Minnesota -Excerpts from Newly Passed Legislation

Sec. 2. Minnesota Statutes 2007 Supplement, section 62J.495, is amended by adding a
subdivision to read:
Subd. 3. **Interoperable electronic health record requirements.** (a) To meet the
requirements of subdivision 1, hospitals and health care providers must meet the following
criteria when implementing an interoperable electronic health records system within their
hospital system or clinical practice setting.
(b) The electronic health record must be certified by the Certification Commission
for Healthcare Information Technology, or its successor. This criterion only applies to
hospitals and health care providers whose practice setting is a practice setting covered
by Certification Commission for Healthcare Information Technology certifications. This
criterion shall be considered met if a hospital or health care provider is using an electronic
health records system that has been certified within the last three years, even if a more
current version of the system has been certified within the three-year period.
(c) A health care provider who is a prescriber or dispenser of controlled substances
must have an electronic health record system that meets the requirements of section
62J.497.
Sec. 3. **[62J.497] ELECTRONIC PRESCRIPTION DRUG PROGRAM.**
Subdivision 1. **Definitions.** For the purposes of this section, the following terms
have the meanings given.
(a) "Dispense" or "dispensing" has the meaning given in section 151.01, subdivision
30. Dispensing does not include the direct administering of a controlled substance to a
patient by a licensed health care professional.

(b) "Dispenser" means a person authorized by law to dispense a controlled substance,
pursuant to a valid prescription.
(c) "Electronic media" has the meaning given under Code of Federal Regulations,
title 45, part 160.103.
(d) "E-prescribing" means the transmission using electronic media of prescription
or prescription-related information between a prescriber, dispenser, pharmacy benefit
manager, or group purchaser, either directly or through an intermediary, including an

e-prescribing network. E-prescribing includes, but is not limited to, two-way transmissions
between the point of care and the dispenser.
(e) "Electronic prescription drug program" means a program that provides for
e-prescribing.
(f) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.
(g) "HL7 messages" means a standard approved by the standards development
organization known as Health Level Seven.
(h) "National Provider Identifier" or "NPI" means the identifier described under
Code of Federal Regulations, title 45, part 162.406.
(i) "NCPDP" means the National Council for Prescription Drug Programs, Inc.
(j) "NCPDP Formulary and Benefits Standard" means the National Council for
Prescription Drug Programs Formulary and Benefits Standard, Implementation Guide,
Version 1, Release 0, October 2005.
(k) "NCPDP SCRIPT Standard" means the National Council for Prescription Drug
Programs Prescriber/Pharmacist Interface SCRIPT Standard, Implementation Guide
Version 8, Release 1 (Version 8.1), October 2005.
(l) "Pharmacy" has the meaning given in section 151.01, subdivision 2.

(m) "Prescriber" means a licensed health care professional who is authorized to prescribe a controlled substance under section 152.12, subdivision 1.

(n) "Prescription-related information" means information regarding eligibility for drug benefits, medication history, or related health or drug information.

(o) "Provider" or "health care provider" has the meaning given in section 62J.03, subdivision 8.

Subd. 2. **Requirements for electronic prescribing.** (a) Effective January 1, 2011, all providers, group purchasers, prescribers, and dispensers must establish and maintain an electronic prescription drug program that complies with the applicable standards in this section for transmitting, directly or through an intermediary, prescriptions and prescription-related information using electronic media.

(b) Nothing in this section requires providers, group purchasers, prescribers, or dispensers to conduct the transactions described in this section. If transactions described in this section are conducted, they must be done electronically using the standards described in this section. Nothing in this section requires providers, group purchasers, prescribers, or dispensers to electronically conduct transactions that are expressly prohibited by other sections or federal law.

(c) Providers, group purchasers, prescribers, and dispensers must use either HL7 messages or the NCPDP SCRIPT Standard to transmit prescriptions or prescription-related

information internally when the sender and the recipient are part of the same legal entity. If an entity sends prescriptions outside the entity, it must use the NCPDP SCRIPT Standard or other applicable standards required by this section. Any pharmacy within an entity

must be able to receive electronic prescription transmittals from outside the entity using the adopted NCPDP SCRIPT Standard. This exemption does not supersede any Health Insurance Portability and Accountability Act (HIPAA) requirement that may require the use of a HIPAA transaction standard within an organization.

(d) Entities transmitting prescriptions or prescription-related information where the prescriber is required by law to issue a prescription for a patient to a nonprescribing provider that in turn forwards the prescription to a dispenser are exempt from the requirement to use the NCPDP SCRIPT Standard when transmitting prescriptions or prescription-related information.

Subd. 3. **Standards for electronic prescribing.** (a) Prescribers and dispensers must use the NCPDP SCRIPT Standard for the communication of a prescription or prescription-related information. The NCPDP SCRIPT Standard shall be used to conduct the following transactions:

(1) get message transaction;
(2) status response transaction;
(3) error response transaction;
(4) new prescription transaction;
(5) prescription change request transaction;
(6) prescription change response transaction;
(7) refill prescription request transaction;
(8) refill prescription response transaction;
(9) verification transaction;
(10) password change transaction;
(11) cancel prescription request transaction; and
(12) cancel prescription response transaction.

(b) Providers, group purchasers, prescribers, and dispensers must use the NCPDP SCRIPT Standard for communicating and transmitting medication history information.

(c) Providers, group purchasers, prescribers, and dispensers must use the NCPDP Formulary and Benefits Standard for communicating and transmitting formulary and

benefit information.
(d) Providers, group purchasers, prescribers, and dispensers must use the national
provider identifier to identify a health care provider in e-prescribing or prescription-related
transactions when a health care provider's identifier is required.
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(e) Providers, group purchasers, prescribers, and dispensers must communicate
eligibility information and conduct health care eligibility benefit inquiry and response
transactions according to the requirements of section 62J.536.