

1.1 A bill for an act

1.2 relating to health; making technical changes to electronic prescription drug  
1.3 program; amending Minnesota Statutes 2008, section 62J.497, subdivisions 1, 2.

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

1.5 Section 1. Minnesota Statutes 2008, section 62J.497, subdivision 1, is amended to read:

1.6 Subdivision 1. **Definitions.** For the purposes of this section, the following terms  
1.7 have the meanings given.

1.8 (a) "Backward compatible" means that the newer version of a data transmission  
1.9 standard would retain, at a minimum, the full functionality of the versions previously  
1.10 adopted, and would permit the successful completion of the applicable transactions with  
1.11 entities that continue to use the older versions.

1.12 ~~(a)~~ (b) "Dispense" or "dispensing" has the meaning given in section 151.01,  
1.13 subdivision 30. Dispensing does not include the direct administering of a controlled  
1.14 substance to a patient by a licensed health care professional.

1.15 ~~(b)~~ (c) "Dispenser" means a person authorized by law to dispense a controlled  
1.16 substance, pursuant to a valid prescription.

1.17 ~~(c)~~ (d) "Electronic media" has the meaning given under Code of Federal Regulations,  
1.18 title 45, part 160.103.

1.19 ~~(d)~~ (e) "E-prescribing" means the transmission using electronic media of prescription  
1.20 or prescription-related information between a prescriber, dispenser, pharmacy benefit  
1.21 manager, or group purchaser, either directly or through an intermediary, including  
1.22 an e-prescribing network. E-prescribing includes, but is not limited to, two-way  
1.23 transmissions between the point of care and the dispenser.

2.1           ~~(e)~~ (f) "Electronic prescription drug program" means a program that provides for  
2.2 e-prescribing.

2.3           ~~(f)~~ (g) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.

2.4           ~~(g)~~ (h) "HL7 messages" means a standard approved by the standards development  
2.5 organization known as Health Level Seven.

2.6           ~~(h)~~ (i) "National Provider Identifier" or "NPI" means the identifier described under  
2.7 Code of Federal Regulations, title 45, part 162.406.

2.8           ~~(i)~~ (j) "NCPDP" means the National Council for Prescription Drug Programs, Inc.

2.9           ~~(j)~~ (k) "NCPDP Formulary and Benefits Standard" means the National Council for  
2.10 Prescription Drug Programs Formulary and Benefits Standard, Implementation Guide,  
2.11 Version 1, Release 0, October 2005.

2.12           ~~(k)~~ (l) "NCPDP SCRIPT Standard" means the National Council for Prescription  
2.13 Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard, Implementation Guide  
2.14 Version 8, Release 1 (Version 8.1), October 2005, or the most recent standard adopted by  
2.15 the Centers for Medicare and Medicaid Services (CMS) for e-prescribing under Medicare  
2.16 Part D as required by section 1860D-4(e)(4)(D) of the Social Security Act. The standards  
2.17 shall be implemented in accordance with the CMS schedule for compliance. Subsequently  
2.18 released versions of the NCPDP SCRIPT Standard may be used, provided that the new  
2.19 version of the standard is backward compatible to the current version adopted by CMS.

2.20           ~~(l)~~ (m) "Pharmacy" has the meaning given in section 151.01, subdivision 2.

2.21           ~~(m)~~ (n) "Prescriber" means a licensed health care professional who is authorized to  
2.22 prescribe a controlled substance under section 152.12, subdivision 1.

2.23           ~~(n)~~ (o) "Prescription-related information" means information regarding eligibility for  
2.24 drug benefits, medication history, or related health or drug information.

2.25           ~~(o)~~ (p) "Provider" or "health care provider" has the meaning given in section 62J.03,  
2.26 subdivision 8.

2.27           Sec. 2. Minnesota Statutes 2008, section 62J.497, subdivision 2, is amended to read:

2.28           Subd. 2. **Requirements for electronic prescribing.** (a) Effective January 1, 2011,  
2.29 all providers, group purchasers, prescribers, and dispensers must establish ~~and~~ maintain,  
2.30 and use an electronic prescription drug program ~~that complies.~~ This program must comply  
2.31 with the applicable standards in this section for transmitting, directly or through an  
2.32 intermediary, prescriptions and prescription-related information using electronic media.

2.33           (b) ~~Nothing in this section requires providers, group purchasers, prescribers, or~~  
2.34 ~~dispensers to conduct the transactions described in this section.~~ If transactions described in  
2.35 this section are conducted, they must be done electronically using the standards described

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3.1 in this section. Nothing in this section requires providers, group purchasers, prescribers,  
3.2 or dispensers to electronically conduct transactions that are expressly prohibited by other  
3.3 sections or federal law.

3.4 (c) Providers, group purchasers, prescribers, and dispensers must use either HL7  
3.5 messages or the NCPDP SCRIPT Standard to transmit prescriptions or prescription-related  
3.6 information internally when the sender and the recipient are part of the same legal entity. If  
3.7 an entity sends prescriptions outside the entity, it must use the NCPDP SCRIPT Standard  
3.8 or other applicable standards required by this section. Any pharmacy within an entity  
3.9 must be able to receive electronic prescription transmittals from outside the entity using  
3.10 the ~~adopted~~ NCPDP SCRIPT Standard. This exemption does not supersede any Health  
3.11 Insurance Portability and Accountability Act (HIPAA) requirement that may require the  
3.12 use of a HIPAA transaction standard within an organization.

3.13 ~~(d) Entities transmitting prescriptions or prescription-related information where the~~  
3.14 ~~prescriber is required by law to issue a prescription for a patient to a nonprescribing~~  
3.15 ~~provider that in turn forwards the prescription to a dispenser are exempt from the~~  
3.16 ~~requirement to use the NCPDP SCRIPT Standard when transmitting prescriptions or~~  
3.17 ~~prescription-related information.~~