

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-958

AN ACT CONCERNING THE TIMELY TRANSFER OF MEDICAL RECORDS
Title: BETWEEN HEALTH CARE INSTITUTIONS.

Vote Date: 3/3/2023

Vote Action: Joint Favorable Substitute

PH Date: 2/22/2023

File No.: 120

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

The goal of this bill is to ensure patient information is available at the next level of care in a timely fashion. This bill establishes deadlines for health care institutions to follow when they receive a patient-approved medical record transfer request to another institution. The substitute language contained in LCO No. 5405 clarifies current legislation around who can and cannot charge a fee for providing and/or receiving medical record copies. It also codifies a requirement that the least amount possible is the rule when determining which patient rate amount or reasonable cost-based fee is applied.

RESPONSE FROM ADMINISTRATION/AGENCY:

None.

NATURE AND SOURCES OF SUPPORT:

None.

NATURE AND SOURCES OF OPPOSITION:

Matt Barrett, President and CEO, Connecticut Association of Health Care Facilities/Connecticut Center for Assisted Living (CAHCF/CCAL)

CAHCF/CCAL does not support this bill and requests the committee carefully review if the included provisions are duplicative, confusing given the already significant amount of state and federal law on the production of medical records, HIPPA, actual access to records, and

the near implementation of Connecticut's health exchange (Connie) in late 2023. Current state law and HIPAA both have a 30-day requirement to produce records after patient request. Federal nursing home regulations already require access to records in 24 hours and copies within 2 days. Additionally, there are frequent occasions when the requested records are hundreds of pages and have additional laws relating to sensitive information.

Connecticut Hospital Association (CHA)

CHA does not support the bill as drafted. The time frames in this bill are overly ambitious and the language used to "transfer", is not clear. CHA interprets it as sharing information with another provider, but not transferring the patient file as they are required to meet other legislation regarding original records.

While some hospitals may be able to meet the time frames outlined in this bill, few non-hospital providers would be able to comply and meet the requests outside regular business hours. Additionally, the list of providers, as outlined in current statute, would lead to unequal application of the law based on provider definition.

Most providers do not have the technical or staffing resources to comply with this bill. This bill also does not take into consideration how complex medical record copy and exchange can be for a provider. The final consequence of this flawed bill is that it would prioritize all practice resources to patient record requests and slow the completion of all other requests necessary to meet patient needs.

Mag Morelli, President, LeadingAge Connecticut

Leading Age does not support the bill as proposed. The timelines are unrealistic and unattainable, the current system can't support the demand, and even the most sophisticated medical records departments struggle to access older documents in storage and couldn't meet the deadlines.

Reported by: Kate Hamilton

Date: March 27, 2023