

TEN “HIPAA” HARMS

Why Minnesota Legislature Should NOT Adopt Federal HIPAA “No-Consent” Rule for Patient Medical Information

If the pending legislation (HF 3312 / SF 2975) to gut the Minnesota Health Records Act (MHRA) by imposing the federal HIPAA “no-consent” rule is enacted by the Minnesota legislature, patients will no longer have a choice about who sees, shares, uses or stores their data. The bills void Minnesota’s patient consent requirements.

Harms to Minnesota patients will include:

1. **Nowhere to Hide** – would permit the creation of a longitudinal, lifelong patient health record of all diagnoses, treatments, patient statements, physician comments, genetic code, family structure, behaviors, medications, and more—unless the patient finds a cash-based practitioner. This eliminates unbiased second opinions.
2. **Patient Profiling** – would allow computers to build patient profiles using data collected on patient behavior, schedules, diagnoses, genetic weaknesses, relationships, occupation, education, family dynamics, lifestyle choices, attitudes and opinions – gathered at doctor’s offices, hospitals, and through FitBit devices, social media, patient portals, smartphones and more.
3. **Other Purposes and Uses** – would disclose patient information for Big Data profiteering endeavors and other uses *unrelated* to the care of the patient.
4. **Potentially Millions** – would permit sharing of patient information with outsiders *without patient consent* (up to 2.2 million *entities* per the federal government) if the “covered entity” holding the information (clinic, hospital, health plan, lab, radiology facility, long-term care facility, etc.) decides to share the information. HIPAA is “permissive,” allowing those who hold patient data to share it broadly without patient consent.
5. **Involuntary Research Subjects** – would permit medical, health services, and genetic research as well as “population health” tracking and analytics on adults and children without consent.
6. **All Your Records** – would give health plans and the government authority to access and use EVERY medical record a person has (except substance abuse treatment, per

a federal law and psychotherapy notes) without patient consent for many purposes, including HIPAA's 12 "National Priority Purposes."

7. **No Patient Consent** – would eliminate all current Minnesota consent requirements for sharing or using private patient information, including mental health, sexually-transmitted diseases and genetic information.
8. **No Patient Control** – would eliminate the right of patients (and parents) to control who can access, use, share, distribute, put online, and link their private medical information.
9. **Control Over Doctors** – would give government and health plans the power to use patient diagnostic and treatment information to penalize physicians that refuse to follow government-standardized (one-size-fits-all) treatment protocols, including those issued by automation and artificial intelligence.
10. **Nationalized Health Care** – would socialize the health data system, putting patient data under federal control. This would enable outside controls on access to care and treatment options by government and its contracted health plans.

Who's Pushing to Eliminate Patient-Consent Rights?

Those who want your data for themselves:

MN Chamber of Commerce
MN Business Partnership
MN Hospital Association
MN Health Plans
MN Bar Association
MN Department of Health
And more...

Contact your Minnesota state representative and senator about **HF 3312** (Rep. Nick Zerwas - R, Elk River) and **SF 2975** (Sen. Eric Pratt-R, Prior Lake).

Ask them to oppose these bills that seek to take away your right to protect yourself and your family from outside control over medical decisions and outside access to and use of your medical, genetic, behavioral and lifestyle data without consent.

Contact Information: **House Info:** 651-296-2146; **Senate Info:** 651-296-0504