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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2094

03/06/2017 Authored by Franson, Gruenhagen, Lesch, Pugh, Drazkowski and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; requiring a patient's affirmative consent or nonconsent for each
1.3 item when requested to release health records; amending Minnesota Statutes 2016,
1.4 section 144.293, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2016, section 144.293, subdivision 2, is amended to read:

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

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

1.11 (2) specific authorization in law; or

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

1.14 (b) Any consent form signed by a patient must include an option to indicate "yes" or
1.15 "no" to individual items for which the provider is requesting consent. The provider may not
1.16 condition the patient's receipt of treatment on the patient's willingness to release records.