

Standard Consent Form to Release Health Information

Background

In 2007, revisions to the Minnesota Health Records Act (HRA), (Minnesota Statutes sections 144.291 – 144.298) were passed by the Minnesota Legislature. A key provision of the updated HRA was a mandate for the Commissioner of the Minnesota Department of Health to develop a standard consent form to access health records (Minnesota Statutes 144.292, subd. 8).

The Minnesota Department of Health looked to the Privacy and Security Workgroup of the Minnesota e-Health Initiative to help develop the Minnesota Standard Consent Form. The workgroup membership consists of provider organizations, legal experts and privacy advocates. The form was developed based on workgroup expertise and existing consent forms. The form represents current privacy and confidentiality business practices and is compliant with current federal and state privacy law.

Questions and Answers

Q – What does the Minnesota HRA say about the need for the consent to release health records?

A - The Minnesota HRA generally requires a patient's consent to release health records. There are exceptions such as in the case of medical emergencies.

Q - What is the purpose of the form?

A - To have a standard form for patients or their legal representative to provide consent to release patient's health records and send them to who they choose for whatever purpose they choose.

Q – Who can use this new form?

A - Any patient or legal representative of a patient, health care provider or organization can use the form.

Q – Are organizations required to replace their own consent form with this Standard Consent Form?

A - The Standard Consent Form does not replace organizations' existing consent forms to release health information. If an organization chooses to replace their existing forms, they can adopt this form in whole or in part.

Q – Are organizations required to accept this form?

A - If a person elects to use this form, to request the release of his or her health records and completes it properly, it is a legally enforceable request and organizations must honor it.

Q – Does this form consider other consent requirements besides the Minnesota HRA?

A - Yes, when the form was created all current state and federal consent requirements to release health records were considered such as HIPAA 45 CFR section 164.508, 42 CFR and Minnesota Statutes sections 144.291-.298, 13.05, 13.386 and 72A.501.

Q – What are some of the benefits of a standard consent form to release health records?

A - When properly completed it is a legally enforceable request and it can be relied on because it is compliant with all current state and federal requirements to release health records.

Q – What is the reading level of the form and instructions?

A - Currently, the form and instructions are at a 10th grade reading level according to the Flesch-Kincaid Grade Level readability test.

Q – Is the form available in other languages?

A – It is currently not available in other languages.

Q – Are the form and instructions available in an electronic format?

A - Yes, the form is currently available online at: www.health.state.mn.us/e-health/privacy/index.html; it available as a writable PDF or can be printed. It is important to read the instructions before using the form as incomplete forms may not be accepted.



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