



**Testimony in Opposition to  
Senate Bill 291 An Act Concerning Telehealth Providers' Access to Patient Records  
March 2, 2016**

Senator Gerratana, Representative Ritter and members of the Public Health Committee, on behalf of the physicians and physicians in training of the Connecticut State Medical Society (CSMS) and the Connecticut Chapter of the American College of Physicians (CT ACP), thank you for the opportunity to provide this testimony to you today in opposition to Senate Bill 291 An Act Concerning Telehealth Providers' Access to Patient Records. This proposed legislation is a prime example of how simply changing one word in State Statute can have a tremendous impact on the efficacy of the statute.

SB 291 removes any requirement that a provider of telehealth services has access to a patient's medical record prior to providing services. By replacing the word "and" in Section 1(b) 1 with the word "or," such providers will be allowed to provide services based solely on any information provided by the patient. Based on the language of the bill, this would be considered a "medical history." This change, in essence, eliminates any benefit from the good work done by this Committee and the General Assembly last session to pass acceptable standards for the use of telehealth services.

Increasingly, with the transformation of our health care system and the advent of new technologies, physicians are spending more time providing services to patients outside of the traditional face-to-face encounter in the office setting. However, until last year, Connecticut had no existing statutory standards or guidelines for these new forms of care delivery. This Committee and the General Assembly changed that by passing appropriate measures to ensure the appropriate use of telehealth services, including the continued need for a provider to hold a Connecticut license, the need for the provider to have access to the patient's medical record and report back to the patient's established physician regarding the encounter. This bill eliminates the most critical aspect of last year's efforts, required access to the patient's medical record.

Last session, then CSMS President, Robert Russo, MD testified before this Committee and provided examples of the concerns with simply relying on a patient-provided medical history. First and foremost, relying on the memory and recollection of a patient for the medical history offers subjective information, and is an ineffective approach. Medical records develop over years, and physicians rely on the history contained within the record to make informed treatment decisions. While seeking telehealth services, many patients might not recall their complete and accurate medical history. Omissions or errors could lead to serious consequences. Furthermore, situations can arise in which a patient intentionally omits or alters information to deviate from the advice of a treating physician. Complete access to the medical record would prevent this.

Legislation regarding telehealth services only passed this body last year. Its impact is currently incalculable, and we understand that it may cause difficulty for a few companies seeking to profit through these services. However, the goal of CSMS and many others in this body has been to create an integrated system with medical homes and a continuum of care. Telemedicine and telehealth services are meant to supplement and not supplant the primary care physician or other licensed health care professionals providing services. This change would likely have a negative impact on access to critical health care information in making informed health care decisions to improve patient care.

This legislation is completely contradictory to that goal.

Please oppose Senate Bill 291.