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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3697

02/24/2020 Authored by Bennett, Kresha, Hamilton, Demuth, Theis 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 records; modifying circumstances in which a parent, guardian,
1.3 or other person may access health records of a minor; amending Minnesota Statutes
1.4 2018, sections 144.291, subdivision 2; 144.292, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 144.291, subdivision 2, is amended to read:

1.7 Subd. 2. Definitions. For the purposes of sections 144.291 to 144.298, the following
1.8 terms have the meanings given.

1.9 (a) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.

1.10 (b) "Health information exchange" means a legal arrangement between health care
1.11 providers and group purchasers to enable and oversee the business and legal issues involved
1.12 in the electronic exchange of health records between the entities for the delivery of patient
1.13 care.

1.14 (c) "Health record" means any information, whether oral or recorded in any form or
1.15 medium, that relates to the past, present, or future physical or mental health or condition of
1.16 a patient; the provision of health care to a patient; or the past, present, or future payment
1.17 for the provision of health care to a patient.

1.18 (d) "Identifying information" means the patient's name, address, date of birth, gender,
1.19 parent's or guardian's name regardless of the age of the patient, and other nonclinical data
1.20 which can be used to uniquely identify a patient.

1.21 (e) "Individually identifiable form" means a form in which the patient is or can be
1.22 identified as the subject of the health records.

2.1 (f) "Medical emergency" means medically necessary care which is immediately needed  
2.2 to preserve life, prevent serious impairment to bodily functions, organs, or parts, or prevent  
2.3 placing the physical or mental health of the patient in serious jeopardy.

2.4 (g) "Patient" means a natural person who has received health care services from a provider  
2.5 for treatment or examination of a medical, psychiatric, or mental condition, the surviving  
2.6 spouse and parents of a deceased patient, or a person the patient appoints in writing as a  
2.7 representative, including a health care agent acting according to chapter 145C, unless the  
2.8 authority of the agent has been limited by the principal in the principal's health care directive.  
2.9 ~~Except for minors who have received health care services under sections 144.341 to 144.347,~~  
2.10 In the case of a minor, patient includes a parent or guardian, or a person acting as a parent  
2.11 or guardian in the absence of a parent or guardian, except:

2.12 (1) for minors who have received health care services under section 144.341, 144.342,  
2.13 or 144.344; and

2.14 (2) for minors who are age 16 or older and who have received health care services under  
2.15 section 144.343, subdivision 1, or section 144.3441.

2.16 (h) "Patient information service" means a service providing the following query options:  
2.17 a record locator service as defined in paragraph (j) or a master patient index or clinical data  
2.18 repository as defined in section 62J.498, subdivision 1.

2.19 (i) "Provider" means:

2.20 (1) any person who furnishes health care services and is regulated to furnish the services  
2.21 under chapter 147, 147A, 147B, 147C, 147D, 148, 148B, 148D, 148F, 150A, 151, 153, or  
2.22 153A;

2.23 (2) a home care provider licensed under section 144A.471;

2.24 (3) a health care facility licensed under this chapter or chapter 144A; and

2.25 (4) a physician assistant registered under chapter 147A.

2.26 (j) "Record locator service" means an electronic index of patient identifying information  
2.27 that directs providers in a health information exchange to the location of patient health  
2.28 records held by providers and group purchasers.

2.29 (k) "Related health care entity" means an affiliate, as defined in section 144.6521,  
2.30 subdivision 3, paragraph (b), of the provider releasing the health records.

3.1 Sec. 2. Minnesota Statutes 2018, section 144.292, is amended by adding a subdivision to  
3.2 read:

3.3 Subd. 2a. **Parent or guardian access to health record of a minor child.** A provider  
3.4 shall provide a parent, guardian, or person acting as a parent or guardian in the absence of  
3.5 a parent or guardian with full electronic and physical access to the health record of the  
3.6 parent's, guardian's, or person's minor child who is age 15 or younger, except as otherwise  
3.7 provided by law.