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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4110

03/07/2022

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

1.1 A bill for an act  
1.2 relating to health; establishing health record retention requirements for physicians  
1.3 who perform eye surgery; establishing a fee; classifying certain data; proposing  
1.4 coding for new law in Minnesota Statutes, chapter 144.

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

1.6 Section 1. [144.2955] RETENTION OF CERTAIN HEALTH RECORDS.

1.7 Subdivision 1. Notice to patients. A physician licensed under chapter 147 who performs  
1.8 eye surgery shall, prior to performing an eye surgery, notify the patient on whom the surgery  
1.9 is to be performed of the health record retention requirements of subdivision 2 and how the  
1.10 patient may access and obtain copies of the patient's health records if the health records are  
1.11 transferred to the commissioner of health or an entity under contract with the commissioner.  
1.12 The notice requirements of this subdivision are satisfied if the notice is provided to the  
1.13 patient with the notice and copy of the health care bill of rights under section 144.652 or if  
1.14 the notice is prominently displayed in the physician's place of business.

1.15 Subd. 2. Retention of health records. (a) A physician licensed under chapter 147 who  
1.16 performs eye surgery shall maintain the health records of each patient on whom the physician  
1.17 performed eye surgery for 25 years after the date of the most recent surgery.

1.18 (b) Following the required retention period in paragraph (a), the physician must either:

1.19 (1) retain the health records for an additional 35 years using a storage method from  
1.20 which the physician is able to produce an accurate reproduction of the original record; or

1.21 (2) transfer the health records to the commissioner of health or to an entity under contract  
1.22 with the commissioner, to be retained for 35 years after receipt of the health records.

2.1 (c) The system used by the commissioner or an entity under contract with the  
2.2 commissioner to retain health records received under paragraph (b), clause (2), must include  
2.3 a process for a patient to access information in the patient's health record stored by the  
2.4 system or to obtain copies of the patient's health record stored by the system.

2.5 Subd. 3. **Fee.** The commissioner shall charge a fee of \$..... to physicians who transfer  
2.6 health records to the commissioner or to an entity under contract with the commissioner for  
2.7 retention. Fees paid to the commissioner under this subdivision shall be deposited in an  
2.8 account in the special revenue fund and are appropriated to the commissioner for costs  
2.9 associated with retention of the health records.

2.10 Subd. 4. **Data practices.** Health records retained by the commissioner or an entity under  
2.11 contract with the commissioner under subdivision 2, paragraph (b), clause (2), are classified  
2.12 as private data on individuals.

2.13 **EFFECTIVE DATE.** This section is effective July 1, 2022, and applies to health records  
2.14 held on or after that date by a physician who performs eye surgery.