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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3610

February 28, 2008

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

March 4, 2008

By motion, recalled and re-referred to the Committee on Commerce and Labor

March 19, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Public Safety and Civil Justice

March 27, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to health; regulating medical debt information; proposing coding for new
1.3 law in Minnesota Statutes, chapter 325E.

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

1.5 Section 1. **[325E.45] MINNESOTA MEDICAL PRIVACY PROTECTION ACT.**

1.6 Subdivision 1. **Citation.** This section may be cited as the "Minnesota Medical
1.7 Privacy Protection Act."

1.8 Subd. 2. **Findings.** The legislature finds and declares that the protection of financial
1.9 and medical debt information of patients, and the provision of health care services,
1.10 products, or devices to patients, is an important objective of the government of this state.
1.11 The legislature also finds and declares that medical debt incurred by patients should not
1.12 prevent patients from receiving health care services, products, or devices from health care
1.13 providers that accept medical assistance. Therefore, the legislature finds and declares that
1.14 it is in the public interest to ensure that health care providers that accept medical assistance
1.15 do not unnecessarily disclose an individual patient's financial or medical debt information
1.16 to another entity, and that such health care providers do not obtain or use information from
1.17 any entity that gathers, maintains, evaluates, or distributes individual patient financial or
1.18 debt information until after health care services, products, or devices have been provided
1.19 by the health care provider to the patient.

1.20 Subd. 3. **Purpose.** The legislature declares it to be the purpose of this section to
1.21 protect a patient's financial and medical debt information and to ensure the provision of
1.22 health care services, products, or devices despite a patient's medical debt.

1.23 Subd. 4. **Definitions.** For the purposes of this section, the terms defined in this
1.24 subdivision have the meanings given them.

2.1 (a) "Health care provider" has the meaning given in section 62J.03, subdivision
2.2 8, but does not include a "housing with services establishment," as defined in section
2.3 144D.01, subdivision 4; an entity providing assisted living services, as described in section
2.4 144G.01; or an entity licensed as a boarding care home under sections 144.50 to 144.56.

2.5 (b) "Medical debt information" means any information relating to the payment
2.6 history or indebtedness of a patient regarding health care services, products, or devices
2.7 provided by a health care provider to a patient.

2.8 Subd. 5. **Prohibited conduct.** A health care provider shall not disclose an individual
2.9 patient's financial or medical debt information to another entity.

2.10 A health care provider shall not obtain or use information from any entity that
2.11 gathers, maintains, evaluates, or distributes individual patient financial or debt information
2.12 until after health care services, products, or devices have been provided by the health
2.13 care provider to the patient.

2.14 Subd. 6. **General exclusions.** Nothing in this section prevents a health care
2.15 provider from sharing an individual patient's financial or medical debt information with
2.16 the patient; the patient's insurer; the patient's authorized third-party debt management
2.17 services provider as defined in section 332A.02; a third-party debt collector as defined
2.18 in section 332.31, that the health care provider has contracted to collect the patient's
2.19 medical debt; an attorney, accountant, or auditor employed by or acting on behalf of the
2.20 health care provider; or the local, county, state, or federal government as required by law.
2.21 Nothing in this section prevents a health care provider from disclosing a court judgment
2.22 obtained by the provider. Nothing in this section prevents a health care provider from
2.23 discussing payment options or insurance coverage with a patient. This section only applies
2.24 to medically necessary health care services, products, or devices and not to cosmetic
2.25 procedures without any medical necessity.

2.26 Subd. 7. **Severability clause.** Each provision of this section is severable.
2.27 Application of any provision in this section to a particular circumstance is severable. If
2.28 any provision of this section or application of a provision of this section is found to be
2.29 contrary to law and unenforceable, the remaining provisions and applications of this
2.30 section shall remain valid and enforceable under section 645.20.

2.31 Subd. 8. **Enforcement.** This section may be enforced pursuant to section 8.31.

2.32 Subd. 9. **Financial review.** Nothing in this section prevents a health care provider
2.33 from initiating a financial review, including patient financial information, to determine
2.34 eligibility for public programs or other state or federal reimbursement or charity care if
2.35 this information is not used to deny care and does not delay care.

2.36 **EFFECTIVE DATE.** This section is effective the day following final enactment.