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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3443

02/12/2024 Authored by Liebling, Howard, Bierman, Huot, Berg and others
The bill was referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; modifying requirements for the release of patient health records;
1.3 amending Minnesota Statutes 2022, section 144.293, subdivisions 2, 10; proposing
1.4 coding for new law in Minnesota Statutes, chapter 144.

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

1.6 Section 1. [144.2925] CONSTRUCTION.

1.7 Sections 144.293 to 144.297 shall be construed to protect the privacy of a patient's health
1.8 records in a more stringent manner than provided in Code of Federal Regulations, title 45,
1.9 part 164. For purposes of this section, "more stringent" has the meaning given to that term
1.10 in Code of Federal Regulations, title 45, section 160.202, with respect to a use or disclosure
1.11 or the need for express legal permission from an individual to disclose individually
1.12 identifiable health information.

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

1.14 Sec. 2. Minnesota Statutes 2022, section 144.293, subdivision 2, is amended to read:

1.15 Subd. 2. **Patient consent to release of records.** A provider, or a person who receives
1.16 health records from a provider, may not release a patient's health records to a person without:

1.17 (1) a signed and dated consent from the patient or the patient's legally authorized
1.18 representative authorizing the release;

1.19 (2) specific authorization in Minnesota law; or

1.20 (3) a representation from a provider that holds a signed and dated consent from the
1.21 patient authorizing the release.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.2 applies to health records released on or after that date.

2.3 Sec. 3. Minnesota Statutes 2022, section 144.293, subdivision 10, is amended to read:

2.4 Subd. 10. **Warranties regarding consents, requests, and disclosures.** (a) When
2.5 requesting health records using consent, a person warrants that the consent:

2.6 (1) contains no information known to the person to be false; and

2.7 (2) accurately states the patient's desire to have health records disclosed or that there is
2.8 specific authorization in Minnesota law.

2.9 (b) When requesting health records using consent, or a representation of holding a
2.10 consent, a provider warrants that the request:

2.11 (1) contains no information known to the provider to be false;

2.12 (2) accurately states the patient's desire to have health records disclosed or that there is
2.13 specific authorization in Minnesota law; and

2.14 (3) does not exceed any limits imposed by the patient in the consent.

2.15 (c) When disclosing health records, a person releasing health records warrants that the
2.16 person:

2.17 (1) has complied with the requirements of this section regarding disclosure of health
2.18 records;

2.19 (2) knows of no information related to the request that is false; and

2.20 (3) has complied with the limits set by the patient in the consent.

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.22 applies to health records released on or after that date.