

A bill for an act
relating to health; modifying health record privacy provisions; amending
Minnesota Statutes 2010, section 144.293, subdivision 5.

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

Section 1. Minnesota Statutes 2010, section 144.293, subdivision 5, is amended to read:

Subd. 5. **Exceptions to consent requirement.** This section does not prohibit the
release of health records:

(1) for a medical emergency when the provider is unable to obtain the patient's
consent due to the patient's condition or the nature of the medical emergency;

(2) to other providers within related health care entities when necessary for the
current treatment of the patient; ~~or~~

(3) to a health care facility licensed by this chapter, chapter 144A, or to the same
types of health care facilities licensed by this chapter and chapter 144A that are licensed
in another state when a patient:

(i) is returning to the health care facility and unable to provide consent; or

(ii) who resides in the health care facility, has services provided by an outside
resource under Code of Federal Regulations, title 42, section 483.75(h), and is unable to
provide consent; or

(4) of a patient who has been deceased for more than 50 years, unless:

(i) the patient's will or health care directive prohibits the release of the patient's
health record; or

(ii) a descendent of the deceased objects to the release of the health record. For
purposes of this provision, "descendent" means all of the patient's descendents of all
generations, with the relationship of parent and child at each generation.