

and the associated rules and orders of the commission applicable to those regulated services, a telephone company may establish the prices, terms, and conditions of a package of services, except that:

(1) each telecommunications service subject to the regulatory jurisdiction of the commission must be available to customers on a stand-alone basis;

(2) at the time the packaged offering is introduced or at the time the packaged price is subsequently changed, the packaged rate or price may not exceed the sum of the unpackaged rates or prices for the individual service elements or services; and

(3) in addition to the tariff requirements that apply to the telecommunications elements of the package, the tariff must also contain a general description of the nontelecommunications components of the package.

(b) Nothing in this subdivision is intended to extend or diminish the regulatory authority of the commission or the department.

Sec. 2. Laws 1995, chapter 156, section 25, is amended to read:

Sec. 25. **EFFECTIVE DATE; EXPIRATION.**

Sections 1 to 22 are effective August 1, 1995, and ~~expire January 1, 2006.~~

Sec. 3. Laws 2000, chapter 433, section 4, is amended to read:

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment and ~~are repealed June 1, 2003.~~

Sec. 4. **EFFECTIVE DATE.**

Sections 1 and 2 are effective June 1, 2003. Section 3 is effective the day following final enactment.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 4:11 p.m.

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## CHAPTER 98—S.F.No. 770

*An act relating to Hennepin county; removing its medical center and its health maintenance organization from certain contracting requirements; amending Minnesota Statutes 2002, section 383B.217, subdivision 7.*

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

Section 1. Minnesota Statutes 2002, section 383B.217, subdivision 7, is amended to read:

**New language is indicated by underline, deletions by strikeout.**

Subd. 7. **PURCHASES AND MARKETING.** (a) Contracting and purchasing made on behalf of the Hennepin county medical center and its health maintenance organization (HMO) of goods, materials, supplies, equipment, and contracted services shall comply with that are incidental to or that are included as part of a contract for the purchase of goods, materials, supplies, or equipment are specifically exempted from sections 383B.141 to 383B.151 and 471.345 or other applicable laws related to public procurement. Contracting and purchasing of services shall comply with sections 383B.141 to 383B.151 or other applicable laws related to public procurement.

(b) Notwithstanding chapter 13D, the county board on behalf of the medical center and HMO may meet in closed session to discuss and take action on specific products or services that are in direct competition with other providers of goods or services in the public or private sector, if disclosure of information pertaining to those matters would clearly harm the competitive position of the medical center or HMO.

(c) The medical center and HMO shall inform the county board when there are matters that are appropriate for discussion or action under paragraph (b). The county administrator or the administrator's designee shall give the board an opinion on the propriety of discussion or action under paragraph (b) for each of the matters. The county board may, by a majority vote in a public meeting, decide to hold a closed meeting under paragraph (b). The purpose, time, and place of the meeting must be announced at a public meeting. A written roll of members present at a closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the county board and be preserved for not less than five years after the meeting. The data on the tape are nonpublic data under section 13.02, subdivision 9, until two years after the meeting. A contract entered into by the county board at a meeting held on behalf of the medical center or HMO is subject to section 471.345. All bids and any related materials that are considered at the meeting must be retained for a period of not less than five years. After the expiration of the term of any contract entered into pursuant to this subdivision or a period of two years, whichever is less, the contract, the bids, and any related materials are public data. The contract, the bids, and any related materials are subject to review by the state auditor at any time.

(d) Data concerning specific products or services that are in direct competition with other providers of goods or services in the public or private sector are trade secret information for purposes of section 13.37, to the extent disclosure of information pertaining to the matters would clearly harm the competitive position of the medical center or HMO. The data are trade secret information for the term of the contract or a two-year period, whichever is less.

(e) Notwithstanding section 471.345 or other applicable law, the county board on behalf of the medical center, HMO, ambulatory health center, or other clinics authorized under section 383B.219, may contract with a private or public cooperative purchasing organization, if it can be established the purchasing organization's goods, materials, supplies, equipment, or services that are purchased, rented, or leased, have been awarded through a competitive or request for proposal process, except for services, by any means that the county board or at its direction the medical center or

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HMO may determine. When contracting for services, the county board must comply with sections 383B.141 to 383B.151 and other applicable law, except that the board may contract with a private or public cooperative purchasing organization if it can be established that the purchasing organization's services that are purchased have been awarded through a competitive or request for proposal process.

(f) This subdivision applies to the medical center, HMO, ambulatory health centers, or other clinics authorized under section 383B.219, as well as any other organization, association, partnership, or corporation authorized by Hennepin county under section 144.581.

Presented to the governor May 23, 2003

Signed by the governor May 25, 2003, 9:45 p.m.

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## CHAPTER 99—S.F.No. 1019

*An act relating to health; establishing a reporting system for adverse health care events; amending Minnesota Statutes 2002, section 145.64, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144.*

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

### Section 1. [144.706] CITATION.

Sections 144.706 to 144.7069 may be cited as the Minnesota Adverse Health Care Events Reporting Act of 2003.

### Sec. 2. [144.7063] DEFINITIONS.

Subdivision 1. SCOPE. Unless the context clearly indicates otherwise, for the purposes of sections 144.706 to 144.7069, the terms defined in this section have the meanings given them.

Subd. 2. COMMISSIONER. "Commissioner" means the commissioner of health.

Subd. 3. FACILITY. "Facility" means a hospital licensed under sections 144.50 to 144.58.

Subd. 4. SERIOUS DISABILITY. "Serious disability" means (1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual, (2) a loss of bodily function, if the impairment or loss lasts more than seven days or is still present at the time of discharge from an inpatient health care facility, or (3) loss of a body part.

Subd. 5. SURGERY. "Surgery" means the treatment of disease, injury, or deformity by manual or operative methods. Surgery includes endoscopies and other invasive procedures.

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