



ACCESS TO HEALTH RECORDS PRACTICES AND RIGHTS

A health care provider or a person who gets health records from a provider may not release a patient's health records without a signed and dated consent from that patient. Sometimes the law makes exceptions.

RELEASE OF HEALTH RECORDS AND CONFIDENTIALITY:

Certain federal and state laws protect patients' rights to confidentiality of their health records.


Under Minnesota law, a patient may review any information in his or her health records, regarding any diagnosis, treatment and prognosis. If a patient asks in writing, a provider must give the patient copies of either the records or copies of a summary of the information in the records unless the provider has determined that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to inflict self harm, or to harm another. If such a determination had been made, then the information can be given to another provider or appropriate third party. Minnesota statute sets a maximum charge for finding and copying records.

RELEASE OF HEALTH RECORDS WITHOUT PATIENT CONSENT:

In circumstances specified in statute, health record information may or must be released without the patient's consent. The following are some, but not all, examples:

- In a medical emergency
- When a federal law requires it
- When someone receives a court order or a federal grand jury subpoena requiring release of health information
- Under Minnesota law to the following persons or organizations for specific purposes:
 - ◆ Department of Health
 - ◆ Department of Human Services
 - ◆ Department of Public Safety
 - ◆ Department of Commerce
 - ◆ Department of Employee Relations
 - ◆ Department of Labor and Industry, insurers and employers in worker's compensation cases
 - ◆ Office of Mental Health Practices
 - ◆ Ombudsman for Mental Health and Mental Retardation
 - ◆ State Fire Marshal
 - ◆ Health Boards
 - ◆ Community Action Agencies
 - ◆ Health professional licensing boards or agencies
 - ◆ Schools and childcare facilities may transfer immunization records without consent
 - ◆ Law enforcement agencies
 - ◆ Public or private post-secondary education institutions
 - ◆ Local welfare agencies
 - ◆ Medical examiners or coroners
 - ◆ Medical or scientific researcher
 - ◆ Minnesota Health Data Institute
 - ◆ Potential victims of serious threats of physical violence
 - ◆ Guardians or conservators of incompetent persons
 - ◆ Parents/ legal guardians of a minor who is being treated where failure to inform could create serious health problems
 - ◆ Insurance companies and other payors paying for independent medical examinations
 - ◆ Proxies, ombudsmen, attorneys-in-fact

If you have any questions or require additional information, call the

 Minnesota Department of Health at (612) 282-6314.

This notice may be photocopied.

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