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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2522

02/27/2012 Authored by Franson

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act  
1.2 relating to health; modifying minor consent for health procedures and records;  
1.3 amending Minnesota Statutes 2010, sections 121A.22, subdivision 2; 144.291,  
1.4 subdivision 2; repealing Minnesota Statutes 2010, sections 144.343, subdivision  
1.5 1; 144.3441.

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

1.7 Section 1. Minnesota Statutes 2010, section 121A.22, subdivision 2, is amended to  
1.8 read:

1.9 Subd. 2. **Exclusions.** In addition, this section does not apply to drugs or medicine  
1.10 that are:

- 1.11 (1) purchased without a prescription;
- 1.12 (2) used by a pupil who is 18 years old or older;
- 1.13 (3) used in connection with services for which a minor may give effective consent;  
1.14 ~~including section 144.343, subdivision 1, and any other law;~~
- 1.15 (4) used in situations in which, in the judgment of the school personnel who are  
1.16 present or available, the risk to the pupil's life or health is of such a nature that drugs or  
1.17 medicine should be given without delay;
- 1.18 (5) used off the school grounds;
- 1.19 (6) used in connection with athletics or extra curricular activities;
- 1.20 (7) used in connection with activities that occur before or after the regular school day;
- 1.21 (8) provided or administered by a public health agency to prevent or control an  
1.22 illness or a disease outbreak as provided for in sections 144.05 and 144.12;
- 1.23 (9) prescription asthma or reactive airway disease medications self-administered by  
1.24 a pupil with an asthma inhaler if the district has received a written authorization from the  
1.25 pupil's parent permitting the pupil to self-administer the medication, the inhaler is properly

2.1 labeled for that student, and the parent has not requested school personnel to administer  
2.2 the medication to the pupil. The parent must submit written authorization for the pupil to  
2.3 self-administer the medication each school year; or

2.4 (10) prescription nonsyringe injectors of epinephrine, consistent with section  
2.5 121A.2205, if the parent and prescribing medical professional annually inform the pupil's  
2.6 school in writing that (i) the pupil may possess the epinephrine or (ii) the pupil is unable  
2.7 to possess the epinephrine and requires immediate access to nonsyringe injectors of  
2.8 epinephrine that the parent provides properly labeled to the school for the pupil as needed.

2.9 Sec. 2. Minnesota Statutes 2010, section 144.291, subdivision 2, is amended to read:

2.10 Subd. 2. **Definitions.** For the purposes of sections 144.291 to 144.298, the following  
2.11 terms have the meanings given.

2.12 (a) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.

2.13 (b) "Health information exchange" means a legal arrangement between health care  
2.14 providers and group purchasers to enable and oversee the business and legal issues  
2.15 involved in the electronic exchange of health records between the entities for the delivery  
2.16 of patient care.

2.17 (c) "Health record" means any information, whether oral or recorded in any form or  
2.18 medium, that relates to the past, present, or future physical or mental health or condition of  
2.19 a patient; the provision of health care to a patient; or the past, present, or future payment  
2.20 for the provision of health care to a patient.

2.21 (d) "Identifying information" means the patient's name, address, date of birth,  
2.22 gender, parent's or guardian's name regardless of the age of the patient, and other  
2.23 nonclinical data which can be used to uniquely identify a patient.

2.24 (e) "Individually identifiable form" means a form in which the patient is or can be  
2.25 identified as the subject of the health records.

2.26 (f) "Medical emergency" means medically necessary care which is immediately  
2.27 needed to preserve life, prevent serious impairment to bodily functions, organs, or parts,  
2.28 or prevent placing the physical or mental health of the patient in serious jeopardy.

2.29 (g) "Patient" means a natural person who has received health care services from a  
2.30 provider for treatment or examination of a medical, psychiatric, or mental condition, the  
2.31 surviving spouse and parents of a deceased patient, or a person the patient appoints in  
2.32 writing as a representative, including a health care agent acting according to chapter 145C,  
2.33 unless the authority of the agent has been limited by the principal in the principal's health  
2.34 care directive. Except for minors who have received health care services under ~~sections~~

3.1 section 144.341 to 144.347 or 144.342, in the case of a minor, patient includes a parent or  
3.2 guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

3.3 (h) "Provider" means:

3.4 (1) any person who furnishes health care services and is regulated to furnish the  
3.5 services under chapter 147, 147A, 147B, 147C, 147D, 148, 148B, 148C, 148D, 150A,  
3.6 151, 153, or 153A;

3.7 (2) a home care provider licensed under section 144A.46;

3.8 (3) a health care facility licensed under this chapter or chapter 144A;

3.9 (4) a physician assistant registered under chapter 147A; and

3.10 (5) an unlicensed mental health practitioner regulated under sections 148B.60 to  
3.11 148B.71.

3.12 (i) "Record locator service" means an electronic index of patient identifying  
3.13 information that directs providers in a health information exchange to the location of  
3.14 patient health records held by providers and group purchasers.

3.15 (j) "Related health care entity" means an affiliate, as defined in section 144.6521,  
3.16 subdivision 3, paragraph (b), of the provider releasing the health records.

3.17 Sec. 3. **REPEALER.**

3.18 Minnesota Statutes 2010, sections 144.343, subdivision 1; and 144.3441, are  
3.19 repealed.

3.20 Sec. 4. **EFFECTIVE DATE.**

3.21 Sections 1 to 3 are effective the day following final enactment.