered related health care entities for purposes of section 144.293, subdivision 5, clause (2), and are not considered outside of the corporation's facility for purposes of section 144.651, subdivision 16.

EFFECTIVE DATE. This section is effective the day following final enactment.