

CHAPTER 322—S.F.No. 3055

An act relating to health plans; regulating contract stacking; providing a remedy; expanding the scope of provisions regulating network shadow contracting; requiring the commissioner of health to study the impact of regulating shadow contracting; amending Minnesota Statutes 1999 Supplement, section 62Q.74, subdivision 1.

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

Section 1. Minnesota Statutes 1999 Supplement, section 62Q.74, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Category of coverage" means one of the following types of health-related coverage:

- (1) health;
- (2) no-fault automobile medical benefits; or
- (3) workers' compensation medical benefits.

(c) "Health care provider" or "provider" has the meaning given in section 148.01 means an individual licensed, registered, or regulated by the board of medical practice under chapter 147, a chiropractor licensed under sections 148.01 to 148.106, a dentist licensed under chapter 150A, or a hospital licensed under chapter 144.

(d) "Network organization" means a preferred provider organization as defined in section 145.61, subdivision 4c; a managed care organization as defined in section 62Q.01, subdivision 5; or other entity that uses or consists of a network of health care providers; but does not include a nonprofit health service plan corporation operating under chapter 62C or its affiliates.

Sec. 2. PREMIUM COST STUDY.

The commissioner of health, in cooperation with other state agencies, shall determine whether the implementation of Minnesota Statutes, section 62Q.74, increased premium costs for health-related coverage, and if so, by how much. The commissioner shall also determine whether the implementation of Minnesota Statutes, section 62Q.74, has limited the ability of employers to purchase managed care plans. The commissioner shall report the findings to the legislature by January 15, 2002.

Sec. 3. EFFECTIVE DATE.

Section 1 is effective for contracts entered into or renewed after August 1, 2000.

New language is indicated by underline, deletions by strikeout.

Presented to the governor March 31, 2000

Signed by the governor April 4, 2000, 3:30 p.m.

CHAPTER 323—S.F.No. 2894

An act relating to occupational safety and health; classifying certain communications regarding discrimination complaints as privileged; amending Minnesota Statutes 1998, section 182.669, subdivision 1.

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

Section 1. Minnesota Statutes 1998, section 182.669, subdivision 1, is amended to read:

Subdivision 1. Any employee believed to have been discharged or otherwise discriminated against by any person because ~~sueh~~ the employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after ~~sueh~~ the alleged discrimination occurs, file a complaint with the commissioner alleging ~~the~~ discriminatory act. Upon receipt of ~~sueh~~ the complaint, the commissioner shall cause ~~sueh~~ an investigation to be made as the commissioner deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee, the commissioner shall refer the matter to the office of administrative hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. Communications between discrimination complainants and attorneys representing the commissioner are privileged as would be communications between an attorney and a client. For purposes of this section, the commissioner shall file with the administrative law judge and serve upon the respondent, by registered or certified mail, a complaint and written notice of hearing. The respondent shall file with the administrative law judge and serve upon the commissioner, by registered or certified mail, an answer within 20 days after service of the complaint. In all cases where the administrative law judge finds that an employee has been discharged or otherwise discriminated against by any person because the employee has exercised any right authorized under sections 182.65 to 182.674, the administrative law judge may order payment to the employee of back pay and compensatory damages. The administrative law judge may also order rehiring of the employee; reinstatement of the employee's former position, fringe benefits, and seniority rights; and other appropriate relief. In addition, the administrative law judge may order payment to the commissioner or to the employee of costs, disbursements, witness fees, and attorney fees. Interest shall accrue on, and be added to, the unpaid balance of an administrative law judge's order from the date the order is signed by the administrative law judge until it is paid, at the annual rate provided in section 549.09, subdivision 1, paragraph (c). An employee may bring a private action in the district court for relief under this section.

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