

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1338

(SENATE AUTHORS: ABELER, Hoffman and Kiffmeyer)

DATE
02/18/2019

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Introduction and first reading
Referred to Health and Human Services Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health care; creating an unconscious person's bill of rights; amending
1.3 Minnesota Statutes 2018, section 144.651, subdivision 2, by adding a subdivision.

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

1.5 Section 1. Minnesota Statutes 2018, section 144.651, subdivision 2, is amended to read:

1.6 Subd. 2. **Definitions.** For the purposes of this section, "patient" means a person who is
1.7 admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for
1.8 the purpose of diagnosis or treatment bearing on the physical or mental health of that person.
1.9 For purposes of subdivisions 4 to 9, 12, 13, 15, 16, and 18 to 20, "patient" also means a
1.10 person who receives health care services at an outpatient surgical center or at a birth center
1.11 licensed under section 144.615. "Patient" also means a minor who is admitted to a residential
1.12 program as defined in section 253C.01. For purposes of subdivisions 1, 3 to 16, 18, 20 and
1.13 30, "patient" also means any person who is receiving mental health treatment on an outpatient
1.14 basis or in a community support program or other community-based program. For purposes
1.15 of subdivision 34, "patient" means a person receiving health care services in a hospital,
1.16 outpatient surgical center, or health clinic. "Resident" means a person who is admitted to a
1.17 nonacute care facility including extended care facilities, nursing homes, and boarding care
1.18 homes for care required because of prolonged mental or physical illness or disability,
1.19 recovery from injury or disease, or advancing age. For purposes of all subdivisions except
1.20 subdivisions 28 and 29, "resident" also means a person who is admitted to a facility licensed
1.21 as a board and lodging facility under Minnesota Rules, parts 4625.0100 to 4625.2355, or a
1.22 supervised living facility under Minnesota Rules, parts 4665.0100 to 4665.9900, and which

2.1 operates a rehabilitation program licensed under chapter 245G or Minnesota Rules, parts
2.2 9530.6510 to 9530.6590.

2.3 Sec. 2. Minnesota Statutes 2018, section 144.651, is amended by adding a subdivision to
2.4 read:

2.5 **Subd. 34. Unconscious person's rights during surgical procedure.** (a) Upon the request
2.6 of the patient or the patient's legal representative, all surgical procedures where the patient
2.7 is unconscious must be recorded by the hospital, outpatient surgical center, or health clinic
2.8 by mounted video camera and must be kept as part of the patient's medical record for a
2.9 period of two years. In the event of an incident or accident occurring during the time the
2.10 patient is unconscious, the hospital, surgical center, or health clinic must maintain the
2.11 recording as part of the patient's medical record for a period of seven years.

2.12 (b) A patient or the patient's legal representative shall be provided a copy of any incident
2.13 or accident report compiled by the hospital, surgical center, or health clinic involving the
2.14 patient and any report may be presented as evidence in a court of law.

2.15 (c) Upon request, a patient or the patient's legal representative shall be provided with
2.16 the name of each individual on the patient's health care team and that individual's role on
2.17 the team.