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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3443

02/12/2024 Authored by Liebling, Howard, Bierman, Huot, Berg and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy
02/22/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to health; modifying requirements for the release of patient health records;
1.3 amending Minnesota Statutes 2022, section 144.293, subdivisions 2, 4, 9, 10;
1.4 proposing coding for new law in Minnesota Statutes, chapter 144.

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

1.6 Section 1. [144.2925] CONSTRUCTION.

1.7 Sections 144.293 to 144.297 shall be construed to protect the privacy of a patient's health
1.8 records in a more stringent manner than provided in Code of Federal Regulations, title 45,
1.9 part 164. For purposes of this section, "more stringent" has the meaning given to that term
1.10 in Code of Federal Regulations, title 45, section 160.202, with respect to a use or disclosure
1.11 or the need for express legal permission from an individual to disclose individually
1.12 identifiable health information.

1.13 EFFECTIVE DATE. This section is effective the day following final enactment.

1.14 Sec. 2. Minnesota Statutes 2022, section 144.293, subdivision 2, is amended to read:

1.15 Subd. 2. **Patient consent to release of records.** A provider, or a person who receives
1.16 health records from a provider, may not release a patient's health records to a person without:

1.17 (1) a signed and dated consent from the patient or the patient's legally authorized
1.18 representative authorizing the release;

1.19 (2) specific authorization in Minnesota law; or

1.20 (3) a representation from a provider that holds a signed and dated consent from the
1.21 patient authorizing the release.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.2 applies to health records released on or after that date.

2.3 Sec. 3. Minnesota Statutes 2022, section 144.293, subdivision 4, is amended to read:

2.4 Subd. 4. **Duration of consent.** Except as provided in this section, a consent is valid for
2.5 one year or for a period specified in the consent or for a different period provided by
2.6 Minnesota law.

2.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.8 applies to health records released on or after that date.

2.9 Sec. 4. Minnesota Statutes 2022, section 144.293, subdivision 9, is amended to read:

2.10 Subd. 9. **Documentation of release.** (a) In cases where a provider releases health records
2.11 without patient consent as authorized by Minnesota law, the release must be documented
2.12 in the patient's health record. In the case of a release under section 144.294, subdivision 2,
2.13 the documentation must include the date and circumstances under which the release was
2.14 made, the person or agency to whom the release was made, and the records that were released.

2.15 (b) When a health record is released using a representation from a provider that holds a
2.16 consent from the patient, the releasing provider shall document:

2.17 (1) the provider requesting the health records;

2.18 (2) the identity of the patient;

2.19 (3) the health records requested; and

2.20 (4) the date the health records were requested.

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.22 applies to health records released on or after that date.

2.23 Sec. 5. Minnesota Statutes 2022, section 144.293, subdivision 10, is amended to read:

2.24 Subd. 10. **Warranties regarding consents, requests, and disclosures.** (a) When
2.25 requesting health records using consent, a person warrants that the consent:

2.26 (1) contains no information known to the person to be false; and

2.27 (2) accurately states the patient's desire to have health records disclosed or that there is
2.28 specific authorization in Minnesota law.

3.1 (b) When requesting health records using consent, or a representation of holding a
3.2 consent, a provider warrants that the request:

3.3 (1) contains no information known to the provider to be false;

3.4 (2) accurately states the patient's desire to have health records disclosed or that there is
3.5 specific authorization in Minnesota law; and

3.6 (3) does not exceed any limits imposed by the patient in the consent.

3.7 (c) When disclosing health records, a person releasing health records warrants that the
3.8 person:

3.9 (1) has complied with the requirements of this section regarding disclosure of health
3.10 records;

3.11 (2) knows of no information related to the request that is false; and

3.12 (3) has complied with the limits set by the patient in the consent.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.14 applies to health records released on or after that date.