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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4223

03/26/2018 Authored by Thissen
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; authorizing private rights of action for failing to release patient
1.3 health information or health records and for violations of the patient bill of rights;
1.4 amending Minnesota Statutes 2016, section 144.651, by adding a subdivision;
1.5 proposing coding for new law in Minnesota Statutes, chapter 144.

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

1.7 Section 1. [144.299] CIVIL REMEDIES.

1.8 (a) A patient shall have a private right of action against a provider who:

1.9 (1) fails to provide the patient with access to information when the patient so requests
1.10 under section 144.292, subdivision 2;

1.11 (2) fails to provide the patient or a third party with copies of health records when the
1.12 patient so requests under section 144.292, subdivision 5 or 7; or

1.13 (3) fails to furnish the patient's health record to another provider when the patient so
1.14 requests under section 144.293, subdivision 3.

1.15 (b) The court may award the following damages to a prevailing plaintiff from a person
1.16 found liable under this section:

1.17 (1) general and special damages, including all financial losses due to a violation of
1.18 section 144.292, subdivision 2, 5, or 7, or 144.293, subdivision 3;

1.19 (2) a civil penalty awarded to the plaintiff in an amount up to \$10,000 per day for each
1.20 violation of section 144.292, subdivision 2, 5, or 7, or 144.293, subdivision 3, in which the
1.21 provider consciously and intentionally fails to, or is recklessly indifferent regarding the
1.22 obligation to, provide information or release health records; and

2.1 (3) court costs, fees, and reasonable attorney fees.

2.2 Sec. 2. Minnesota Statutes 2016, section 144.651, is amended by adding a subdivision to
2.3 read:

2.4 Subd. 34. **Private right of action.** A patient or resident shall have a private right of
2.5 action against a health care provider or health care facility governed by this section if the
2.6 health care provider or health care facility violates the standards, duties, prohibitions, or
2.7 requirements of this section. The court may award the following damages to a prevailing
2.8 plaintiff from a person found liable under this section:

2.9 (1) general and special damages, including all financial losses due to a violation of this
2.10 section;

2.11 (2) a civil penalty awarded to the plaintiff in an amount up to \$10,000 per day, for each
2.12 violation of this section, in which the provider consciously and intentionally fails to, or is
2.13 recklessly indifferent regarding the obligation to, comply with this section; and

2.14 (3) court costs, fees, and reasonable attorney fees.