

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 523

02/13/2013 Authored by Kahn, Holberg, Nelson, Metsa, Clark and others

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act  
1.2 relating to health; modifying health record privacy provisions; amending  
1.3 Minnesota Statutes 2012, sections 144.292, by adding a subdivision; 144.293,  
1.4 subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2012, section 144.292, is amended by adding a  
1.7 subdivision to read:

1.8 Subd. 3a. **Right to access.** Upon request, a provider must supply to the requester  
1.9 complete and current information possessed by the provider concerning any diagnosis,  
1.10 treatment, and prognosis of a patient who has been deceased for more than 50 years.

1.11 Sec. 2. Minnesota Statutes 2012, section 144.293, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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