SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 311

(SENATE AUTHORS: ANDERSON)

DATE	D-PG	OFFICIAL STATUS
02/14/2011	240	Introduction and first reading Referred to Health and Human Services

A bill for an act

relating to health; modifying health record privacy provisions; amending Minnesota Statutes 2010, section 144.293, subdivision 5.

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

Section 1. Minnesota Statutes 2010, section 144.293, subdivision 5, is amended to read:

Subd. 5. **Exceptions to consent requirement.** This section does not prohibit the release of health records:

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

(2) to other providers within related health care entities when necessary for the current treatment of the patient; ~~or~~

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

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

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

(4) of a patient who has been deceased for more than 50 years, unless:

(i) the patient's will or health care directive prohibits the release of the patient's health record; or

(ii) a descendent of the deceased objects to the release of the health record. For purposes of this provision, "descendent" means all of the patient's descendents of all generations, with the relationship of parent and child at each generation.