



*****NEWS RELEASE*****

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Will Minnesota Lawmakers Let Google Have Patient Medical Records?

Minnesota is the Only State That Fully Protects Patient Privacy

ST. PAUL, Minn. — [Citizens' Council for Health Freedom \(CCHF\)](#) is calling on Minnesota legislators to hold their ground and defend the **Minnesota Health Records Act (MHRA)** from large data corporations, health industry giants, and government entities that want it repealed. The MHRA is the nation's strongest medical privacy and patient consent rights law.

Minnesota's patient privacy law ([144.293, subd.2](#)) is the last safeguard against the unconsented sharing and use of patient data by entities in and outside of the exam room. Major corporations and Minnesota government entities want to end consent requirements for treatment, payment and health care operations, and instead conform with the permissive federal data-sharing rule known as HIPAA. The "health care operations" (HCO) provision in HIPAA, a nearly 400-word definition, would allow sharing for at least 65 non-clinical business activities. According to a 2010 federal rule, over [2.2 million entities](#) (in addition to various government agencies) can potentially access sensitive patient information under HIPAA. In short, the holder of the patient information, not the patient, decides who gets access, and no patient consent is required.

Number of Health-Care Entities and Business Associates With Access to Patients' Health Information under HIPAA Privacy Rule

Health-Care Entity	Number
Business Associates* (conduct business on behalf of entities listed below)	1,500,000
Office of MDs, DOs, Mental Health Practitioners, Dentists, PT, OT, ST, Audiologists	419,286
Durable Medical Equipment Suppliers	107,567
Pharmacies	88,396
Nursing Facilities**	34,400
Home Health Service Covered Entities	15,329
Outpatient Care Centers***	13,962
Medical Diagnostic, and Imaging Service Covered Entities	7,879
Other Ambulatory Care Service Covered Entities (Ambulance and Other)	5,879
Hospitals (General Medical and Surgical, Psychiatric, Substance Abuse, Other Specialty)	4,060
Third Party Administrators Working on Behalf of Covered Health Plans	3,522
Health Insurance Carriers	1,045
Total Entities and Business Associates	2,201,325

“The recent news that the Ascension healthcare system is legally sharing the medical records of 50 million Americans in 21 states with Google clearly shows that HIPAA does not protect patient privacy,” said Twila Brase, president of CCHF. “The public is now seeing behind the curtain and learning what HIPAA actually permits.”

The Mayo Clinic also announced a 10-year partnership with the tech giant, which will use Google Cloud to secure and store every detail in a patient’s medical record. The agreement authorizes the use of patient data by Google and other technology partners to “create new health care insights and solutions.”

[Google isn’t the only contender](#) in the race to utilize these treasure troves of patient data without consent. Microsoft signed an agreement with Providence St. Joseph Health to enable data-driven clinical and operational decision-making, and established a 7-year partnership with Humana to improve AI and machine learning research. Cerner and Amazon are also working together to use patient data to evaluate population health.

All sharing and use of patient data is authorized by HIPAA – without the consent of the patient.

“What emerges from this mass collection of data may, or may not be, in the patient’s best interest. But they aren’t being given a choice,” Brase continued.

“Patients have a human right to privacy, and the dignity that it protects. They have a right to limit the disclosure of their medical records, but HIPAA unilaterally took that away. These entities need to be required to ask for consent – not act as though they have a right to the patient’s data.”

CCHF sent [a letter to Roger Severino](#), Director of the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services, requesting that OCR restore written, voluntary patient consent requirements for the sharing and use of patient data (identified and de-identified alike).

“The fact that Google can access sensitive patient health data without their knowledge or consent, but patients have to go to extraordinary lengths to even see their medical record, is a system whose rules and priorities are backwards, and are designed with profit, not the patient, in mind,” Brase added.

As the 2020 legislative session approaches, CCHF encourages state legislators to defend the Minnesota Health Records Act, and serve as an example for other states to adopt similar privacy laws to shield their patients from HIPAA’s privacy violations.

“Today, Minnesota patients are protected. Tomorrow, they could be an open record.”

CCHF maintains a patient-centered, privacy-focused, free-market perspective. CCHF has worked in its home state of Minnesota and at the national level for more than 20 years to protect health care choices, individualized patient care, and medical and genetic privacy rights. In 2016, CCHF launched The Wedge of Health Freedom, an online directory of direct-pay practices. Find more information at JointheWedge.com

Twila Brase, RN, PHN has been named by *Modern Healthcare* as one of the “100 Most Powerful People in Health Care.” She was selected as one of 18 leaders to participate in the U.S. Department of Health and Human Services (HHS) Quality Summit, co-chaired by Deputy Secretary Eric Hargan, which will soon provide President Trump with a roadmap for restructuring federal quality measurement programs. She is the host of the daily *Health Freedom Minute* radio program heard by over 5 million weekly listeners on more than 800 radio stations nationwide, and the author of the four-time award-winning book, ***[“Big Brother in the Exam Room: The Dangerous Truth About Electronic Health Records.”](#)***

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