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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3710

March 3, 2008

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

1.1 A bill for an act
1.2 relating to health; permitting hospital records to be transferred to electronic
1.3 image; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota
1.4 Statutes 2007 Supplement, section 145.32, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2006, section 145.30, is amended to read:

1.7 **145.30 SUPERINTENDENT OF HOSPITALS TO TRANSFER RECORDS.**

1.8 The superintendent or other chief administrative officer of any public or private
1.9 hospital, by and with the consent and approval of its board of directors or other governing
1.10 body, is authorized to transfer and record, or cause to be transferred and recorded, upon
1.11 photographic film, electronic image or other state-of-the-art electronic preservation
1.12 technology of convenient size for the preservation thereof as evidence, any or all of the
1.13 original files and records of any such hospital dealing with the case history, physical
1.14 examination, and daily hospital records of the individual patients thereof, including any
1.15 miscellaneous documents, papers, and correspondence in connection therewith.

1.16 Sec. 2. Minnesota Statutes 2006, section 145.31, is amended to read:

1.17 **145.31 PHOTOSTATIC COPIES TO BE USED AS EVIDENCE.**

1.18 Upon the transferring and recording of any such original hospital files and records
1.19 in the manner hereinbefore provided, such photographic film electronic image or other
1.20 state-of-the-art electronic preservation technology records thereof shall have the same
1.21 force and effect, when offered in evidence in any proceeding in this state, as the original
1.22 records from which the same were so transferred and recorded, and any ~~photographic or~~
1.23 ~~photostatic~~ copy made therefrom, when duly certified in writing, attached thereto, by

2.1 the officer or employee of such hospital in charge of the records, to be such correct and
2.2 complete ~~photographic or photostatic~~ copy thereof, shall be admitted and received in
2.3 evidence, without further foundation, in any proceeding in this state with the same force
2.4 and effect as the original record of such hospital from which such ~~film recording~~ copy was
2.5 originally made, whether the original is in existence or not.

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

2.7 Sec. 3. Minnesota Statutes 2007 Supplement, section 145.32, subdivision 1, is
2.8 amended to read:

2.9 Subdivision 1. **Hospital records.** The superintendent or other chief administrative
2.10 officer of any public or private hospital, by and with the consent and approval of the board
2.11 of directors or other governing body of the hospital, may divest the files and records of
2.12 that hospital of any individual case records ~~bearing dates more than three years prior to the~~
2.13 ~~date of the divestiture~~ and, with that consent and approval, may destroy the records. The
2.14 records shall first have been transferred and recorded as authorized in section 145.30.

2.15 Portions of individual hospital medical records that comprise an individual
2.16 permanent medical record, as defined by the commissioner of health, shall be retained as
2.17 authorized in section 145.30. Other portions of the individual medical record, including
2.18 any miscellaneous documents, papers, and correspondence in connection with them,
2.19 may be divested and destroyed after seven years without transfer to photographic film,
2.20 electronic image or other state-of-the-art electronic preservation technology.

2.21 All portions of individual hospital medical records of minors shall be maintained for
2.22 seven years following the age of majority.

2.23 Nothing in this section shall be construed to prohibit the retention of hospital
2.24 medical records beyond the periods described in this section. Nor shall anything in this
2.25 section be construed to prohibit patient access to hospital medical records as provided
2.26 in sections 144.291 to 144.298.

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