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S.F. No. 4199 - Requirements for the release of patient health records modification (1st engrossment)

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Bill Overview

S.F. 4199 addresses a recent Minnesota Supreme Court case, *Schneider v. Children's Health Care*, which held that the phrase “specific authorization in law” includes authorization in state or federal law. This bill updates the Minnesota Health Records Act to change uses of “authorization in law” to “authorization in Minnesota law.” S.F. 4199 further adds a section of law to provide that certain sections of the Minnesota Health Records Act should be construed as “more stringent” than the HIPAA security and privacy rules.

Section Summaries

Section 1 (adds Minn. Stat. § 144.2925) This section provides that sections 144.293 to 144.297 (sections in the Minnesota Health Records Act governing (1) release or disclosure of patient health records, (2) mental health records, (3) disclosure for external research, (4) copies of videotapes, and (5) independent medical exams) must be construed to protect the privacy of patient health records in a more stringent manner than the federal HIPAA security and privacy rules. Defines “more stringent” by reference to the definition of that term in federal rules. The federal definition identifies various criteria that the state law must meet to be considered “more stringent.”

Section 2 (amends Minn. Stat. § 144.293, subdivision 2) Existing law permits a provider, or a person who receives health records from a provider, to release a patient's health records with “specific authorization in law.” This provision may mean authorization in state or federal law. This section clarifies that the provider, or person who received health records from a provider, must have specific authorization in Minnesota law to release the patient's health records.

Section 3 (amends Minn. Stat. § 144.293, subdivision 4) Existing law provides that a consent for the release of health records from a patient or the patient's representative is valid for a period provided by law. This provision may mean state or federal law. This section clarifies that the consent is valid for a period provided by Minnesota law.

Section 4 (amends Minn. Stat. § 144.293, subdivision 9) Existing law requires, in cases where a provider releases health records without patient consent as authorized by law, the release to be documented in the patient's health record. This provision may mean authorization in state or federal law. This section clarifies that the requirement only applies to cases where a provider releases health records without patient consent as authorized by Minnesota law.

Section 5 (amends Minn. Stat. § 144.293, subdivision 10) Existing law provides that, when requesting health records using consent, a person and the provider warrant that the consent accurately states the patient's desire to have health records disclosed or that there is specific authorization in law. This provision may mean authorization in state or federal law. This section clarifies that the warranty provided for under this subdivision relates to specific authorization in Minnesota law.