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State of Minnesota

Printed Page No. **209**

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2290**

March 21, 2007

Authored by Sailer, Smith, Nelson, Wagenius, Mahoney and others

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 27, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to workers' compensation; providing penalties for gaining improper  
1.3 access to medical records; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 609.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[609.553] THEFT OF MEDICAL RECORDS.**

1.7 Any person or contractor who: (1) represents an employer whose employees  
1.8 meet the definition of "excluded employments" found in section 176.041, subdivision  
1.9 1, paragraph (a), and (2) fraudulently requests or receives an employee's medical data  
1.10 which the person, contractor, or employer is not entitled by knowingly misrepresenting,  
1.11 misstating, or failing to disclose any material fact is guilty of theft and shall be prosecuted  
1.12 and sentenced pursuant to section 609.52. An alleged violation of this subdivision may be  
1.13 prosecuted by a county attorney with appropriate jurisdiction or by the attorney general.