

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2367**

(SENATE AUTHORS: WIKLUND)

| DATE       | D-PG | OFFICIAL STATUS  |
|------------|------|--|
| 03/06/2014 | 5992 | Introduction and first reading<br>Referred to Health, Human Services and Housing |
| 03/13/2014 | 6208 | Comm report: To pass   |
|            | 6211 | Second reading   |
| 04/22/2014 | 8206 | HF substituted on General Orders HF2874  |

A bill for an act

1.1 relating to health; making technical changes; eliminating or modernizing  
1.2 antiquated, unnecessary, and obsolete provisions; amending Minnesota  
1.3 Statutes 2012, sections 62J.50, subdivisions 1, 2; 62J.51; 62J.52, as amended;  
1.4 62J.53; 62J.535; 62J.536, subdivision 2; 62J.54, subdivisions 1, 2, 3; 62J.56,  
1.5 subdivisions 1, 2, 3; 62J.581, subdivisions 1, 3, 4; 62J.61, subdivision 1;  
1.6 122A.40, subdivision 12; 122A.41, subdivision 6; 144.12, subdivision 1; 154.25;  
1.7 626.557, subdivision 12b; repealing Minnesota Statutes 2012, sections 62J.322;  
1.8 62J.59; 62U.09; 144.011, subdivision 2; 144.0506; 144.071; 144.072; 144.076;  
1.9 144.146, subdivision 1; 144.1475; 144.443; 144.444; 144.45; 144.495; 145.132;  
1.10 145.97; 145.98, subdivisions 1, 3; 325F.181.  
1.11

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

**ARTICLE 1**

**HEALTH CARE ADMINISTRATIVE SIMPLIFICATION ACT**

1.15 Section 1. Minnesota Statutes 2012, section 62J.50, subdivision 1, is amended to read:

1.16 Subdivision 1. **Citation.** Sections 62J.50 to 62J.61 may be cited as the Minnesota  
1.17 Health Care Administrative Simplification Act ~~of 1994~~.

1.18 Sec. 2. Minnesota Statutes 2012, section 62J.50, subdivision 2, is amended to read:

1.19 Subd. 2. **Purpose.** The legislature finds that significant savings throughout the health  
1.20 care industry can be accomplished by implementing a set of administrative standards and  
1.21 simplified procedures and by setting forward a plan toward the use of electronic methods  
1.22 of data interchange. The legislature finds that initial steps have been taken at the national  
1.23 level by the federal Health Care Financing Administration, now known as the Centers for  
1.24 Medicare and Medicaid Services, in its implementation of nationally accepted electronic  
1.25 transaction sets for its Medicare program. The legislature further recognizes the work done

2.1 by the Workgroup for Electronic Data Interchange and the American National Standards  
 2.2 Institute and its accredited standards committee X12, at the national level, and the  
 2.3 Minnesota Administrative Uniformity Committee, a statewide, voluntary, public-private  
 2.4 group representing payers, hospitals, state programs, physicians, and other health care  
 2.5 providers in their work toward administrative simplification in the health care industry.

2.6 Sec. 3. Minnesota Statutes 2012, section 62J.51, is amended to read:

2.7 **62J.51 DEFINITIONS.**

2.8 Subdivision 1. **Scope.** For purposes of sections 62J.50 to 62J.61, the following  
 2.9 definitions apply.

2.10 Subd. 2. **ANSI.** "ANSI" means the American National Standards Institute.

2.11 Subd. 3. **ASC X12.** "ASC X12" means the American National Standards Institute  
 2.12 committee X12.

2.13 Subd. 3a. **Card issuer.** "Card issuer" means the group purchaser who is responsible  
 2.14 for printing and distributing identification cards to members or insureds.

2.15 ~~Subd. 4. **Category I industry participants.** "Category I industry participants"~~  
 2.16 ~~means the following: group purchasers, providers, and other health care organizations~~  
 2.17 ~~doing business in Minnesota including public and private payers; hospitals; claims~~  
 2.18 ~~clearinghouses; third-party administrators; billing service bureaus; value added networks;~~  
 2.19 ~~self-insured plans and employers with more than 100 employees; clinic laboratories;~~  
 2.20 ~~durable medical equipment suppliers with a volume of at least 50,000 claims or encounters~~  
 2.21 ~~per year; and group practices with 20 or more physicians.~~

2.22 ~~Subd. 5. **Category II industry participants.** "Category II industry participants"~~  
 2.23 ~~means all group purchasers and providers doing business in Minnesota not classified as~~  
 2.24 ~~category I industry participants.~~

2.25 Subd. 6. **Claim payment/advice transaction set (ANSI ASC X12 835).** "Claim  
 2.26 payment/advice transaction set (ANSI ASC X12 835)" means the electronic transaction  
 2.27 format developed and approved for implementation in October 1991, and used for  
 2.28 electronic remittance advice and electronic funds transfer as adopted under Code of  
 2.29 Federal Regulations, title 45, part 162, subpart P, and any future revisions of the subpart.

2.30 Subd. 6a. **Claim status transaction set (ANSI ASC X12 276/277).** "Claim status  
 2.31 transaction set (ANSI ASC X12 276/277)" means the electronic transaction format  
 2.32 ~~developed and approved for implementation in December 1993 and used by providers to~~  
 2.33 ~~request and receive information on the status of a health care claim or encounter that has~~  
 2.34 ~~been submitted to a group purchaser~~ as adopted under Code of Federal Regulations, title  
 2.35 45, part 162, subpart N, and any future revisions of the subpart.

3.1 Subd. 6b. **Claim submission address.** "Claim submission address" means the  
3.2 address to which the group purchaser requires health care providers, members, or insureds  
3.3 to send health care claims for processing.

3.4 Subd. 6c. **Claim submission number.** "Claim submission number" means the  
3.5 unique identification number to identify group purchasers as described in section 62J.54,  
3.6 with its suffix identifying the claim submission address.

3.7 Subd. 7. **Claim submission transaction set (ANSI ASC X12 837).** "Claim  
3.8 submission transaction set (ANSI ASC X12 837)" means the electronic transaction format  
3.9 ~~developed and approved for implementation in October 1992, and~~ used to submit all  
3.10 health care claims information as adopted under Code of Federal Regulations, title 45, part  
3.11 162, subpart K, and any future revisions of the subpart.

3.12 Subd. 8. **EDI or electronic data interchange.** "EDI" or "electronic data  
3.13 interchange" means the computer application to computer application exchange of  
3.14 information using nationally accepted standard formats.

3.15 Subd. 9. **Eligibility transaction set (ANSI ASC X12 270/271).** "Eligibility  
3.16 transaction set (ANSI ASC X12 270/271)" means the electronic transaction format  
3.17 ~~developed and approved for implementation in February 1993, and~~ used by providers to  
3.18 request and receive coverage information on the member or insured as adopted under Code  
3.19 of Federal Regulations, title 45, part 162, subpart L, and any future revisions of the subpart.

3.20 Subd. 10. **Enrollment transaction set (ANSI ASC X12 834).** "Enrollment  
3.21 transaction set (ANSI ASC X12 834)" means the electronic transaction format ~~developed~~  
3.22 ~~and approved for implementation in February 1992, and~~ used to transmit enrollment  
3.23 and benefit information from the employer to the payer for the purpose of enrolling in  
3.24 a benefit plan as adopted under Code of Federal Regulations, title 45, part 162, subpart  
3.25 O, and any future revisions of the subpart.

3.26 Subd. 11. **Group purchaser.** "Group purchaser" has the meaning given in section  
3.27 62J.03, subdivision 6.

3.28 Subd. 11a. **Health care clearinghouse.** "Health care clearinghouse" means  
3.29 a public or private entity, including a billing service, repricing company, community  
3.30 health management information system or community health information system, and  
3.31 "value-added" networks and switches that does any of the following functions:

3.32 (1) processes or facilitates the processing of health information received from  
3.33 another entity in a nonstandard format or containing nonstandard data content into  
3.34 standard data elements or a standard transaction;

4.1 (2) receives a standard transaction from another entity and processes or facilitates  
4.2 the processing of health information into nonstandard format or nonstandard data content  
4.3 for the receiving entity;

4.4 (3) acts on behalf of a group purchaser in sending and receiving standard transactions  
4.5 to assist the group purchaser in fulfilling its responsibilities under section 62J.536;

4.6 (4) acts on behalf of a health care provider in sending and receiving standard  
4.7 transactions to assist the health care provider in fulfilling its responsibilities under section  
4.8 62J.536; and

4.9 (5) other activities including but not limited to training, testing, editing, formatting,  
4.10 or consolidation transactions.

4.11 A health care clearinghouse acts as an agent of a health care provider or group purchaser  
4.12 only if it enters into an explicit, mutually agreed upon arrangement or contract with the  
4.13 provider or group purchaser to perform specific clearinghouse functions.

4.14 Subd. 12. **ISO.** "ISO" means the International Standardization Organization.

4.15 Subd. 13. **NCPDP.** "NCPDP" means the National Council for Prescription Drug  
4.16 Programs, Inc.

4.17 ~~Subd. 14. **NCPDP telecommunication standard format 3.2.** "NCPDP~~  
4.18 ~~telecommunication standard format 3.2" means the recommended transaction sets for~~  
4.19 ~~claims transactions adopted by the membership of NCPDP in 1992.~~

4.20 ~~Subd. 15. **NCPDP tape billing and payment format 2.0.** "NCPDP tape billing and~~  
4.21 ~~payment format 2.0" means the recommended transaction standards for batch processing~~  
4.22 ~~claims adopted by the membership of the NCPDP in 1993.~~

4.23 Subd. 16. **Provider.** "Provider" or "health care provider" has the meaning given  
4.24 in section 62J.03, subdivision 8.

4.25 Subd. 16a. **Standard transaction.** "Standard transaction" means a transaction  
4.26 that is defined in Code of Federal Regulations, title 45, part 162.103, and that meets the  
4.27 requirements of the single, uniform companion guides described in section 62J.536.

4.28 Subd. 17. **Uniform billing form CMS 1450.** "Uniform billing form CMS 1450"  
4.29 means the most current version of the uniform billing form known as the CMS 1450  
4.30 developed by the National Uniform Billing Committee.

4.31 Subd. 18. **Uniform billing form CMS 1500.** "Uniform billing form CMS 1500"  
4.32 means the most current version of the health insurance claim form, CMS 1500, developed  
4.33 by the National Uniform Claim Committee.

4.34 Subd. 19. **Uniform dental billing form.** "Uniform dental billing form" means  
4.35 the most current version of the uniform dental claim form developed by the American  
4.36 Dental Association.

5.1 Subd. 19a. **Uniform explanation of benefits document.** "Uniform explanation of  
5.2 benefits document" means the document associated with and explaining the details of a  
5.3 group purchaser's claim adjudication for services rendered, which is sent to a patient.

5.4 ~~Subd. 19b. **Uniform remittance advice report.** "Uniform remittance advice report"~~  
5.5 ~~means the document associated with and explaining the details of a group purchaser's~~  
5.6 ~~claim adjudication for services rendered, which is sent to a provider.~~

5.7 Subd. 20. **Uniform pharmacy billing form.** "Uniform pharmacy billing form"  
5.8 means the National Council for Prescription Drug Programs/universal claim form  
5.9 (NCPDP/UCF).

5.10 Subd. 21. **WEDI.** "WEDI" means the national Workgroup for Electronic Data  
5.11 Interchange report issued in October 1993.

5.12 Sec. 4. Minnesota Statutes 2012, section 62J.52, as amended by Laws 2013, chapter  
5.13 125, article 1, section 107, is amended to read:

5.14 **62J.52 ESTABLISHMENT OF UNIFORM BILLING FORMS.**

5.15 Subdivision 1. **Uniform billing form CMS 1450.** (a) On and after January 1,  
5.16 1996, all institutional inpatient hospital services, ancillary services, institutionally owned  
5.17 or operated outpatient services rendered by providers in Minnesota, and institutional  
5.18 or noninstitutional home health services that are not being billed using an equivalent  
5.19 electronic billing format, must be billed using the most current version of the uniform  
5.20 billing form CMS 1450, ~~except as provided in subdivision 5.~~

5.21 (b) The instructions and definitions for the use of the uniform billing form CMS  
5.22 1450 shall be in accordance with the uniform billing form manual specified by the  
5.23 commissioner. In promulgating these instructions, the commissioner may utilize the  
5.24 manual developed by the National Uniform Billing Committee.

5.25 (c) Services to be billed using the uniform billing form CMS 1450 include:  
5.26 institutional inpatient hospital services and distinct units in the hospital such as psychiatric  
5.27 unit services, physical therapy unit services, swing bed (SNF) services, inpatient state  
5.28 psychiatric hospital services, inpatient skilled nursing facility services, home health  
5.29 services (Medicare part A), and hospice services; ancillary services, where benefits are  
5.30 exhausted or patient has no Medicare part A, from hospitals, state psychiatric hospitals,  
5.31 skilled nursing facilities, ICFs/DD, and home health (Medicare part B); institutional  
5.32 owned or operated outpatient services such as waived services, hospital outpatient  
5.33 services, including ambulatory surgical center services, hospital referred laboratory  
5.34 services, hospital-based ambulance services, and other hospital outpatient services,  
5.35 skilled nursing facilities, home health, freestanding renal dialysis centers, comprehensive

6.1 outpatient rehabilitation facilities (CORF), outpatient rehabilitation facilities (ORF), rural  
6.2 health clinics, federally qualified health centers, and community mental health centers;  
6.3 home health services such as home health intravenous therapy providers and hospice; and  
6.4 any other health care provider certified by the Medicare program to use this form.

6.5 (d) On and after January 1, 1996, a mother and newborn child must be billed  
6.6 separately, and must not be combined on one claim form.

6.7 (e) Services provided by Medicare Critical Access Hospitals electing Method  
6.8 II billing will be allowed an exception to this provision to allow the inclusion of the  
6.9 professional fees on the CMS 1450.

6.10 Subd. 2. **Uniform billing form CMS 1500.** (a) On and after January 1, 1996, all  
6.11 noninstitutional health care services rendered by providers in Minnesota except dental  
6.12 or pharmacy providers, that are not currently being billed using an equivalent electronic  
6.13 billing format, must be billed using the most current version of the health insurance claim  
6.14 form CMS 1500, ~~except as provided in subdivision 5.~~

6.15 (b) The instructions and definitions for the use of the uniform billing form CMS  
6.16 1500 shall be in accordance with the manual developed by the Administrative Uniformity  
6.17 Committee entitled standards for the use of the CMS 1500 form, dated February 1994,  
6.18 as further defined by the commissioner.

6.19 (c) Services to be billed using the uniform billing form CMS 1500 include physician  
6.20 services and supplies, durable medical equipment, noninstitutional ambulance services,  
6.21 independent ancillary services including occupational therapy, physical therapy, speech  
6.22 therapy and audiology, home infusion therapy, podiatry services, optometry services,  
6.23 mental health licensed professional services, substance abuse licensed professional  
6.24 services, nursing practitioner professional services, certified registered nurse anesthetists,  
6.25 chiropractors, physician assistants, laboratories, medical suppliers, waived services,  
6.26 personal care attendants, and other health care providers such as day activity centers and  
6.27 freestanding ambulatory surgical centers.

6.28 (d) Services provided by Medicare Critical Access Hospitals electing Method  
6.29 II billing will be allowed an exception to this provision to allow the inclusion of the  
6.30 professional fees on the CMS 1450.

6.31 Subd. 3. **Uniform dental billing form.** (a) On and after January 1, 1996, all dental  
6.32 services provided by dental care providers in Minnesota, that are not currently being billed  
6.33 using an equivalent electronic billing format, shall be billed using the most current version  
6.34 of the American Dental Association uniform dental billing form.

7.1 (b) The instructions and definitions for the use of the uniform dental billing form  
 7.2 shall be in accordance with the manual developed by the Administrative Uniformity  
 7.3 Committee dated February 1994, and as amended or further defined by the commissioner.

7.4 Subd. 4. **Uniform pharmacy billing form.** (a) On and after January 1, 1996, all  
 7.5 pharmacy services provided by pharmacists in Minnesota that are not currently being  
 7.6 billed using an equivalent electronic billing format shall be billed using the most current  
 7.7 version of the NCPDP/universal claim form.

7.8 (b) The instructions and definitions for the use of the uniform claim form shall be in  
 7.9 accordance with instructions specified by the commissioner of health.

7.10 Sec. 5. Minnesota Statutes 2012, section 62J.53, is amended to read:

7.11 **62J.53 ACCEPTANCE OF UNIFORM BILLING FORMS BY GROUP**  
 7.12 **PURCHASERS.**

7.13 On and after January 1, 1996, all ~~category I and H~~ group purchasers in Minnesota  
 7.14 shall accept the uniform billing forms prescribed under section 62J.52 as the only  
 7.15 nonelectronic billing forms used for payment processing purposes.

7.16 Sec. 6. Minnesota Statutes 2012, section 62J.535, is amended to read:

7.17 **62J.535 UNIFORM BILLING REQUIREMENTS FOR CLAIM**  
 7.18 **TRANSACTIONS.**

7.19 Subd. 1a. ~~Electronic claim transactions~~ **Additional information associated with**  
 7.20 **a claim.** ~~Group purchasers, including government programs, not defined as covered~~  
 7.21 ~~entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from~~  
 7.22 ~~time to time, and the regulations promulgated under those sections, that voluntarily agree~~  
 7.23 ~~with providers to accept electronic claim transactions, must accept them in the ANSI~~  
 7.24 ~~X12N 837 standard electronic format as established by federal law. Nothing in this section~~  
 7.25 ~~requires acceptance of electronic claim transactions by entities not covered under United~~  
 7.26 ~~States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the~~  
 7.27 ~~regulations promulgated under those sections. Notwithstanding the above, Nothing in this~~  
 7.28 ~~section or other state law prohibits group purchasers not defined as covered entities under~~  
 7.29 ~~United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time,~~  
 7.30 ~~and the regulations promulgated under those sections, from requiring, as authorized by~~  
 7.31 ~~Minnesota law or rule, additional information associated with a claim submitted by a~~  
 7.32 ~~provider.~~

7.33 Subd. 1b. **Paper claim transactions.** All group purchasers that accept paper claim  
 7.34 transactions must accept, and health care providers submitting paper claim transactions

8.1 must submit, these transactions with use of the applicable medical and nonmedical data  
8.2 code sets specified in the federal electronic claim transaction standards adopted under  
8.3 United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time,  
8.4 and the regulations promulgated under those sections. The paper claim transaction must  
8.5 also be conducted using the uniform billing forms as specified in section 62J.52 and the  
8.6 identifiers specified in section 62J.54, on and after the compliance date required by law.  
8.7 Notwithstanding the above, nothing in this section or other state law prohibits group  
8.8 purchasers not defined as covered entities under United States Code, title 42, sections  
8.9 1320d to 1320d-8, as amended from time to time, and the regulations promulgated  
8.10 under those sections, from requiring, as authorized by Minnesota law or rule, additional  
8.11 information associated with a claim submitted by a provider.

8.12 ~~Subd. 2. **Compliance.** Subdivision 1a is effective concurrent with the date of~~  
8.13 ~~required compliance for covered entities established under United States Code, title 42,~~  
8.14 ~~sections 1320d to 1320d-8, as amended from time to time.~~

8.15 Sec. 7. Minnesota Statutes 2012, section 62J.536, subdivision 2, is amended to read:

8.16 Subd. 2. **Establishing uniform, standard companion guides.** (a) At least 12  
8.17 months prior to the timelines required in subdivision 1, the commissioner of health shall  
8.18 promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers  
8.19 and health care providers to use the transactions and the uniform, standard companion  
8.20 guides required under subdivision 1, paragraph ~~(e)~~ (f).

8.21 (b) The commissioner of health must consult with the Minnesota Administrative  
8.22 Uniformity Committee on the development of the single, uniform companion guides  
8.23 required under subdivision 1, paragraph ~~(e)~~ (f), for each of the transactions in subdivision  
8.24 1. The single uniform companion guides required under subdivision 1, paragraph ~~(e)~~ (f),  
8.25 must specify uniform billing and coding standards. The commissioner of health shall base  
8.26 the companion guides required under subdivision 1, paragraph ~~(e)~~ (f), billing and coding  
8.27 rules, and standards on the Medicare program, with modifications that the commissioner  
8.28 deems appropriate after consulting the Minnesota Administrative Uniformity Committee.

8.29 (c) No group purchaser or health care provider may add to or modify the single,  
8.30 uniform companion guides defined in subdivision 1, paragraph ~~(e)~~ (f), through additional  
8.31 companion guides or other requirements.

8.32 (d) In promulgating the rules in paragraph (a), the commissioner shall not require data  
8.33 content that is not essential to accomplish the purpose of the transactions in subdivision 1.

8.34 Sec. 8. Minnesota Statutes 2012, section 62J.54, subdivision 1, is amended to read:



9.1 Subdivision 1. **Unique identification number for health care provider**

9.2 **organizations.** ~~(a) Not later than 24 months after the date on which a national provider~~  
9.3 ~~identifier is made effective under United States Code, title 42, sections 1320d to 1320d-8~~  
9.4 ~~(1996 and subsequent amendments); All group purchasers and any health care provider~~  
9.5 ~~organization that meets the definition of a health care provider under United States Code,~~  
9.6 ~~title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder~~  
9.7 ~~shall use a national provider identifier to identify health care provider organizations in~~  
9.8 ~~Minnesota, according to this section, except as provided in paragraph (b).~~

9.9 ~~(b) Small health plans, as defined by the federal Secretary of Health and Human~~  
9.10 ~~Services under United States Code, title 42, section 1320d-4 (1996 and subsequent~~  
9.11 ~~amendments), shall use a national provider identifier to identify health provider~~  
9.12 ~~organizations no later than 36 months after the date on which a national provider identifier~~  
9.13 ~~is made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and~~  
9.14 ~~subsequent amendments).~~

9.15 ~~(e) (b)~~ The national provider identifier for health care providers established by  
9.16 the federal Secretary of Health and Human Services under United States Code, title 42,  
9.17 sections 1320d to 1320d-8 (1996 and subsequent amendments), as adopted and required in  
9.18 Code of Federal Regulations, title 45, part 162, subpart D, and any future modifications  
9.19 to the subpart shall be used as the unique identification number for health care provider  
9.20 organizations in Minnesota under this section.

9.21 ~~(d) (c)~~ All health care provider organizations in Minnesota that are eligible to obtain  
9.22 a national provider identifier according to United States Code, title 42, sections 1320d to  
9.23 1320d-8, as amended, and regulations adopted thereunder shall obtain a national provider  
9.24 identifier ~~from the federal Secretary of Health and Human Services~~ using the process  
9.25 prescribed by the Secretary in Code of Federal Regulations, title 45, subpart D, and any  
9.26 future modifications to the subpart.

9.27 ~~(e) (d)~~ Only the national provider identifier shall be used to identify health care  
9.28 provider organizations when submitting and receiving paper and electronic claims and  
9.29 remittance advice notices, and in conjunction with other data collection and reporting  
9.30 functions.

9.31 ~~(f) (e)~~ Health care provider organizations in Minnesota shall make available their  
9.32 national provider identifier to other health care providers when required to be included in  
9.33 the administrative transactions regulated by United States Code, title 42, sections 1320d to  
9.34 1320d-8, as amended, and regulations adopted thereunder.

9.35 ~~(g) (f)~~ The commissioner of health may contract with the federal Secretary of Health  
9.36 and Human Services or the Secretary's agent to implement this subdivision.

10.1 Sec. 9. Minnesota Statutes 2012, section 62J.54, subdivision 2, is amended to read:

10.2 Subd. 2. **Unique identification number for individual health care providers.**

10.3 ~~(a) Not later than 24 months after the date on which a national provider identifier is~~  
10.4 ~~made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and~~  
10.5 ~~subsequent amendments); All group purchasers in Minnesota and any individual health~~  
10.6 ~~care provider that meets the definition of a health care provider under United States Code,~~  
10.7 ~~title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder~~  
10.8 ~~shall use the national provider identifier to identify an individual health care provider in~~  
10.9 ~~Minnesota, according to this section, except as provided in paragraph (b).~~

10.10 ~~(b) Small health plans, as defined by the federal Secretary of Health and Human~~  
10.11 ~~Services under United States Code, title 42, section 1320d-4 (1996 and subsequent~~  
10.12 ~~amendments), shall use the national provider identifier to identify an individual health care~~  
10.13 ~~provider no later than 36 months after the date on which a national provider identifier for~~  
10.14 ~~health care providers is made effective under United States Code, title 42, sections 1320d~~  
10.15 ~~to 1320d-8 (1996 and subsequent amendments).~~

10.16 ~~(e) (b)~~ The national provider identifier for health care providers established by  
10.17 ~~the federal Secretary of Health and Human Services under United States Code, title 42,~~  
10.18 ~~sections 1320d to 1320d-8 (1996 and subsequent amendments), adopted in Code of Federal~~  
10.19 ~~Regulations, title 45, part 162, subpart D, and any future modifications to the subpart shall~~  
10.20 ~~be used as the unique identification number for individual health care providers.~~

10.21 ~~(d) (c)~~ All individual health care providers in Minnesota that are eligible to obtain a  
10.22 national provider identifier according to United States Code, title 42, sections 1320d to  
10.23 1320d-8, as amended, and regulations adopted thereunder shall obtain a national provider  
10.24 identifier ~~from the federal Secretary of Health and Human Services~~ using the process  
10.25 ~~prescribed by the Secretary in Code of Federal Regulations, title 45, part 162, subpart D,~~  
10.26 ~~and any future modifications to the subpart.~~

10.27 ~~(e) (d)~~ Only the national provider identifier shall be used to identify individual health  
10.28 care providers when submitting and receiving paper and electronic claims and remittance  
10.29 advice notices, and in conjunction with other data collection and reporting functions.

10.30 ~~(f) (e)~~ Individual health care providers in Minnesota shall make available their  
10.31 national provider identifier to other health care providers when required to be included in  
10.32 the administrative transactions regulated by United States Code, title 42, sections 1320d to  
10.33 1320d-8, as amended, and regulations adopted thereunder.

10.34 ~~(g) (f)~~ The commissioner of health may contract with the federal Secretary of Health  
10.35 and Human Services or the Secretary's agent to implement this subdivision.

11.1 Sec. 10. Minnesota Statutes 2012, section 62J.54, subdivision 3, is amended to read:

11.2 Subd. 3. **Unique identification number for group purchasers.** (a) ~~Not later than~~  
 11.3 ~~24 months after the date on which a unique health identifier for employers and health plans~~  
 11.4 ~~is adopted or established under United States Code, title 42, sections 1320d to 1320d-8~~  
 11.5 ~~(1996 and subsequent amendments);~~ All group purchasers and health care providers in  
 11.6 Minnesota shall use a unique identification number to identify group purchasers, ~~except as~~  
 11.7 ~~provided in paragraph (b).~~

11.8 ~~(b) Small health plans, as defined by the federal Secretary of Health and Human~~  
 11.9 ~~Services under United States Code, title 42, section 1320d-4 (1996 and subsequent~~  
 11.10 ~~amendments), shall use a unique identification number to identify group purchasers no~~  
 11.11 ~~later than 36 months after the date on which a unique health identifier for employers and~~  
 11.12 ~~health plans is adopted or established under United States Code, title 42, sections 1320d to~~  
 11.13 ~~1320d-8 (1996 and subsequent amendments).~~

11.14 ~~(e) (b)~~ The unique health identifier for group purchasers that are health plans and  
 11.15 ~~employers adopted or established by the federal Secretary of Health and Human Services~~  
 11.16 ~~under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent~~  
 11.17 ~~amendments), shall be used as the unique identification number for group purchasers~~  
 11.18 under Code of Federal Regulations, title 45, part 160, subpart A, shall be the Standard  
 11.19 Unique Health Identifier for Health Plans as adopted in Code of Federal Regulations,  
 11.20 title 45, part 162, subpart E, and any future modifications to the subpart, effective as  
 11.21 required by the subpart.

11.22 ~~(d) (c)~~ Group purchasers that are health plans under Code of Federal Regulations,  
 11.23 title 45, part 160, subpart A, shall obtain a unique health identifier from the federal  
 11.24 ~~Secretary of Health and Human Services using the process prescribed by the Secretary in~~  
 11.25 Code of Federal Regulations, title 45, part 162, subpart E, and any future modifications  
 11.26 to the subpart.

11.27 ~~(e) (d)~~ The unique group purchaser identifier, as described in this section, shall be  
 11.28 used for purposes of submitting and receiving claims, and in conjunction with other data  
 11.29 collection and reporting functions.

11.30 ~~(f) (e)~~ The commissioner of health may contract with the federal Secretary of Health  
 11.31 and Human Services or the Secretary's agent to implement this subdivision.

11.32 Sec. 11. Minnesota Statutes 2012, section 62J.56, subdivision 1, is amended to read:

11.33 Subdivision 1. **General provisions.** (a) The legislature finds that there is a need to  
 11.34 advance the use of electronic methods of data interchange among all health care participants  
 11.35 in the state in order to achieve significant administrative cost savings. The legislature

12.1 also finds that in order to advance the use of health care electronic data interchange in a  
12.2 cost-effective manner, the state needs to implement electronic data interchange standards  
12.3 that are nationally accepted, widely recognized, and available for immediate use. The  
12.4 legislature intends to set forth a plan for a systematic phase in of uniform health care  
12.5 electronic data interchange standards in all segments of the health care industry.

12.6 (b) The commissioner of health, with the advice of the ~~Minnesota Health Data~~  
12.7 ~~Institute and the~~ Minnesota Administrative Uniformity Committee, shall administer the  
12.8 implementation of and monitor compliance with, electronic data interchange standards of  
12.9 health care participants, according to the plan provided in this section.

12.10 (c) ~~The commissioner may grant exemptions to category I and II industry~~  
12.11 ~~participants from the requirements to implement some or all of the provisions in this~~  
12.12 ~~section if the commissioner determines that the cost of compliance would place the~~  
12.13 ~~organization in financial distress, or if the commissioner determines that appropriate~~  
12.14 ~~technology is not available to the organization.~~

12.15 Sec. 12. Minnesota Statutes 2012, section 62J.56, subdivision 2, is amended to read:

12.16 Subd. 2. **Identification of core transaction sets.** ~~(a) All category I and II industry~~  
12.17 ~~participants in Minnesota shall comply with the standards developed by the ANSI ASC~~  
12.18 ~~X12 for the following core transaction sets, according to the implementation plan outlined~~  
12.19 ~~for each transaction set.~~

12.20 ~~(1) ANSI ASC X12 835 health care claim payment/advice transaction set.~~

12.21 ~~(2) ANSI ASC X12 837 health care claim transaction set.~~

12.22 ~~(3) ANSI ASC X12 834 health care enrollment transaction set.~~

12.23 ~~(4) ANSI ASC X12 270/271 health care eligibility transaction set.~~

12.24 ~~(5) ANSI ASC X12 276/277 health care claims status request/notification transaction~~  
12.25 ~~set.~~

12.26 (b) The commissioner, with the advice of the ~~Minnesota Health Data Institute and~~  
12.27 ~~the~~ Minnesota Administrative Uniformity Committee, and in coordination with federal  
12.28 efforts, may approve the use of new ASC X12 standards, or new versions of existing  
12.29 standards, as they become available, or other nationally recognized standards, where  
12.30 appropriate ASC X12 standards are not available for use. These alternative standards may  
12.31 be used during a transition period while ASC X12 standards are developed.

12.32 Sec. 13. Minnesota Statutes 2012, section 62J.56, subdivision 3, is amended to read:

12.33 Subd. 3. **Implementation guides.** (a) The commissioner, with the advice of the  
12.34 Minnesota Administrative Uniformity Committee, and the Minnesota Center for Health

13.1 Care Electronic Data Interchange shall review and recommend the use of guides to  
 13.2 implement the core transaction sets. Implementation guides must contain the background  
 13.3 and technical information required to allow health care participants to implement the  
 13.4 transaction set in the most cost-effective way.

13.5 (b) The commissioner shall promote the development of implementation  
 13.6 guides among health care participants for those business transaction types for which  
 13.7 implementation guides are not available, to allow providers and group purchasers  
 13.8 to implement electronic data interchange. In promoting the development of these  
 13.9 implementation guides, the commissioner shall review the work done by the American  
 13.10 Hospital Association through the national Uniform Billing Committee and its state  
 13.11 representative organization; the American Medical Association through the National  
 13.12 Uniform Claim Task Force Committee; the American Dental Association; the National  
 13.13 Council of Prescription Drug Programs; and the Workgroup for Electronic Data  
 13.14 Interchange.

13.15 Sec. 14. Minnesota Statutes 2012, section 62J.581, subdivision 1, is amended to read:

13.16 Subdivision 1. **Minnesota uniform remittance advice report.** (a) All group  
 13.17 purchasers shall provide a uniform ~~remittance advice report~~ claim payment/advice  
 13.18 transaction to health care providers when a claim is adjudicated. The uniform ~~remittance~~  
 13.19 ~~advice report~~ claim payment/advice transaction shall comply with the standards prescribed  
 13.20 ~~in this section~~ 62J.536, subdivision 1b, and rules adopted under section 62J.536,  
 13.21 subdivision 2.

13.22 (b) ~~Notwithstanding paragraph (a), this section does not apply to group purchasers not~~  
 13.23 ~~included as covered entities under United States Code, title 42, sections 1320d to 1320d-8,~~  
 13.24 ~~as amended from time to time, and the regulations promulgated under those sections.~~

13.25 Sec. 15. Minnesota Statutes 2012, section 62J.581, subdivision 3, is amended to read:

13.26 Subd. 3. **Scope.** For purposes of sections 62J.50 to 62J.61, the uniform ~~remittance~~  
 13.27 ~~advice report and the~~ claim payment/advice transaction and uniform explanation of  
 13.28 benefits document format specified in subdivision 4 shall apply to all health care services  
 13.29 delivered by a health care provider or health care provider organization in Minnesota,  
 13.30 regardless of the location of the payer. Health care services not paid on an individual  
 13.31 claims basis, such as capitated payments, are not included in this section. A health plan  
 13.32 company is excluded from the requirements in subdivisions 1 and 2 if they comply with  
 13.33 section 62A.01, subdivisions 2 and 3.

14.1 Sec. 16. Minnesota Statutes 2012, section 62J.581, subdivision 4, is amended to read:

14.2 Subd. 4. **Specifications.** ~~The uniform remittance advice report and the uniform~~  
 14.3 explanation of benefits document shall be provided by use of a paper document  
 14.4 conforming to the specifications in this section ~~or by use of the ANSI X12N 835 standard~~  
 14.5 ~~electronic format as established under United States Code, title 42, sections 1320d to~~  
 14.6 ~~1320d-8, and as amended from time to time for the remittance advice.~~ The commissioner,  
 14.7 after consulting with the Administrative Uniformity Committee, shall specify the data  
 14.8 elements and definitions for the ~~uniform remittance advice report and the uniform~~  
 14.9 explanation of benefits document. The commissioner and the Administrative Uniformity  
 14.10 Committee must consult with the Minnesota Dental Association and Delta Dental Plan  
 14.11 of Minnesota before requiring under this section the use of a paper document for the  
 14.12 uniform explanation of benefits document or the uniform ~~remittance advice report~~ claim  
 14.13 payment/advice transaction for dental care services.

14.14 Sec. 17. Minnesota Statutes 2012, section 62J.61, subdivision 1, is amended to read:

14.15 Subdivision 1. **Exemption.** The commissioner of health is exempt from chapter  
 14.16 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision  
 14.17 3, and 62J.56 to ~~62J.59~~ 62J.581.

14.18 Sec. 18. **REVISOR'S INSTRUCTION.**

14.19 The revisor shall make changes necessary to correct punctuation, grammar, and  
 14.20 structure of the remaining text required by the repealed section in this article.

14.21 Sec. 19. **REPEALER.**

14.22 Minnesota Statutes 2012, section 62J.59, is repealed.

## 14.23 ARTICLE 2

### 14.24 COMBINING REPORTS ON VULNERABLE ADULTS MALTREATMENT

14.25 Section 1. Minnesota Statutes 2012, section 626.557, subdivision 12b, is amended to  
 14.26 read:

14.27 Subd. 12b. **Data management.** (a) In performing any of the duties of this section as  
 14.28 a lead investigative agency, the county social service agency shall maintain appropriate  
 14.29 records. Data collected by the county social service agency under this section are welfare  
 14.30 data under section 13.46. Notwithstanding section 13.46, subdivision 1, paragraph (a),  
 14.31 data under this paragraph that are inactive investigative data on an individual who is a

15.1 vendor of services are private data on individuals, as defined in section 13.02. The identity  
15.2 of the reporter may only be disclosed as provided in paragraph (c).

15.3 Data maintained by the common entry point are confidential data on individuals or  
15.4 protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163,  
15.5 the common entry point shall maintain data for three calendar years after date of receipt  
15.6 and then destroy the data unless otherwise directed by federal requirements.

15.7 (b) The commissioners of health and human services shall prepare an investigation  
15.8 memorandum for each report alleging maltreatment investigated under this section.  
15.9 County social service agencies must maintain private data on individuals but are not  
15.10 required to prepare an investigation memorandum. During an investigation by the  
15.11 commissioner of health or the commissioner of human services, data collected under this  
15.12 section are confidential data on individuals or protected nonpublic data as defined in  
15.13 section 13.02. Upon completion of the investigation, the data are classified as provided in  
15.14 clauses (1) to (3) and paragraph (c).

15.15 (1) The investigation memorandum must contain the following data, which are public:

15.16 (i) the name of the facility investigated;

15.17 (ii) a statement of the nature of the alleged maltreatment;

15.18 (iii) pertinent information obtained from medical or other records reviewed;

15.19 (iv) the identity of the investigator;

15.20 (v) a summary of the investigation's findings;

15.21 (vi) statement of whether the report was found to be substantiated, inconclusive,  
15.22 false, or that no determination will be made;

15.23 (vii) a statement of any action taken by the facility;

15.24 (viii) a statement of any action taken by the lead investigative agency; and

15.25 (ix) when a lead investigative agency's determination has substantiated maltreatment,  
15.26 a statement of whether an individual, individuals, or a facility were responsible for the  
15.27 substantiated maltreatment, if known.

15.28 The investigation memorandum must be written in a manner which protects the  
15.29 identity of the reporter and of the vulnerable adult and may not contain the names or, to  
15.30 the extent possible, data on individuals or private data listed in clause (2).

15.31 (2) Data on individuals collected and maintained in the investigation memorandum  
15.32 are private data, including:

15.33 (i) the name of the vulnerable adult;

15.34 (ii) the identity of the individual alleged to be the perpetrator;

15.35 (iii) the identity of the individual substantiated as the perpetrator; and

15.36 (iv) the identity of all individuals interviewed as part of the investigation.

16.1 (3) Other data on individuals maintained as part of an investigation under this section  
16.2 are private data on individuals upon completion of the investigation.

16.3 (c) After the assessment or investigation is completed, the name of the reporter  
16.4 must be confidential. The subject of the report may compel disclosure of the name of the  
16.5 reporter only with the consent of the reporter or upon a written finding by a court that  
16.6 the report was false and there is evidence that the report was made in bad faith. This  
16.7 subdivision does not alter disclosure responsibilities or obligations under the Rules of  
16.8 Criminal Procedure, except that where the identity of the reporter is relevant to a criminal  
16.9 prosecution, the district court shall do an in-camera review prior to determining whether  
16.10 to order disclosure of the identity of the reporter.

16.11 (d) Notwithstanding section 138.163, data maintained under this section by the  
16.12 commissioners of health and human services must be maintained under the following  
16.13 schedule and then destroyed unless otherwise directed by federal requirements:

16.14 (1) data from reports determined to be false, maintained for three years after the  
16.15 finding was made;

16.16 (2) data from reports determined to be inconclusive, maintained for four years after  
16.17 the finding was made;

16.18 (3) data from reports determined to be substantiated, maintained for seven years  
16.19 after the finding was made; and

16.20 (4) data from reports which were not investigated by a lead investigative agency and  
16.21 for which there is no final disposition, maintained for three years from the date of the report.

16.22 (e) The commissioners of health and human services shall ~~each annually report to the~~  
16.23 ~~legislature and the governor on~~ publish on their Web sites the number and type of reports of  
16.24 alleged maltreatment involving licensed facilities reported under this section, the number of  
16.25 those requiring investigation under this section, and the resolution of those investigations.

16.26 ~~The report shall identify:~~ On a biennial basis, the commissioners of health and human  
16.27 services shall jointly report the following information to the legislature and the governor:

16.28 (1) the number and type of reports of alleged maltreatment involving licensed  
16.29 facilities reported under this section, the number of those requiring investigations under  
16.30 this section, the resolution of those investigations, and which of the two lead agencies  
16.31 was responsible;

16.32 (2) trends about types of substantiated maltreatment found in the reporting period;

16.33 (3) if there are upward trends for types of maltreatment substantiated,  
16.34 recommendations for addressing and responding to them;

16.35 (4) efforts undertaken or recommended to improve the protection of vulnerable adults;



17.1 (5) whether and where backlogs of cases result in a failure to conform with statutory  
 17.2 time frames and recommendations for reducing backlogs if applicable;

17.3 ~~(2) where adequate coverage requires additional appropriations and staffing; and~~

17.4 ~~(3) any other trends that affect the safety of vulnerable adults.~~

17.5 (6) recommended changes to statutes affecting the protection of vulnerable adults; and

17.6 (7) any other information that is relevant to the report trends and findings.

17.7 (f) Each lead investigative agency must have a record retention policy.

17.8 (g) Lead investigative agencies, prosecuting authorities, and law enforcement  
 17.9 agencies may exchange not public data, as defined in section 13.02, if the agency or  
 17.10 authority requesting the data determines that the data are pertinent and necessary to  
 17.11 the requesting agency in initiating, furthering, or completing an investigation under  
 17.12 this section. Data collected under this section must be made available to prosecuting  
 17.13 authorities and law enforcement officials, local county agencies, and licensing agencies  
 17.14 investigating the alleged maltreatment under this section. The lead investigative agency  
 17.15 shall exchange not public data with the vulnerable adult maltreatment review panel  
 17.16 established in section 256.021 if the data are pertinent and necessary for a review  
 17.17 requested under that section. Notwithstanding section 138.17, upon completion of the  
 17.18 review, not public data received by the review panel must be destroyed.

17.19 (h) Each lead investigative agency shall keep records of the length of time it takes to  
 17.20 complete its investigations.

17.21 (i) A lead investigative agency may notify other affected parties and their authorized  
 17.22 representative if the lead investigative agency has reason to believe maltreatment has  
 17.23 occurred and determines the information will safeguard the well-being of the affected  
 17.24 parties or dispel widespread rumor or unrest in the affected facility.

17.25 (j) Under any notification provision of this section, where federal law specifically  
 17.26 prohibits the disclosure of patient identifying information, a lead investigative agency may  
 17.27 not provide any notice unless the vulnerable adult has consented to disclosure in a manner  
 17.28 which conforms to federal requirements.

### 17.29 ARTICLE 3

### 17.30 TUBERCULOSIS

17.31 Section 1. Minnesota Statutes 2012, section 122A.40, subdivision 12, is amended to  
 17.32 read:

17.33 Subd. 12. **Suspension and leave of absence for health reasons.** Affliction with  
 17.34 ~~active tuberculosis or other~~ a communicable disease, mental illness, drug or alcoholic  
 17.35 addiction, or other serious incapacity shall be grounds for temporary suspension and

18.1 leave of absence while the teacher is suffering from such disability. Unless the teacher  
18.2 consents, such action must be taken only upon evidence that suspension is required from a  
18.3 physician who has examined the teacher. The physician must be competent in the field  
18.4 involved and must be selected by the teacher from a list of three provided by the school  
18.5 board, and the examination must be at the expense of the school district. A copy of the  
18.6 report of the physician shall be furnished the teacher upon request. If the teacher fails to  
18.7 submit to the examination within the prescribed time, the board may discharge the teacher,  
18.8 effective immediately. In the event of mental illness, if the teacher submits to such an  
18.9 examination and the examining physician's or psychiatrist's statement is unacceptable to  
18.10 the teacher or the board, a panel of three physicians or psychiatrists must be selected to  
18.11 examine the teacher at the board's expense. The board and the teacher shall each select a  
18.12 member of this panel, and these two members shall select a third member. The panel must  
18.13 examine the teacher and submit a statement of its findings and conclusions to the board.  
18.14 Upon receipt and consideration of the statement from the panel the board may suspend  
18.15 the teacher. The board must notify the teacher in writing of such suspension and the  
18.16 reasons therefor. During the leave of absence, the district must pay the teacher sick leave  
18.17 benefits up to the amount of unused accumulated sick leave, and after it is exhausted, the  
18.18 district may in its discretion pay additional benefits. The teacher must be reinstated to the  
18.19 teacher's position upon evidence from such a physician of sufficient recovery to be capable  
18.20 of resuming performance of duties in a proper manner. In the event that the teacher does  
18.21 not qualify for reinstatement within 12 months after the date of suspension, the continuing  
18.22 disability may be a ground for discharge under subdivision 13.

18.23 Sec. 2. Minnesota Statutes 2012, section 122A.41, subdivision 6, is amended to read:

18.24 Subd. 6. **Grounds for discharge or demotion.** (a) Except as otherwise provided  
18.25 in paragraph (b), causes for the discharge or demotion of a teacher either during or after  
18.26 the probationary period must be:

18.27 (1) immoral character, conduct unbecoming a teacher, or insubordination;

18.28 (2) failure without justifiable cause to teach without first securing the written release  
18.29 of the school board having the care, management, or control of the school in which the  
18.30 teacher is employed;

18.31 (3) inefficiency in teaching or in the management of a school, consistent with  
18.32 subdivision 5, paragraph (b);

18.33 (4) affliction with ~~active tuberculosis or other~~ a communicable disease must be  
18.34 considered as cause for removal or suspension while the teacher is suffering from such  
18.35 disability; or

19.1 (5) discontinuance of position or lack of pupils.

19.2 For purposes of this paragraph, conduct unbecoming a teacher includes an unfair  
19.3 discriminatory practice described in section 363A.13.

19.4 (b) A probationary or continuing-contract teacher must be discharged immediately  
19.5 upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the  
19.6 teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

19.7 Sec. 3. Minnesota Statutes 2012, section 154.25, is amended to read:

19.8 **154.25 NOT TO SERVE CERTAIN PERSONS.**

19.9 No person practicing the occupation of a barber in any barber shop, barber school, or  
19.10 college in this state shall knowingly serve a person afflicted, in a dangerous or infectious  
19.11 state of the disease, with erysipelas, eczema, impetigo, sycosis, ~~tuberculosis~~, or any other  
19.12 contagious or infectious disease. Any person so afflicted is hereby prohibited from being  
19.13 served in any barber shop, barber school, or college in this state. Any violation of this  
19.14 section shall be considered a misdemeanor as provided for in sections 154.001, 154.002,  
19.15 154.003, 154.01 to 154.161, 154.19 to 154.21, and 154.24 to 154.26.

19.16 Sec. 4. **REVISOR'S INSTRUCTION.**

19.17 The revisor shall make changes necessary to correct punctuation, grammar, and  
19.18 structure of the remaining text required by the repealed sections in this article.

19.19 Sec. 5. **REPEALER.**

19.20 Minnesota Statutes 2012, sections 144.443; 144.444; and 144.45, are repealed.

19.21 **ARTICLE 4**

19.22 **FORMALDEHYDE**

19.23 Section 1. **REVISOR'S INSTRUCTION.**

19.24 The revisor shall make changes necessary to correct punctuation, grammar, and  
19.25 structure of the remaining text required by the repealed sections in this article.

19.26 Sec. 2. **REPEALER.**

19.27 Minnesota Statutes 2012, sections 144.495; and 325F.181, are repealed.

20.1 **ARTICLE 5**20.2 **MISCELLANEOUS**

20.3 Section 1. Minnesota Statutes 2012, section 144.12, subdivision 1, is amended to read:

20.4 Subdivision 1. **Rules.** The commissioner may adopt reasonable rules pursuant to  
20.5 chapter 14 for the preservation of the public health. The rules shall not conflict with the  
20.6 charter or ordinance of a city of the first class upon the same subject. The commissioner  
20.7 may control, by rule, by requiring the taking out of licenses or permits, or by other  
20.8 appropriate means, any of the following matters:

20.9 (1) the manufacture into articles of commerce, other than food, of diseased, tainted,  
20.10 or decayed animal or vegetable matter;

20.11 (2) the business of scavenging and the disposal of sewage;

20.12 (3) the location of mortuaries and cemeteries and the removal and burial of the dead;

20.13 (4) the management of boarding places for infants and the treatment of infants  
20.14 in them;

20.15 (5) the pollution of streams and other waters and the distribution of water by persons  
20.16 for drinking or domestic use;

20.17 (6) the construction and equipment, in respect to sanitary conditions, of schools,  
20.18 hospitals, almshouses, prisons, and other public institutions, and of lodging houses and  
20.19 other public sleeping places kept for gain;

20.20 (7) the treatment, in hospitals and elsewhere, of persons suffering from  
20.21 communicable diseases, including all manner of venereal disease and infection, the  
20.22 disinfection and quarantine of persons and places in case of those diseases, and the  
20.23 reporting of sicknesses and deaths from them;

20.24 Neither the commissioner nor any community health board of health as defined in  
20.25 section 145A.02, subdivision 2 ~~5~~, nor director of public health may adopt any rule or  
20.26 regulation for the treatment in any penal or correctional institution of any person suffering  
20.27 from any communicable disease or venereal disease or infection, which requires the  
20.28 involuntary detention of any person after the expiration of the period of sentence to  
20.29 the penal or correctional institution, or after the expiration of the period to which the  
20.30 sentence may be reduced by good time allowance or by the lawful order of any judge or  
20.31 the Department of Corrections;

20.32 (8) the prevention of infant blindness and infection of the eyes of the newly born  
20.33 by the designation, from time to time, of one or more prophylactics to be used in those  
20.34 cases and in the manner that the commissioner directs, unless specifically objected to  
20.35 by a parent of the infant;

21.1           ~~(9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox,~~  
21.2 ~~with other persons not vaccinated, but no rule of the board or of any public board or officer~~  
21.3 ~~shall at any time compel the vaccination of a child, or exclude, except during epidemics~~  
21.4 ~~of smallpox and when approved by the local board of education, a child from the public~~  
21.5 ~~schools for the reason that the child has not been vaccinated; any person required to be~~  
21.6 ~~vaccinated may select for that purpose any licensed physician and no rule shall require the~~  
21.7 ~~vaccination of any child whose physician certifies that by reason of the child's physical~~  
21.8 ~~condition vaccination would be dangerous;~~

21.9           ~~(10)~~ (9) the accumulation of filthy and unwholesome matter to the injury of the  
21.10 public health and its removal;

21.11           ~~(11)~~ (10) the collection, recording, and reporting of vital statistics by public officers  
21.12 and the furnishing of information to them by physicians, undertakers, and others of births,  
21.13 deaths, causes of death, and other pertinent facts;

21.14           ~~(12)~~ (11) the construction, equipment, and maintenance, in respect to sanitary  
21.15 conditions, of lumber camps, migratory or migrant labor camps, and other industrial camps;

21.16           ~~(13)~~ (12) the general sanitation of tourist camps, summer hotels, and resorts in  
21.17 respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention  
21.18 and control of communicable diseases; and, to that end, may prescribe the respective duties  
21.19 of agents of a board of health as authorized under section 145A.04; and all boards of health  
21.20 shall make such investigations and reports and obey such directions as the commissioner  
21.21 may require or give and, under the supervision of the commissioner, enforce the rules;

21.22           ~~(14)~~ (13) atmospheric pollution which may be injurious or detrimental to public  
21.23 health;

21.24           ~~(15)~~ (14) sources of radiation, and the handling, storage, transportation, use and  
21.25 disposal of radioactive isotopes and fissionable materials; and

21.26           ~~(16)~~ (15) the establishment, operation and maintenance of all clinical laboratories  
21.27 not owned, or functioning as a component of a licensed hospital. These laboratories shall  
21.28 not include laboratories owned or operated by five or less licensed practitioners of the  
21.29 healing arts, unless otherwise provided by federal law or regulation, and in which these  
21.30 practitioners perform tests or procedures solely in connection with the treatment of their  
21.31 patients. Rules promulgated under the authority of this clause, which shall not take effect  
21.32 until federal legislation relating to the regulation and improvement of clinical laboratories  
21.33 has been enacted, may relate at least to minimum requirements for external and internal  
21.34 quality control, equipment, facility environment, personnel, administration and records.  
21.35 These rules may include the establishment of a fee schedule for clinical laboratory  
21.36 inspections. The provisions of this clause shall expire 30 days after the conclusion of any

22.1 fiscal year in which the federal government pays for less than 45 percent of the cost of  
22.2 regulating clinical laboratories.

22.3 Sec. 2. **REVISOR'S INSTRUCTION.**

22.4 The revisor shall make changes necessary to correct punctuation, grammar, and  
22.5 structure of the remaining text required by the repealed sections in this article.

22.6 Sec. 3. **REPEALER.**

22.7 Minnesota Statutes 2012, sections 62J.322; 62U.09; 144.011, subdivision 2;  
22.8 144.0506; 144.071; 144.072; 144.076; 144.146, subdivision 1; 144.1475; 145.132;  
22.9 145.97; and 145.98, subdivisions 1 and 3, are repealed.

APPENDIX  
Article locations in 14-4519

|           |   |               |
|-----------|---|---------------|
| ARTICLE 1 | HEALTH CARE ADMINISTRATIVE SIMPLIFICATION ACT ..... | Page.Ln 1.13  |
|           | COMBINING REPORTS ON VULNERABLE ADULTS              |               |
| ARTICLE 2 | MALTREATMENT .....                                  | Page.Ln 14.23 |
| ARTICLE 3 | TUBERCULOSIS .....                                  | Page.Ln 17.29 |
| ARTICLE 4 | FORMALDEHYDE .....                                  | Page.Ln 19.21 |
| ARTICLE 5 | MISCELLANEOUS .....                                 | Page.Ln 20.1  |

**62J.322 PROVIDER INFORMATION PILOT STUDY.**

The commissioner shall develop a pilot study to collect comparative data from health care providers on opportunities and barriers to the provision of quality, cost-effective health care. The provider information pilot study shall include providers in community integrated service networks, health maintenance organizations, preferred provider organizations, indemnity insurance plans, public programs, and other health plan companies. Health plan companies and group purchasers shall provide to the commissioner providers' names, health plan assignment, and other appropriate data necessary for the commissioner to conduct the study. The provider information pilot study shall examine factors that increase and hinder access to the provision of quality, cost-effective health care. The study may examine:

- (1) administrative barriers and facilitators;
- (2) time spent obtaining permission for appropriate and necessary treatments;
- (3) latitude to order appropriate and necessary tests, pharmaceuticals, and referrals to specialty providers;
- (4) assistance available for decreasing administrative and other routine paperwork activities;
- (5) continuing education opportunities provided;
- (6) access to readily available information on diagnoses, diseases, outcomes, and new technologies;
- (7) continuous quality improvement activities;
- (8) inclusion in administrative decision making;
- (9) access to social services and other services that facilitate continuity of care;
- (10) economic incentives and disincentives;
- (11) peer review procedures; and
- (12) the prerogative to address public health needs.

In selecting additional data for collection, the commissioner shall consider the: (i) statistical validity of the data; (ii) public need for the data; (iii) estimated expense of collecting and reporting the data; and (iv) usefulness of the data to identify barriers and opportunities to improve quality care provision within health plan companies.

**62J.59 IMPLEMENTATION OF NCPDP TELECOMMUNICATIONS STANDARD FOR PHARMACY CLAIMS.**

(a) All category I and II pharmacies licensed in this state shall use the most recent HIPAA-mandated version of the NCPDP telecommunication standard or the NCPDP batch standard for the electronic submission of claims to group purchasers as appropriate.

(b) All category I and category II group purchasers in this state shall use the most recent HIPAA-mandated version of the NCPDP telecommunication standard or NCPDP batch standard for the electronic NCPDP response transaction to pharmacies as appropriate.

**62U.09 HEALTH CARE REFORM REVIEW COUNCIL.**

Subdivision 1. **Establishment.** The Health Care Reform Review Council is established for the purpose of periodically reviewing the progress of implementation of this chapter and sections 256B.0751 to 256B.0754.

Subd. 2. **Members.** (a) The Health Care Reform Review Council shall consist of 16 members who are appointed as follows:

- (1) two members appointed by the Minnesota Medical Association, at least one of whom must represent rural physicians;
- (2) one member appointed by the Minnesota Nurses Association;
- (3) two members appointed by the Minnesota Hospital Association, at least one of whom must be a rural hospital administrator;
- (4) one member appointed by the Minnesota Academy of Physician Assistants;
- (5) one member appointed by the Minnesota Business Partnership;
- (6) one member appointed by the Minnesota Chamber of Commerce;
- (7) one member appointed by the SEIU Minnesota State Council;
- (8) one member appointed by the AFL-CIO;
- (9) one member appointed by the Minnesota Council of Health Plans;
- (10) one member appointed by the Smart Buy Alliance;
- (11) one member appointed by the Minnesota Medical Group Management Association;
- (12) one consumer member appointed by AARP Minnesota;



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(13) one member appointed by the Minnesota Psychological Association; and

(14) one member appointed by the Minnesota Chiropractic Association.

(b) If a member is no longer able or eligible to participate, a new member shall be appointed by the entity that appointed the outgoing member.

Subd. 3. **Operations of council.** (a) The commissioner of health shall convene the first meeting of the council on or before January 15, 2009, following the initial appointment of the members and the advisory council must meet at least quarterly thereafter.

(b) The council is governed by section 15.059, except that members shall not receive per diems and the council does not expire.

**144.011 DEPARTMENT OF HEALTH.**

Subd. 2. **State Health Advisory Task Force.** The commissioner of health may appoint a State Health Advisory Task Force. If appointed, members of the task force shall be broadly representative of the licensed health professions and shall also include public members as defined by section 214.02. The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059.

**144.0506 AGENCY WEB SITES.**

Subdivision 1. **Information to be posted.** The commissioner of health may post the following information on agency Web sites, including minnesotahealthinfo.com:

(1) healthy lifestyle and preventive health care information, organized by sex and age, with procedures and treatments categorized by level of effectiveness and reliability of the supporting evidence on effectiveness;

(2) health plan company administrative efficiency report cards;

(3) health care provider charges for common procedures, based on information available under section 62J.052;

(4) evidence-based medicine guidelines and related information for use as resources by health care professionals, and summaries of the guidelines and related information for use by patients and consumers;

(5) resources and Web links related to improving efficiency in medical clinics and health care professional practices; and

(6) lists of nonprofit and charitable entities that accept donations of used medical equipment and supplies, such as crutches and walkers.

Subd. 2. **Other Internet resources.** The commissioner of health, in implementing subdivision 1, shall include relevant Web links and materials from private sector and other government sources in order to avoid duplication and reduce state administrative costs.

Subd. 3. **Cooperation with commissioner of commerce.** The commissioner of health shall consult and work in cooperation with the commissioner of commerce when posting on the Web site information collected from health plan companies regulated by the commissioner of commerce.

**144.071 MERIT SYSTEM FOR LOCAL EMPLOYEES.**

The commissioner may establish a merit system for employees of county or municipal health departments or public health nursing services or health districts, and may promulgate rules governing the administration and operation thereof. In the establishment and administration of the merit system authorized by this section, the commissioner may utilize facilities and personnel of any state department or agency with the consent of such department or agency. The commissioner may also, by rule, cooperate with the federal government in any manner necessary to qualify for federal aid.

**144.072 IMPLEMENTATION OF SOCIAL SECURITY AMENDMENTS OF 1972.**

Subdivision 1. **Rules.** The state commissioner of health shall implement by rule, pursuant to the Administrative Procedure Act, those provisions of the Social Security Amendments of 1972 (Public Law 92-603) required of state health agencies, including rules which:

(a) establish a plan, consistent with regulations prescribed by the secretary of health, education, and welfare, for the review by appropriate professional health personnel, of the appropriateness and quality of care and services furnished to recipients of medical assistance; and

(b) provide for the determination as to whether institutions and agencies meet the requirements for participation in the medical assistance program, and the certification that those requirements, including utilization review, are being met.

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Subd. 2. **Existing procedures.** The policies and procedures, including survey forms, reporting forms, and other documents developed by the commissioner of health for the purpose of conducting the inspections of care required under Code of Federal Regulations, title 42, sections 456.600 to 456.614, in effect on March 1, 1984, have the force and effect of law and shall remain in effect and govern inspections of care until June 30, 1987, unless otherwise superseded by rules adopted by the commissioner of health.

### **144.076 MOBILE HEALTH CLINIC.**

The state commissioner of health may establish, equip, and staff with the commissioner's own members or volunteers from the healing arts, or may contract with a public or private nonprofit agency or organization to establish, equip, and staff a mobile unit, or units to travel in and around poverty stricken areas and Indian reservations of the state on a prescribed course and schedule for diagnostic and general health counseling, including counseling on and distribution of dietary information, to persons residing in such areas. For this purpose the state commissioner of health may purchase and equip suitable motor vehicles, and furnish a driver and such other personnel as the department deems necessary to effectively carry out the purposes for which these mobile units were established or may contract with a public or private nonprofit agency or organization to provide the service.

### **144.146 TREATMENT OF CYSTIC FIBROSIS.**

Subdivision 1. **Program.** The commissioner of health shall develop and conduct a program including medical care and hospital treatment for persons aged 21 or over who are suffering from cystic fibrosis.

### **144.1475 RURAL HOSPITAL DEMONSTRATION PROJECT.**

Subdivision 1. **Establishment.** The commissioner of health, for the biennium ending June 30, 1999, shall establish at least three demonstration projects per fiscal year to assist rural hospitals in the planning and implementation process to either consolidate or cooperate with another existing hospital in its service area to provide better quality health care to its community. A demonstration project must include at least two eligible hospitals. For purposes of this section, an "eligible hospital" means a hospital that:

- (1) is located outside the seven-county metropolitan area;
- (2) has 50 or fewer licensed beds; and
- (3) is located within a 25-mile radius of another hospital.

At least one of the eligible hospitals in a demonstration project must have had a negative operating margin during one of the two years prior to application.

Subd. 2. **Application.** (a) An eligible hospital seeking to be a participant in a demonstration project must submit an application to the commissioner of health detailing the hospital's efforts to consolidate health care delivery in its service area, cooperate with another hospital in the delivery of health care, or both consolidate and cooperate. Applications must be submitted by October 15 of each fiscal year for grants awarded for that fiscal year.

(b) Applications must:

- (1) describe the problem that the proposed consolidation or cooperation will address, the consolidation or cooperation project, how the grant funds will be used, what will be accomplished, and the results expected;
- (2) describe achievable objectives, a timetable, and the roles and capabilities of responsible individuals and organizations;
- (3) include written commitments from the applicant hospital and at least one other hospital that will participate in the consolidation or cooperation demonstration project, that specify the activities the organization will undertake during the project, the resources the organization will contribute to the demonstration project, and the expected role and nature of the organization's involvement in proposed consolidation or cooperation activities; and
- (4) provide evidence of support for the proposed project from other local health service providers and from local community and government leaders.

Subd. 3. **Grants.** The commissioner of health shall allocate a grant of up to \$100,000 to the highest scoring applicants each year until available funding is expended. Grants may be used by eligible hospitals to:

- (1) conduct consolidation or cooperation negotiations;
- (2) develop consolidation or cooperation plans, including financial plans and architectural designs;

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(3) seek community input and conduct community education on proposed or planned consolidations or cooperative activities; and

(4) implement consolidation or cooperation plans.

Subd. 4. **Consideration of grants.** In evaluating applications, the commissioner shall score each application on a 100 point scale, assigning: a maximum of 40 points for an applicant's understanding of the problem, description of the project, and likelihood of successful outcome of the project; a maximum of 30 points for explicit and unequivocal written commitments from organizations participating in the project; a maximum of 20 points for matching funds or in-kind services committed by the applicant or others to the project; and a maximum of ten points for the extent of community support for the project. The commissioner shall consider the comments, if any, resulting from a review of the application by the community health board in whose community health service area the applicant is located. The commissioner may also take into account other relevant factors.

Subd. 5. **Evaluation.** The commissioner of health shall evaluate the overall effectiveness of the demonstration projects and report to the legislature by September 1, 2000. The commissioner may collect, from the hospitals receiving grants, any information necessary to evaluate the demonstration project.

### **144.443 TUBERCULOSIS HEALTH THREAT TO OTHERS.**

A "health threat to others" as defined in section 144.4172, subdivision 8, includes a person who, although not currently infectious, has failed to complete a previously prescribed course of tuberculosis therapy, demonstrates an inability or unwillingness to initiate or complete, or shows an intent to fail to complete, a prescribed course of tuberculosis drug therapy, if that failure could lead to future infectiousness.

### **144.444 TUBERCULOSIS EMERGENCY HOLD.**

A temporary emergency hold under section 144.4182 may be placed on a person who is a health threat to others when there is reasonable cause to believe that the person may be unlocatable for the purposes of applying the procedures described in sections 144.4171 to 144.4186, or when medical or epidemiologic evidence suggests that the person is or may become infectious before the conclusion of court proceedings and appeals.

### **144.45 TUBERCULOSIS IN SCHOOLS; CERTIFICATE.**

No person with active tuberculosis shall remain in or near a school building unless the person has a certificate issued by a physician stating that the person's presence in a school building will not endanger the health of other people.

### **144.495 FORMALDEHYDE RULES.**

The legislature finds that building materials containing urea formaldehyde may emit unsafe levels of formaldehyde in newly constructed housing units. The product standards prescribed in section 325F.181 are intended to provide indoor air levels of formaldehyde that do not exceed 0.4 parts per million. If the commissioner of health determines that the standards prescribed in section 325F.181 result in indoor air levels of formaldehyde that exceed 0.4 parts per million, the commissioner may adopt different building materials product standards to ensure that the 0.4 parts per million level is not exceeded. The commissioner may adopt rules under chapter 14 to establish product standards as provided in this section. The rules of the commissioner governing ambient air levels of formaldehyde, Minnesota Rules, parts 4620.1600 to 4620.2100, are repealed, except that the rule of the commissioner relating to new installations of urea formaldehyde foam insulation in residential housing units remains in effect.

### **145.132 AUTHORIZED REMOVAL OF BRAIN.**

If the attending physician of a recipient of medical assistance is of the opinion that the deceased recipient was a victim of Alzheimer's disease, the physician or a designated pathologist may remove the brain of the decedent. Before the physician removes the brain, the physician shall obtain the permission of the decedent's next of kin, the authorization of the county coroner or medical examiner, and the authorization of the appropriate department of the St. Paul Ramsey

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Medical Center. The extracted brain shall be immediately transported to the St. Paul Ramsey Medical Center in a manner prescribed by the St. Paul Ramsey Medical Center.

**145.97 HILL-BURTON PROGRAM; RECORD KEEPING.**

The commissioner shall maintain records on the number and nature of complaints received and any actions taken to implement or enforce the Hill-Burton laws and rules.

**145.98 COUNCIL ON HEALTH PROMOTION AND WELLNESS.**

Subdivision 1. **Creation; membership.** The commissioner of health may appoint an Advisory Task Force on Health Promotion and Wellness. Members of the task force shall be experienced or interested in health promotion and wellness. There shall be at least one member from each congressional district. The task force shall expire, and the terms, compensation, and removal of members shall be governed by section 15.059.

Subd. 3. **Powers.** The task force may solicit, receive, and disburse funds made available for health promotion and wellness.

**325F.181 FORMALDEHYDE PRODUCT STANDARD.**

All plywood and particleboard used in newly constructed housing units, including manufactured homes, or sold to the public for use as building materials, shall comply with the product standards, certification and labeling requirements, and other provisions in Code of Federal Regulations, title 24, sections 3280.308 and 3280.406 (1984). After February 1, 1986, all medium density fiberboard used in newly constructed housing units, including manufactured homes, or sold to the public for use as building materials, shall comply with the product standard, certification and labeling requirements, and other provisions for particleboard in Code of Federal Regulations, title 24, section 3280.308 (1984), notwithstanding the fact that medium density fiberboard is not specifically covered by that regulation. The product standards prescribed in this section may be modified by rule by the commissioner of health only as provided in section 144.495.