

## Minnesota Health Records Act

The Minnesota Health Records Act (MHRA) protects patient privacy and consent requirements.

### Background / Summary:

The Minnesota Health Records Act is one of the strongest health privacy laws in the nation and **is compliant with the federal HIPAA law.** (*M.S. 144.291 - 144.298*)

HIPAA allows states to provide additional privacy and consent laws. The MHRA requires consent for treatment, payment, health care operations, military purposes, external research, and more. The **business community, health data industry and the MN Dept. of Health (MDH) want to repeal these protective provisions** to allow full sharing of patient data without patient consent. For decades, Minnesotans have been protected from HIPAA's "no-privacy" rule. Repeal would permit sharing with up to 2.2 million entities (*Federal 2010 statistic includes 700K "covered entities" and 1.5M business associates*).

### Key Points:

1. MINNESOTA IS CURRENTLY HIPAA-COMPLIANT – HIPAA permits states to write stronger privacy and consent laws to protect patient information. (pre-emption)
2. MINNESOTANS SUPPORT MHRA PROTECTIONS – Responding to the MDH public comment request, **73 out of 74 MNs supported NOT repealing the MHRA.**<sup>1</sup>
3. MDH REPORT DOESN'T CONSIDER PATIENTS – “The most striking aspect of this report is that the consumer/patient perspective is not addressed. Patients are the most important stakeholders in any discussion about privacy and health data sharing, yet their needs and wants are not discussed in this document.”<sup>2</sup> – Datuit
4. MDH ADMITS REPEAL ENDS PRIVACY PROTECTIONS – “**Removes certain privacy protections for MN patients**, especially related to **sensitive information** such as mental health, HIV/STD, and **genetic information.**” – MDH report<sup>3</sup>
5. REPEAL = BROAD SHARING OF DATA – “**This approach may raise privacy concerns because of the broad scope of health care operations.**” - MDH<sup>4</sup>
6. MHRA REPEAL IS 'KELO' OF HEALTH DATA – Health data is the patient's data, but as in *Kelo vs. New London*, government and private industry want to forcibly take it.

### Legislative Ask:

1. Oppose any legislation that contains amendments, partial repeal, or full repeal of the Minnesota Health Records Act.

For more information, go to: <http://www.cchffreedom.org/cchf.php/1352>

Endnotes:

1. "MN HIE Study Comment Responses," Minnesota Department of Health, November 3, 2017. <http://www.cchfreedom.org/pdfs/Public-comment-responses-combined.pdf>.
2. "Response to "Minnesota Health Information Exchange Legislative Study Request for Public Comment,"" Datuit, Sandra Raup, R.D., J.D., M.P.H., October 30, 2017. Page 21-22: <http://www.cchfreedom.org/pdfs/Public-comment-responses-combined.pdf>.
3. "Minnesota Health Information Exchange Legislative Study Request for Public Comment," Minnesota Department of Health, October 2, 2017. <http://www.health.state.mn.us/e-health/hie/study/index.html>.
4. "Minnesota Health Information Exchange Legislative Study Request for Public Comment," Minnesota Department of Health, October 2, 2017. <http://www.health.state.mn.us/e-health/hie/study/index.html>.