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Citizens' Council for Health Freedom:

**New MN Mandate on Electronic Health Records Spells
Danger for Patients**

*Patient Advocate Says New Mandate Will Harm Doctor-Patient
Relationships; Survey Demonstrates Concern*

ST. PAUL, Minn.—When Minnesota rang in the new year, the state also ushered in a new mandate requiring all health providers to utilize an Electronic Health Record (EHR) system that will share their patients' private data with other entities and greatly impact the doctor-patient relationship.

Citizens' Council for Health Freedom (CCHF, www.cchfreedom.org), a Minnesota-based national organization dedicated to preserving patient-centered health care and protecting patient and privacy rights, says there will be national implications if other states decide to follow suit and impose EHR mandates of their own.

“Many in Minnesota are unaware of the mandate, and many around the country don't know the pitfalls of interoperable Electronic Health Records,” said CCHF president and co-founder Twila Brase. “EHRs will change the way we interact with our doctors—and not in a positive way. The biggest concern is that entering private patient data into one large system, accessible by many, compromises patients' privacy and security. Additionally, doctor's offices and clinics could be forced to pay upwards of \$15,000 to \$70,000 to install and maintain these systems, plus a monthly fee. This endangers the independent practice of any practitioner and endangers patient willingness to be honest about their medical and mental health concerns.”

CCHF fought against the 2007 bill mandating interoperable EHRs, but the measure passed. Minnesota Statute §62J.495 states, “By January 1, 2015, all hospitals and health care providers must have in place an interoperable electronic health records system within their hospital system or clinical practice setting.” The EHR will be used “for sharing and synchronizing patient data across systems.”

As required by law, and reported on the Minnesota Department of Health web site, “The 2015 Mandate also defines interoperability through the requirement of connecting to a State-Certified Health Information Exchange (HIE) Service Provider.”

The mandate includes any health care provider who “provides a service that could be reimbursed by medical assistance, whether or not they accept these patients or receive payment for the service.” Therefore, Brase says, even patients who pay in cash without insurance coverage or other help like Medicaid or Medicare are still subject to having their data entered into the system.

Additionally, the EHR system must be certified by the federal Office of the National Coordinator, putting federal officials in charge of what kind of data-sharing will take place.

“The Minnesota mandate is especially troubling,” Brase said. “Under the law, practitioners are not allowed to protect their patients and patients are not allowed to stay ‘off the grid’ to protect their most private medical data from being shared in and outside the state of Minnesota.”

Psychologists, psychiatrists and other mental health professionals are particularly concerned by the mandate. One Minnesota doctor surveyed his colleagues when he recently learned about the mandate. Dr. Richard Sethre maintains the web site, MHConcierge.com, based in Minnesota. The site seeks to provide mental health and wellness resources to consumers and professionals.

Dr. Sethre received survey responses from 567 professionals, more than 87 percent psychologists—a robust sample, he says, of the 3,783 licensed psychologists in Minnesota. Sethre’s survey findings included the following:

- About half (47 percent) said they had a partial understanding of the mandate and felt unclear about some of the mandate.
- 5.15 percent plan to retire specifically because of the EHR mandate;
- 23.54 percent do not have a plan regarding the EHR mandate at this time.
- 43 percent responded that they are “extremely” concerned about patient confidentiality, while only 17 percent are confident that patient confidentiality will be protected.
- More than two-thirds of respondents believe that EHRs will either not improve coordination of care (34 percent) or will potentially cause harm (35 percent).
- Finally, 70 percent, if given the choice, would opt out of using an EHR.

Citizens’ Council for Health Freedom is a patient-centered national health freedom organization based in St. Paul, Minn., that works to protect health care choices and patient privacy. CCHF sponsors the daily, 60-second radio feature, Health Freedom Minute, which airs on approximately 350 stations nationwide, including 200 on the American Family Radio Network and 100 on the Bott Radio Network. Listeners can learn more about the agenda behind health care initiatives and steps they can take to protect their health care choices, rights and privacy.

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For more information or to interview Twila Brase, president and co-founder of Citizens’ Council for Health Freedom, contact Deborah Hamilton, Hamilton Strategies, 215.815.7716, 610.584.1096, DHamilton@HamiltonStrategies.com.