



**STATE OF CONNECTICUT**  
*DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES*  
*A Healthcare Service Agency*

Dannel P. Malloy  
Governor

Patricia A. Rehmer, MSN  
Commissioner

**Testimony of Patricia Rehmer, Commissioner**  
**Department of Mental Health and Addiction Services**  
**Before the Government Administration and Elections Committee**  
**February 19, 2014**

Good Morning Senator Musto, Representative Jutila and distinguished members of the Government Administration and Elections Committee. I am Commissioner Patricia Rehmer of the Department of Mental Health and Addiction Services, and I am here today to voice my concerns regarding **HB 5124 AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES**. I want to thank the Committee for allowing me the opportunity to speak to you about this proposed bill and provide you with some revised language that would negate the consequences the bill as proposed can have on the privacy of individuals and their families treated for behavioral health disorders in the state system.

HB 5124 as proposed would reverse the very protections for individuals served by DMHAS this committee and legislature put in place in the 2011 legislation session. Section 37 of PA 11-242 protects the clinical/patient relationships that occur in state operated settings. DMHAS is a health care agency providing services to individuals with psychiatric disabilities and substance use disorders. The individuals we serve come to state hospitals for care when they are unable to be managed in a general hospital setting or when they need intermediate to long-term care. Most often our clients are poor, and have chronic diseases which require, like any other chronic disease, ongoing care. If these individuals had the means to be treated in a private setting, their health care information would be protected and not subject to public disclosure. The legislature in 2011 agreed with this position and those protections were put in place.

In order to maintain those protections but allow for the bill to move forward, we would ask that you remove the language in Section 2(c) of the proposal. Removal of

that language would continue to protect the privacy of health care records belonging to individuals served by the state. Currently, the department receives many requests for patient records. With properly signed releases and **the ability to redact** identifying information we can and do allow access to health care information in certain circumstances. Sometimes, however, we must deny access to those records and we do so by citing numerous state and federal confidentiality laws.

Though the individuals HB 5124 refers to are deceased, it is our firm belief that records of this nature are very sensitive and that family members of those who have been in state hospitals would not want that information disclosed. It should not be the case that because your illness was such that it required you to seek state services, that your health records could be maintained without redaction by the state librarian and subject to public disclosure. In these times when we want to do all that we can to encourage individuals to seek treatment for their behavioral health problems, we believe that the change we have proposed in HB 5124 would give individuals served in our system the knowledge that their health care information will be protected.

Thank you for the opportunity to address the Committee on this important issue. I would be happy to answer any question you may have at this time.