

HOUSE RESEARCH

Bill Summary

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Overview

This bill amends data practices requirements to allow the release of welfare and mental health data between programs within the welfare system and between health care providers and personnel of the welfare system to coordinate services for an individual or family.

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- 1** **General.** Amends § 13.46, subd. 2. Adds that welfare data (private data on individuals) may be disclosed to other personnel in the welfare system for the purpose of coordinating services for an individual or family. (Welfare data can presently be shared with personnel in the welfare system to verify an individual's identity, determine eligibility and the need to provide services to an individual or family across programs, assess parental contributions, and investigate suspected fraud.)

Adds that welfare data can be disclosed to a health care provider as defined in the Minnesota Health Records Act to the extent necessary to coordinate services, provided that a health record is disclosed only as allowed under section 144.293 if the patient has provided annual consent (amended in section 3 of this bill).

- 2** **Mental health data.** Amends § 13.46, subd. 7. Adds that mental health data (private data on individuals) may be disclosed to personnel of the welfare system working in the same program or providing services to the same individual or family to the extent necessary to coordinate services, provided that a health record is disclosed only as allowed under section 144.293 if the patient has provided annual consent (amended in section 3 of this bill.)

Adds that mental health data (private data on individuals) may be disclosed to a health care provider as defined in the Minnesota Health Records Act if the patient has provided annual

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consent and to the extent necessary to coordinate services, as long as the record is disclosed only as allowed under section 144.293.

- 3** **Exceptions to consent requirement.** Amends § 144.293, subd. 5. Adds that release or disclosure of records requirements under this section do not apply to a program in the welfare system upon written documentation that access to data are necessary to coordinate services for an individual who is receiving services from the welfare system.
- 4** **Restricted access to data.** Amends § 245.467, subd. 6. Requires county boards to have a procedure in place to allow personnel of the welfare system and health care providers who have access to mental health data under section 13.46, subdivision 7 (amended in section 2 of this bill), to have access to the names and addresses of persons who are receiving mental health services through the county. (Current law allows certain county employees and staff who provide mental health treatment to have access to this data.)
- Provides that access to not public data is limited to individuals with explicit authorization while performing official duties. Requires all actions to be recorded in a data audit trail. Requires immediate and permanent revocation of authorization if an individual has accessed data in violation of this section. Provides that the matter of unauthorized access must be forwarded to the county attorney for prosecution.
- 5** **Restricted access to data.** Amends § 245.4876. Requires county boards to have a procedure in place to allow personnel of the welfare system and health care providers who have access to mental health data under section 13.46, subdivision 7 (amended in section 2 of this bill), to have access to the names and addresses of children who are receiving mental health services through the county. (Current law allows certain county employees and staff who provide mental health treatment or case management to have access to this data.)
- Provides that access to not public data is limited to individuals with explicit authorization while performing official duties. Requires all actions to be recorded in a data audit trail. Requires immediate and permanent revocation of authorization if an individual has accessed data in violation of this section. Provides that the matter of unauthorized access must be forwarded to the county attorney for prosecution.