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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 831

02/07/2019 Authored by Halverson, Zerwas, Morrison, Kiel, Elkins and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
02/25/2019 Adoption of Report: Re-referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to health; modifying circumstances under which health records may be
1.3 released without patient consent; amending Minnesota Statutes 2018, section
1.4 144.293, subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2018, section 144.293, subdivision 5, is amended to read:

1.7 Subd. 5. Exceptions to consent requirement. (a) This section does not prohibit the
1.8 release of health records:

1.9 (1) for a medical emergency when the provider is unable to obtain the patient's consent
1.10 due to the patient's condition or the nature of the medical emergency;

1.11 (2) ~~to other providers within related health care entities when necessary for the current~~
1.12 ~~treatment of the patient~~ by those entities or individuals subject to Code of Federal
1.13 Regulations, title 45, part 164, subpart E, for treatment, payment, or health care operations
1.14 consistent with subpart E; or

1.15 (3) to a health care facility licensed by this chapter, chapter 144A, or to the same types
1.16 of health care facilities licensed by this chapter and chapter 144A that are licensed in another
1.17 state when a patient:

1.18 (i) is returning to the health care facility and unable to provide consent; or

1.19 (ii) who resides in the health care facility, has services provided by an outside resource
1.20 under Code of Federal Regulations, title 42, section 483.75(h), and is unable to provide
1.21 consent.

- 2.1 (b) A provider may release a deceased patient's health care records to another provider
- 2.2 for the purposes of diagnosing or treating the deceased patient's surviving adult child.