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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3710

March 3, 2008

Authored by Huntley; Thissen; Murphy, M.; Jaros and Bunn
The bill was read for the first time and referred to the Committee on Health and Human Services

March 18, 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; permitting hospital records to be transferred to electronic
1.3 image; changing provisions for advance directive and will of decedent regarding
1.4 transport of body to place of final disposition; amending Minnesota Statutes
1.5 2006, sections 145.30; 145.31; Minnesota Statutes 2007 Supplement, sections
1.6 145.32, subdivision 1; 149A.80, subdivision 1; 149A.93, subdivision 6.

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

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

1.9 **145.30 SUPERINTENDENT OF HOSPITALS TO TRANSFER RECORDS.**

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

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

1.19 **145.31 PHOTOSTATIC COPIES TO BE USED AS EVIDENCE.**

1.20 Upon the transferring and recording of any such original hospital files and records
1.21 in the manner hereinbefore provided, such photographic film electronic image or other
1.22 state-of-the-art electronic preservation technology records thereof shall have the same
1.23 force and effect, when offered in evidence in any proceeding in this state, as the original
1.24 records from which the same were so transferred and recorded, and any ~~photographic or~~

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

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

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

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

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

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

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

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

2.29 Sec. 4. Minnesota Statutes 2007 Supplement, section 149A.80, subdivision 1, is
2.30 amended to read:

2.31 Subdivision 1. **Advance directives and will of decedent.** A person may direct
2.32 the preparation for, type, or place of that person's final disposition, as well as the type
2.33 of conveyance to be used to transport the body to the place of final disposition, either

3.1 by oral or written instructions. Arrangements made in advance of need with a funeral
3.2 establishment must be in writing and dated, signed, and notarized. The person or persons
3.3 otherwise entitled to control the final disposition under this chapter shall faithfully carry
3.4 out the reasonable and otherwise lawful directions of the decedent to the extent that the
3.5 decedent has provided resources for the purpose of carrying out the directions. If the
3.6 instructions are contained in a will, they shall be immediately carried out, regardless of the
3.7 validity of the will in other respects or of the fact that the will may not be offered for or
3.8 admitted to probate until a later date, subject to other provisions of this chapter or any
3.9 other law of this state. This subdivision shall be administered and construed so that the
3.10 reasonable and lawful instructions of the decedent or the person entitled to control the
3.11 final disposition shall be faithfully and promptly performed.

3.12 Sec. 5. Minnesota Statutes 2007 Supplement, section 149A.93, subdivision 6, is
3.13 amended to read:

3.14 Subd. 6. **Conveyances permitted for transportation.** A dead human body may be
3.15 transported by means of public transportation provided that the body must be properly
3.16 embalmed and encased in an appropriate container, or by any private vehicle or aircraft
3.17 that meets the following standards:

3.18 (1) promotes respect for and preserves the dignity of the dead human body;

3.19 (2) shields the body from being viewed from outside of the conveyance;

3.20 (3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft
3.21 ambulance stretcher, casket, alternative container, or cremation container in a horizontal
3.22 position;

3.23 (4) is designed to permit loading and unloading of the body without excessive tilting
3.24 of the casket, alternative container, or cremation container; and

3.25 (5) if used for the transportation of more than one dead human body at one time,
3.26 the vehicle must be designed so that a body or container does not rest directly on top of
3.27 another body or container and that each body or container is secured to prevent the body
3.28 or container from excessive movement within the conveyance; and,

3.29 ~~(6) is designed so that the driver and the dead human body are in the same cab.~~

3.30 A vehicle that is a dignified conveyance and was specified for use by the deceased
3.31 or by the family of the deceased may be used to transport the body to the place of final
3.32 disposition.