NEWS RELEASE

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Minnesota Hospitals Called to Protect Patients from MN Health Dept. Surveillance System

CCHF Sends Letters to 130 MN Hospitals Urging Them to Reject Government’s Illegal Demand for Patient Data

ST. PAUL, Minn. — Citizens’ Council for Health Freedom (CCHF) sent letters addressed to the leadership of all 130 hospitals in the state of Minnesota. The letter reminds each CEO or administrator of their legal obligation to disregard the April 3rd Minnesota Department of Health (MDH) Notification Letter, which unlawfully demands that hospitals transfer detailed Admission, Discharge, and Transfer (ADT) data on all hospitalized patients to the government – with or without a COVID-19 diagnosis. The letter states:

“Therefore, because the Minnesota Department of Health lacks specific authority in Minnesota law to mandate the reporting and collection of ADT data on all hospitalized patients, we strongly urge all Minnesota hospitals to refuse to set up the interface requested by MDH and to refuse to submit any data unrelated to a COVID-19 diagnosis. We also strongly urge hospitals to comply with the legal requirement of Minnesota law by refusing to share this patient data without obtaining express patient consent, as required by Minnesota Statute 144.293,” wrote CCHF in a June 2 letter to Minnesota hospitals.

CCHF earlier sent a letter to Jan Malcolm, Minnesota Commissioner of Health, and to Minnesota Governor Tim Walz, challenging MDH’s move to conduct ‘syndromic surveillance’ on all MN patients and their hospital visits without their knowledge or consent. The governor also received 1,600 signatures on a petition opposing the unauthorized surveillance program.
CCHF also brought this issue to the attention of the Minnesota legislature. As Rep. Peggy Scott (R-Andover) stated during a May 12 press conference: “Any interest [MDH] has in a new surveillance system should be proposed in full to the legislature… Failure to do so is an overstep of the executive branch.”

“‘Syndromic surveillance’ is not authorized in the state of Minnesota” said Twila Brase, president and co-founder of CCHF. “Exceptions to that state’s patient consent requirements are few. Government surveillance of hospital patients conducted on an ongoing basis all year long is not one of them.”

MN Statute 144.293 Subd. 2 requires patient consent prior to sharing information with anyone – including the MDH – unless specifically authorized in law. MDH claims that the federal HIPAA law is that law, but CCHF says this is not accurate.

“HIPAA specifically authorizes stronger state privacy laws to supersede the weak federal HIPAA rule. Since the Minnesota Health Records Act is the strongest privacy and consent law in the nation, MDH must follow this state law. The department has no authority to compel hospitals to share medical records with the government without patient consent,” Brase stated.

CCHF is calling on Minnesota hospitals to comply with the legal requirements of state law (Minnesota Statute 144.293) by refusing to share patient data without obtaining express patient consent.

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 eight-time award-winning book, “Big Brother in the Exam Room: The Dangerous Truth About Electronic Health Records.”

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