

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

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MEDIA CONTACT:

Hamilton Strategies, 610.584.1096, ext. 104, or Media@HamiltonStrategies.com

Health Plans and Hospitals Attempting to Repeal Minnesota Law That Protects Patient Privacy

*Citizens' Council for Health Freedom: Those Who Support Repeal of
MHRA Want to Strip Requirement That Patients Are Asked for Permission
Before Their Private Medical Information is Shared*

ST. PAUL, Minn.—Minnesota has one of the strongest medical privacy laws in the nation, but major industry players, such as hospitals, health plans, lawyers and the Minnesota Department of Health, want to repeal these protective provisions.

With the Minnesota legislative session beginning Feb. 20, *Citizens' Council for Health Freedom (CCHF, www.cchffreeedom.org)* will be actively involved in this issue—what the organization calls an “assault on medical privacy.”

This session marks the third attempt to gut the Minnesota Health Records Act (MHRA). Its protections are real, as opposed to the federal Health Insurance Portability and Accountability Act (HIPAA) “privacy” rule, which does NOT protect privacy, *CCHF* says.

“MHRA requires consent for sharing data for treatment, payment, health care operations—which is a nearly 400-word definition—certain research and more,” said CCHF co-founder and president Twila Brase. “HIPAA allows data sharing without consent for all these purposes. Those who are attempting to roll back these protections also want to allow total health sharing of patient data through the state Health Information Exchange (HIE). In other words, those who support repeal of the MHRA want to strip the requirement that patients are asked for permission before their private medical information is shared. Complete or partial repeal of MHRA would unravel decades of carefully considered and vetted legislation that protects and establishes privacy rights of Minnesota patients.

“The rights that Minnesotans have are rights everyone in every state should have,” she added. “Minnesota’s rights should not only be protected, but shared to protect privacy in all 50 states.”

In 2016, a MHRA repeal bill in the Senate was stopped after Brase provided testimony and answered questions in the Senate Judiciary Committee. In the latest effort, 32 organizations have submitted comments to the Department of Health’s proposal. Twenty-eight support repealing or amending MHRA, two have nuanced comments, and just two—*CCHF* and Datuit, a care plan manager headquartered in Minnesota—support keeping MHRA intact.

Those seeking to repeal MHRA protections include Allina, the American College of Physicians, Care Providers of Minnesota, Children’s Hospital, Epic, Essentia Health, Fairview Health East, Gillette Childrens, Hennepin County Medical Center, HealthPartners, Jennen Law, Meditech, Minnesota Hospital Association, Minnesota Chamber of Commerce, Minnesota Council of Health Plans, Minnesota Medical Association, North Memorial North Shore Health, Safety Net Coalition, South Central Human Relations, St. Luke’s, Stratis Health and Surescripts, among others. Individual responses were also collected. View the full report [here](#).

In advance of the legislative session, **CCHF** has shared information with Minnesota Rep. Peggy Scott, chair of the Civil Law and Data Practices Policy Committee, and Sen. Warren Limmer, chair of the Judiciary and Public Safety Finance and Policy Committee, including concerning statements about the proposal issued by MDH in its *Minnesota Health Information Exchange, Legislative Study Request for Public Comment*:

- “Aligns relevant provisions in the [MN] Data Practices Act with HIPAA”
- “Removes certain privacy protections for MN patients, especially related to sensitive information such as mental health, HIV/STD, and genetic information.”
- “Eliminates duration and exceptions to consent requirements.”
- “Eliminates opt-out language related to record locator/patient information service.”

Proposals in the document include:

- “Disclosures for care coordination activities and to friends/family and law enforcement”
- “Recommendations that can be implemented without legislative action...”
- “Determine the appropriate information that should be available to stakeholders, including health plans and government.”
- “Fully repeal MHRA and insert basic language stating that HIPAA governs the disclosure of PHI for providers that are HIPAA covered entities.”
- “Amend MHRA to partially align with HIPAA for treatment, payment, and health care operations purposes ... **This approach may raise privacy concerns because of the broad scope of health care operations.**” [emphasis added.]

In the upcoming Minnesota legislative session, **CCHF** will also work toward bringing back more freedom and privacy in health care by restoring patient consent rights and affordable insurance options.

For more information about **CCHF**, visit www.cchffreedom.org, its [Facebook](#) page or its Twitter feed @CCHFFreedom. Also view the [media page for CCHF here](#). For more about **CCHF**’s initiative *The Wedge of Health Freedom*, visit www.JointheWedge.com, *The Wedge* [Facebook](#) page or follow *The Wedge* on Twitter @wedgeoffreedom.

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For information or to interview Twila Brase of Citizens’ Council for Health Freedom, contact Deborah Hamilton, Media@HamiltonStrategies.com, 610.584.1096, ext. 102.