

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2074**

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact a new subsection to section 26.1-36.4-09 of the North  
2 Dakota Century Code, relating to the treatment of health insurance utilization reports; to amend  
3 and reenact subsection 1 of section 26.1-36.4-09 of the North Dakota Century Code, relating to  
4 health insurance utilization reports; and to declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 26.1-36.4-09 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 1. Once each calendar year, any employer with ~~fifty-one or more~~ eligible employees or  
9 upon termination of health insurance coverage for any employer, the employer is  
10 entitled to a report from the insurer or administrator of that employer's employee  
11 health plan which includes a:

12 a. A monthly accounting for the most recent twenty-four-month period of the total  
13 number of ~~insured or covered~~ employees and dependents by class of coverage,  
14 the total premiums paid, and the ~~total~~ separate totals of the medical and  
15 prescription drug benefits paid on behalf of the employer's health plan.

16 b. An accounting of high-dollar medical and prescription drug claims paid for  
17 employees and dependents. For purposes of this subdivision, "high-dollar  
18 medical and prescription drug claims" means the total amount of claims paid for  
19 an employee or dependent during each twelve-month period of the most recent  
20 twenty-four-month period equal to or exceeding twenty-five thousand dollars. The  
21 accounting must also include the current status of coverage for any employees  
22 and dependents with high-dollar claims.

23 c. A current census of employees and dependents covered under the employer's  
24 health plan.

1       **SECTION 2.** A new subsection to section 26.1-36.4-09 of the North Dakota Century Code is  
2 created and enacted as follows:

3           Any person obtaining a report under this section shall treat the data in compliance with  
4           the Federal Health Insurance Portability and Accountability Act of 1996 [Pub. L.  
5           104-191; 110 Stat. 1996; 29 U.S.C. 1181 et seq.].

6       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.