



Protect Patient Consent Rights

Citizen Petition to the Minnesota State Legislature and Governor Walz

I, a concerned citizen, petition the members of the Minnesota state legislature and Governor Tim Walz to **protect Minnesota's strong patient consent requirements for sharing medical records information**. As occurred in previous sessions, including 2018, state legislation to repeal patient consent rights by imposing the federal "HIPAA standard" may be introduced in 2019. I oppose repealing the privacy and consent rights in the Minnesota Health Records Act (MHRA) or imposing the federal "HIPAA standard" for the following reasons:

- 1. The "HIPAA Standard" Allows Broad Sharing of Patient Data Without Consent:** The "HIPAA Privacy Rule" (45 CFR Parts 160 and 164 Subparts A and E) *permits broad use and disclosure* of individually-identifiable "protected health information" without patient consent (including online through a state health information exchange (HIE)) to potentially 2.2 million entities, plus government agencies and officials, according to the U.S. Dept. of HHS. It's a *permissive* rule, not a protective rule.
- 2. MN's Medical Privacy Law is Better than the "HIPAA" Disclosure Rule:** For eight purposes, the Minnesota Health Records Act (144.291-144.298) requires written patient consent for sharing patient information: treatment, payment, "health care operations" (a nearly 400-word definition of non-clinical activities, such as analytics/fundraising), medical research, military personnel, law enforcement, funeral directors, & national security activities. For these 8 purposes, HIPAA *permits* sharing *without* consent.
- 3. Minnesota Complies with HIPAA:** Minnesota legislators are being told, "Minnesota needs to conform with the HIPAA standard." However, when Congress enacted the HIPAA law in 1996, the law and its Rule allowed States to enact stronger privacy laws (45 CFR §160.203(b)). Per HIPAA, these state laws must be followed and are thus compliant with HIPAA. Minnesota has the strongest privacy law in the nation.
- 4. Minnesota is a Privacy Leader:** Corporate supporters of repeal say MN is virtually alone in requiring patient consent, trying to paint MN's law as behind the times. Although MN's privacy law is the best in the nation, other states are enacting "better than HIPAA" privacy laws: 42 states, including MN, allow patients to opt-in or opt-out of government-sponsored HIEs, Florida requires consent for sharing data for health care operations (HCO) and 14 states require consent to disclose mental health records for payment, treatment, and HCO.
- 5. Minnesotans Deserve Unbiased Second Opinions:** Taking away patient control over their personal health information eliminates the patient's access to fresh, unbiased second opinions and a confidential patient-doctor relationship. It also hampers the patient's ability to talk frankly without fear of exposure or stigmatization.
- 6. Corporations Want Patient Data for Profit:** Groups supporting repeal include the Chamber of Commerce, MN Business Partnership, health plans, and hospital industry. These corporations may use the data to profile patients and doctors, ration care, and profit mightily. "*The health care industry's market for analyzing and storing health information is valued at more than \$7 billion annually.*" (Advisory Board, 11/28/2018).

I hereby petition the Minnesota Legislature and Governor Walz to protect my patient privacy & consent rights.

Signature _____ Date: _____

First Name _____ Last Name _____ Title (e.g. MD/DDS/RN) _____

Address _____

City _____ State _____ Zip code _____

Phone _____ Email _____

RETURN PETITION TO CCHF: Go ONLINE to <http://bit.ly/ConsentPetition> or FAX to 651-646-0100 or MAIL to Citizens' Council for Health Freedom, 161 St. Anthony Ave. Ste. 923, St. Paul, MN 55103.