

PARENTAL INFORMATION AND ACCESS TO HEALTH RECORDS

WHAT DOES CURRENT MINNESOTA LAW SAY?

For purposes of access to health records of a minor, the term “patient” **includes a parent or guardian**, or a person acting as a parent or guardian in the absence of a parent or guardian. The parent, guardian, or other person may access the minor’s health records except where the minor:

- has received treatment related to pregnancy, venereal disease, or alcohol or drug abuse,
- has received emergency treatment or a hepatitis B vaccination,
- is living apart from his or her parents and is financially independent
- has been married or has given birth. (Minn. Stat. § 144.291, subd. 2, para. (g))

Any minor may give effective consent for medical, mental, or other health services to determine the presence of or to treat pregnancy, venereal disease, and alcohol and other drug abuse. A minor who gives legally effective consent for health services is financially responsible for the health services rendered.

(A professional may inform a minor’s parent or legal guardian of any medical treatment given to or needed by the minor where, in the professional’s judgment, failure to inform the parent or guardian would seriously jeopardize the minor’s health.)

Statute: <https://www.revisor.mn.gov/statutes/cite/144.291>

Reference: <https://www.house.leg.state.mn.us/hrd/pubs/youthlaw.pdf?fbclid=IwAR1Uq9ge t -J29i6z8GY-15IPZGh-xEY2vf0puT DvJlJ AJzazelKE>

WHAT IS HAPPENING IN MINNESOTA?

Many healthcare systems have adopted a "policy" of locking ALL minor health records and patient portals starting at age 12 or 13. We have documented this practice in Fairview, Allina, Centrecare, Gillette, Health Partners and Mayo systems as well as all clinics affiliated and many private practices.

WHAT CAN WE DO?

It is an unsafe policy that leads to unnecessarily delaying or missing care connections for children. It is, additionally, proving particularly challenging for disability families where the minor is not even capable of consent or accessing their records themselves.

What can we do? Parents should notify the healthcare provider that they require access to their minor child's records under MN Statute 144.291 (MINNESOTA HEALTH RECORDS ACT). We have included a sample email/letter here. If they do not comply, parents can report the provider to the Minnesota Department of Health: www.health.state.mn.us/facilities/regulation/filecomplaint.html

RECORDS ACCESS SAMPLE LETTER

To Whom it May Concern;

We are writing to inform you that access to our child's healthcare records has been interrupted. Minnesota law states that for the purposes of access to health records of a minor, the term "patient" includes a parent or guardian. Therefore, parents/guardians have a legal right to their minor child's health records except where the minor:

- has received treatment related to pregnancy, venereal disease, or alcohol or drug abuse,
- has received emergency treatment or a hepatitis B vaccination,
- is living apart from his or her parents and is financially independent
- has been married or has given birth. (Minn. Stat. § 144.291, subd. 2, para. (g))

None of these exclusions apply to our child, so access needs to be restored. We look forward to clearing up this misunderstanding. Thank you!

Sincerely,

Mr. & Mrs. Parents

Statute:

<https://www.revisor.mn.gov/statutes/cite/144.291>

Reference:

[https://www.house.leg.state.mn.us/hrd/pubs/youthlaw.pdf?](https://www.house.leg.state.mn.us/hrd/pubs/youthlaw.pdf?fbclid=IwAR1Uq9ge_t_-J29i6z8GY-15IPZGh-xEY2vf0puT_DvJjLJ_AJzazeLKE)

[fbclid=IwAR1Uq9ge_t_-J29i6z8GY-15IPZGh-xEY2vf0puT_DvJjLJ_AJzazeLKE](https://www.house.leg.state.mn.us/hrd/pubs/youthlaw.pdf?fbclid=IwAR1Uq9ge_t_-J29i6z8GY-15IPZGh-xEY2vf0puT_DvJjLJ_AJzazeLKE)