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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2793

03/06/2014 Authored by Scott, Lesch, Holberg and Pugh
The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act
1.2 relating to health insurance; modifying MNsure data-sharing agreements;
1.3 amending Minnesota Statutes 2013 Supplement, section 62V.06, subdivision 5.

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

1.5 Section 1. Minnesota Statutes 2013 Supplement, section 62V.06, subdivision 5, is
1.6 amended to read:

1.7 Subd. 5. Data sharing. (a) MNsure may share or disseminate data classified as
1.8 private or nonpublic in subdivision 3 as follows:

1.9 (1) to the subject of the data, as provided in section 13.04;

1.10 (2) according to a court order;

1.11 (3) according to a state or federal law specifically authorizing access to the data;

1.12 (4) with other state or federal agencies, only to the extent necessary to verify the
1.13 identity of, determine the eligibility of, process premiums for, process enrollment of, or
1.14 investigate fraud related to an individual, employer, or employee participating in MNsure,
1.15 provided that MNsure must enter into a data-sharing agreement with the agency prior to
1.16 sharing data under this clause; and

1.17 (5) with a nongovernmental person or entity, only to the extent necessary to verify
1.18 the identity of, determine the eligibility of, process premiums for, process enrollment of, or
1.19 investigate fraud related to an individual, employer, or employee participating in MNsure,
1.20 provided that MNsure must enter into a contract with the person or entity, as provided in
1.21 section 13.05, subdivision 6 or 11, prior to disseminating data under this clause.

1.22 (b) MNsure may share or disseminate data classified as private or nonpublic in
1.23 subdivision 4 as follows:

1.24 (1) to the subject of the data, as provided in section 13.04;

2.1 (2) according to a court order;

2.2 (3) according to a state or federal law specifically authorizing access to the data;

2.3 (4) with other state or federal agencies, only to the extent necessary to carry out the  
2.4 functions of MNsure, provided that MNsure must enter into a data-sharing agreement with  
2.5 the agency prior to sharing data under this clause; and

2.6 (5) with a nongovernmental person or entity, only to the extent necessary to carry  
2.7 out the functions of MNsure, provided that MNsure must enter a contract with the person  
2.8 or entity, as provided in section 13.05, subdivision 6 or 11, prior to disseminating data  
2.9 under this clause.

2.10 (c) Sharing or disseminating data outside of MNsure in a manner not authorized by  
2.11 this subdivision is prohibited. Data-sharing agreements required under this subdivision  
2.12 must provide that the law of this state controls the treatment of the data to the extent that it  
2.13 is more protective of the rights and privacy of data subjects than the law of the other state  
2.14 or federal agency to which the data are disseminated. The list of authorized dissemination  
2.15 and sharing contained in this subdivision must be included in the Tennessee warning  
2.16 required by section 13.04, subdivision 2.

2.17 (d) Until July 1, 2014, state agencies must share data classified as private or  
2.18 nonpublic on individuals, employees, or employers participating in MNsure with MNsure,  
2.19 only to the extent such data are necessary to verify the identity of, determine the eligibility  
2.20 of, process premiums for, process enrollment of, or investigate fraud related to a MNsure  
2.21 participant. The agency must enter into a data-sharing agreement with MNsure prior  
2.22 to sharing any data under this paragraph.