CITIZEN Petition to 2007 MN Legislature

Don’t Give Government My Medical Records!

I, the undersigned citizen, oppose the $4 million for Disease Surveillance Modernization in the 2007 Health and Human Services Omnibus bill. The funding, according to the MN Department of Health (MDH) will “enable MDH to exchange data electronically with partners who are investing in electronic health information technology.” Because of a 1995 MN data collection and research law (M.S. 62J), this means all my medical records will be available to the government.

- Public Opposed First Attempt: Four years ago, the public opposed the department’s initial plan to access the private medical records of all Minnesota patients. In August 2002, the department proposed a rule to require hospitals and health insurers to send comprehensive private medical data to MDH—a 1995 MN law (62J) allowed the submission. But public opposition regularly made front-page news as a public hearing and legislative hearings were held. In 3/2003, the administration withdrew the RULE, but the LAW remains in effect.

- Comprehensive Collection of Private Data: The 1995 law allows MDH to collect health outcomes data, patient functional status data, health status data, and data on the use and provision of health care services to individual patients, including “data obtained directly from the patient or the patient medical records.”

- Department Admits Plan is Controversial: In the 2007 MDH background information sheet on Disease Surveillance Modernization, the department says, “The discussion of disease surveillance will be controversial…” MDH will not only gather data on infectious diseases, but also monitor trends and analyze data on “chronic diseases such as cancer and diabetes.”

- Surreptitious Surveillance: Although the department claims that “This [proposal] does not expand the surveillance authority of the MDH,” it does expand the surveillance capability. MDH has not been able to implement the 1995 law because they have not had sophisticated systems able to collect all the data. If the legislature provides funds to update MDH systems, computers and networking capability, the controversial 1995 law will be implemented electronically—no rule required. MDH will just quietly tap into everyone’s medical records.

- Research without Consent: According to MN Statutes 62J.301 (“Research and Data Initiatives”), MDH will collect “data used in research” and “the encounter level data required for the research and data initiatives…” M.S. 62J.321 says, “Patient consent shall not be required for the release of data to the commissioner…” MDH also has an exemption from patient consent requirements of Minnesota’s strong privacy and consent-for-medical-research law. (M.S. 144.335)

Delete the Funding for Disease Surveillance Modernization!

Please deliver this signed CITIZEN petition to Governor Pawlenty and the legislative leadership.

Signature_______________________________________________Date__________________________
Name (PLEASE PRINT) _______________________________________________City___________State____Zip________
Phone___________________________ Email _______________________________________________