

The chart below compares some of the provisions of these laws:

Topic:	Minnesota Medical Records Act M.S. 144.335	Minnesota Government Data Practices Act , Minn. Stat. Ch. 13	HIPAA 45 CFR 160, 164	Federal Drug and Alcohol	Minnesota Patient Bill of Rights, and Home Care Bill of Rights
Who must comply?	Licensed providers	Government entities and organizations under contract with the government	covered entities		certain licensed facilities and programs
What individual health information is protected?	Copies of reports, x-rays, prescriptions and other technical information.	All data on individual clients and patients	medical, enrollment and billing records materials	Drug and Alcohol treatment records	
When must it be furnished?	Promptly	Within ten days	Within 30 days, with a 30 day extension possible	Not specified	Not specified
When may it be withheld?	If provider reasonably determines that the information is detrimental to the physical or mental health of the patient, or is like to cause the patient to inflict self-harm, or to harm another.	Incorporates standard under 144.335	Similar to Minnesota standard	Not specified	When medically contraindicated
What cannot be released?	Videotape of a child victim or alleged victim of physical or sexual abuse without a court order.	Confidential data on individuals (a defined term)	Not specified	No records can be released without a special form or form of court order	Not specified
Re-release of records	Prohibited without consent	Depends on classification of data in hands of the holder	Only pursuant to consent or Business Associate agreement	Prohibited	Not specified
Cost of copying	Max of 75cents a page plus \$10 (1992)	Reasonable cost of retrieving an copying, but not separating from non-public data	Reasonable cost	Not specified	Not specified
Private cause of action?	Against one who negligently or intentionally releases a health record, or forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or	Against responsible authority for damages; exemplary damages of \$100 to \$10,000 for each violation, for willful violation; costs and attorneys fees There is also an	No; but secretary may issue fines or bring criminal charges	Fines	Not specified

	who, without the person's consent, alters a consent form is liable to patient for compensatory damages plus costs and attorney's fees.	administrative procedure to correct inaccurate data			
Release without consent	Must be documented in the patient's record	Not specified	Must keep record and create report upon demand	Not allowed	Not specified
Psychotherapy notes	Part of Record Set	Not specified	Not part of record set	Not Specified	Not specified
Communication with third parties without consent or release	Upon written request of spouse, parent child or sibling, Person being assessed or treated for mental illness to be asked if information about illness and course of treatment may be release to third party upon consent of person	Statutory exceptions listed	Social Responsibility disclosures defined	Not allowed	Not specified
Privacy Notice	Notice of practices and rights to access health records, including disclosures that may be made without written consent of the patient, and right to obtain and copy records and other information about the patient maintained by the provider. May be satisfied by resident bill of rights or notice displayed at place of business	Subject of information must be notified of intended use of data at time it is collected (Tennessee warning)	Privacy notice must be sent to individual	NA	Must receive copy of Bill of Rights
Social Responsibility Disclosures	Some listed	Statute lists disclosures permitted; somewhat more narrow than federal	Provides several social responsibility disclosures which appear to be greater than those allowed by state law and thus are superceded by state law; no express licensing board exception	NA	