



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

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Minnesotans Petition Governor Walz to STOP State Health Surveillance System

*MN Health Department Tries to Use COVID-19 Crisis to Illegally
Demand Data on Every Hospitalized Patient All Year Long*

ST. PAUL, Minn. — [Citizens' Council for Health Freedom \(CCHF\)](#) sent a letter and more than 1,500 signatures on a petition to Minnesota Governor Tim Walz regarding the Minnesota Department of Health's unprecedented Notification Letter, which requires all hospitals in Minnesota to submit detailed Admission, Discharge, and Transfer (ADT) data on all hospitalized patients to the government—**with or without a COVID-19** diagnosis.

On April 29, 2020, CCHF sent a [letter to Jan Malcolm](#), Minnesota Commissioner of Health, challenging her department's move to conduct 'syndromic surveillance' on all MN patients and their hospital visits.

“The Commissioner of Health is trying to use the COVID-19 crisis to give MDH unrestricted access to people’s medical data, completely unrelated to COVID-19,” says Twila Brase, president and co-founder of the Citizens’ Council for Health Freedom.

Neither the commissioner nor a representative from MDH have responded or made comment. CCHF’s [letter to Governor Walz](#), along with over 1,500 signatures to its “Stop Surveillance” petition, requests that Governor Walz call on Commissioner Malcolm to end its illegal campaign to force hospitals to electronically connect with the department for ongoing data collection:

“In light of the MDH letter demanding hospitals violate state law and patient privacy rights, please call on Commissioner Malcolm to immediately rescind the April 2 Notification Letter

and require her to inform every recipient of the Notification Letter that no non-COVID-19 data may be shared with MDH without express written consent of the patient, in compliance with Minnesota Statute 144.293,” writes CCHF in its May 19 letter to Governor Tim Walz.

The notification letter demands the establishment of a permanent **electronic interface between hospitals and MDH**. The near real-time data to be transferred to MDH includes **names, addresses, birth date, symptoms, diagnosis, age, gender, race and ethnicity, city, zip code, county, facility, admit date and time and potential census tract data**.

CCHF has been working closely with key legislators to prevent the MN Department of Health from succeeding with this unlawful demand. On Tuesday, May 12th, state Representative Peggy Scott (R-Andover) and state Senator Michelle Benson (R-Ham Lake) held a press conference, declaring the MDH notification letter a clear overstep of state law and abuse of executive authority. **“According to the MDH website, syndromic surveillance is not an option in Minnesota. So how is it that syndromic surveillance has suddenly become an option in Minnesota without legislative authority?”** Rep. Scott remarks.

The MDH claims the federal HIPAA law supersedes state privacy law, thus requiring no patient consent for the mass transfer of patient data.

“The HIPAA law specifically authorizes stronger, privacy-protecting state laws to supersede the federal HIPAA rule. Since the Minnesota Health Records Act is the strongest patient privacy and consent law in the nation, MDH cannot dismiss the consent requirements in state law, and has no authority to compel hospitals to turn these medical records over to the government without patient consent,” says Brase.

“Governor Walz and Commissioner Malcolm must abide by the requirements of Minnesota law, which protects patient privacy and consent rights,” Brase concluded.

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 (JointheWedge.com)

Twila Brase, RN, PHN has been named by *Modern Healthcare* as one of the “100 Most Powerful People in Health Care.” 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.”](#)**