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## State of Minnesota

## HOUSE OF REPRESENTATIVES

NETIETH SESSION

H. F. No. 4010

A bill for an act

relating to health; establishing a benchmark for electronic prescribing; requiring

corrective action plans for prescribers who do not meet the benchmark; amending

03/19/2018 Authored by Peterson

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The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

Minnesota Statutes 2016, section 62J.497, subdivision 2. 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: 1.5 Section 1. Minnesota Statutes 2016, section 62J.497, subdivision 2, is amended to read: 1.6 Subd. 2. Requirements for electronic prescribing. (a) Effective January 1, 2011, all 1.7 providers, group purchasers, prescribers, and dispensers must establish, maintain, and use 1.8 an electronic prescription drug program. This program must comply with the applicable 1.9 standards in this section for transmitting, directly or through an intermediary, prescriptions 1.10 and prescription-related information using electronic media. 1.11 (b) If transactions described in this section are conducted, they must be done electronically 1.12 using the standards described in this section. Nothing in this section requires providers, 1.13 group purchasers, prescribers, or dispensers to electronically conduct transactions that are 1.14 expressly prohibited by other sections or federal law. 1.15 (c) Providers, group purchasers, prescribers, and dispensers must use either HL7 messages 1.16 1.17 or the NCPDP SCRIPT Standard to transmit prescriptions or prescription-related information internally when the sender and the recipient are part of the same legal entity. If an entity 1.18 sends prescriptions outside the entity, it must use the NCPDP SCRIPT Standard or other 1.19

applicable standards required by this section. Any pharmacy within an entity must be able

to receive electronic prescription transmittals from outside the entity using the adopted

NCPDP SCRIPT Standard. This exemption does not supersede any Health Insurance

Section 1.

03/09/18	REVISOR	SGS/LP	18-6941

2.1 Portability and Accountability Act (HIPAA) requirement that may require the use of a 2.2 HIPAA transaction standard within an organization.

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(d) By July 1, 2020, a prescriber must use e-prescribing to transmit to a dispenser at
least 80 percent of the prescriptions issued by that prescriber on a monthly basis. The
commissioner of health shall evaluate prescribers to assess compliance with this requirement
and shall send notices of noncompliance by November 1, 2020, to prescribers who are not
in compliance with this requirement. A prescriber who receives a notice of noncompliance
from the commissioner must submit to the commissioner by December 1, 2020, a corrective
action plan detailing the steps the prescriber will take to reach the benchmark of transmitting
80 percent of prescriptions to dispensers through e-prescribing and a timeline for the
prescriber to reach that benchmark. The commissioner shall periodically monitor prescriber
compliance with the prescriber's corrective action plan.

Section 1. 2