

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1036

Introduced by

Legislative Management

(Health Services Committee)

1 A BILL for an Act to amend and reenact sections 23-01.1-01, 23-01.1-02, 23-01.1-04, and
2 23-01.1-07 of the North Dakota Century Code, relating to the membership and powers of the
3 health care data committee, administrative authority of the health care data committee, and a
4 civil penalty; to repeal section 23-01.1-02.1 and chapter 23-01.1 of the North Dakota Century
5 Code, relating to the publication of comparative physician fee information and the health care
6 data committee; and to provide an effective date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 23-01.1-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-01.1-01. Health care data committee of state health council - Membership -**
11 **Appointment by chairman of health council.**

12 The health care data committee is a standing committee of the state health council,
13 consisting of not less than three nor more than five members, appointed by the chairman of the
14 health council from the members of the council. A majority of the members of the health care-
15 data committee must be consumer members of the health council.

16 **SECTION 2. AMENDMENT.** Section 23-01.1-02 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **23-01.1-02. Powers of health care data committee.**

19 ~~To provide information to the public necessary for the enhancement of price competition in~~
20 ~~the health care market, the~~The health care data committee may:

- 21 1. Collect, store, analyze, and provide health care data.
- 22 2. ~~Compile the average aggregate charges by diagnosis for the twenty five most~~
23 ~~common diagnoses, annual operating costs, revenues, capital expenditures, and~~
24 ~~utilization for each nonfederal acute care hospital in this state, and the average~~

- 1 charges by source of payment and level of service in each long-term care facility in
2 this state.
- 3 ~~3.~~ Establish a uniform format for the collection of information on charges to patients.
- 4 ~~4.~~ Prepare an annual report comparing the cost of hospitalization by diagnosis in each
5 nonfederal acute care hospital and comparing average charges by source of payment
6 and by level of service in each long-term care facility in the state.
- 7 ~~5-2.~~ Establish procedures that assure public availability of the information required to make
8 informed health care purchasing decisions.
- 9 ~~6-3.~~ Establish arrangements with the state department of health, the department of human
10 services, the insurance commissioner, workforce safety and insurance, and the public
11 employees retirement system, and other agencies to assure patient confidentiality, the
12 sharing of information, and the coordination, analysis, and dissemination of health
13 care data, and to act in a manner which does not duplicate data collection activities of
14 other state agencies.
- 15 ~~7.~~ Prepare and distribute a report comparing physicians' average charges for selected
16 services to include all physicians licensed to practice medicine in this state and
17 determined by the health care data committee to be actively providing direct patient
18 care services in this state.

19 **SECTION 3. AMENDMENT.** Section 23-01.1-04 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **23-01.1-04. Administrative authority of health care data committee - Administrative**
22 **support - Authority to acquire data.**

23 The health care data committee may adopt rules consistent with and necessary for the
24 implementation of this chapter. The committee shall establish working arrangements among
25 other state agencies for the assurance of patient confidentiality, the sharing of information, and
26 the coordination, analysis, and dissemination of health care data to the public and to the state
27 agencies ~~in making more cost-effective health care purchasing decisions.~~ The committee may
28 require insurers, nonprofit health service corporations, health maintenance organizations, and
29 state agencies to provide data regarding hospital, physician, and other provider
30 charges, information and reimbursement and volume data as required for the performance of the
31 duties of the committee under this chapter.

1 **SECTION 4. AMENDMENT.** Section 23-01.1-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-01.1-07. Civil penalty.**

4 Any person violating this chapter or violating any rule adopted by the health care data
5 committee is subject to a civil penalty not to exceed five hundred dollars per day of violation.
6 The state department of health with the assistance of the attorney general may prosecute an
7 action in district court to recover any civil penalty under this chapter.

8 **SECTION 5. REPEAL.** Section 23-01.1-02.1 of the North Dakota Century Code is repealed.

9 **SECTION 6. REPEAL.** Chapter 23-01.1 of the North Dakota Century Code is repealed.

10 **SECTION 7. EFFECTIVE DATE.** Section 6 of this Act becomes effective on August 1, 2015.