

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-5411

AN ACT CONCERNING REQUESTS FOR HEALTH RECORDS AND THE FEES

Title: CHARGED FOR ACCESS TO SUCH RECORDS.

Vote Date: 4/1/2024

Vote Action: Joint Favorable

PH Date: 3/18/2024

File No.:

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SPONSORS OF BILL:

Judiciary Committee

CO-SPONSORS OF BILL:

Rep. Michael D Quinn, 82nd Dist.

Rep. Tom O'Dea, 125th Dist.

REASONS FOR BILL:

For attorneys and patients, it can take significant time to get access to requested health records. This bill aims to hold medical record providers accountable for getting health records sent to the attorney or patient in a timely manner, and lays out the cost parameters for such records.

RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

NATURE AND SOURCES OF SUPPORT:

Melissa Bellair, CT Trial Lawyers Association: She testified in support of the bill because they participated in the Medical Requests and Records Working Group and believe the legislation borne out of the working group meetings achieved a successful proposal.

Lisa Freeman, Connecticut Center for Patient Safety: She testified in support of the bill and shared her support of a flat fee of \$6.50 for patients to access their medical records.

NATURE AND SOURCES OF OPPOSITION:

Beverly Allen: She provided general opposition to the bill.

Connecticut Hospital Association: They testified in opposition to the bill as written because they believe it penalizes practitioners. They argue instead that a reminder should be sent if records aren't set on time, rather than a monetary penalty. They also argue that if records aren't sent on time, providers might face litigation which takes time and resources away from their job as providers. Finally, they argue in their testimony that providers may no longer want to participate in the worker's compensation program altogether following the enactment of this legislation.

Connecticut Medical Society: They testified in opposition to the bill because they believe it will put undue financial pressure on medical providers, which could ultimately drive providers away from participating in workers compensation cases. They also believe the fee structure for health records should be amended given the changes in our economy since 2008.

Dante Brittis, Connecticut Orthopedic Society: He testified in opposition to the bill because he is not satisfied with the fee structure and thinks that a financial penalty for late reports is too aggressive of a punishment.

Insurance Association of Connecticut: They testified in opposition to the fee adjustment included in the bill as written. They also lay out other concerns that they have with the fee adjustment, including the roll out of said fees.

James Haslam, Connecticut Legal Services: He testified in opposition to the bill sharing that he believes that access to electronic records should be free. It is his opinion that if Social Security recipients receive paper records, this could lead to slower processing times. He also opposes the portion of the bill that allows for an adjustment in the allowable time to fulfill a records request. He believes that if there is a change in the time frame, the best evidence may not make it to Social Security in time for adjudication, which may result in denials of benefits where they may have been otherwise granted.

Ivan Katz, Attorney at Law: He testified in opposition to the bill. He is particularly concerned that this legislation may allow Social Security recipients to be charged fees for them to access their medical records. He finds the bill unnecessary and confusing.

Emily Khirisy, Greater Hartford Legal Aid: She testified in opposition to the bill sharing concerns about how she believes the bill may impact how efficiently and easily those who are on Social Security are able to access electronic medical records.

Elizabeth McElhiney, Association of Health Information Outsourcing Services: She testified in opposition to the bill because she believes it would hinder the flow of information as the bill, in their interpretation, would allow third party requesters to receive electronic medical records for little to no cost. She believes that this would lead to an increase in costs for hospitals and other medical providers.

Adrienne Morrell, MRO Corp.: She testified in opposition to the bill with concerns about costs for electronic medical records being shifted on to hospitals and other medical providers,

as in her interpretation of the bill, the rates for third party requesters of electronic medical records would decrease.

Kyle Probst, Datavant: He testified in opposition to the bill sharing that he believes the legislation would lead to higher financial and administrative burdens on medical providers. He also believes that without proper reimbursement to third party requesters, there may be jeopardization of patient privacy. He hopes that in the future, Datavant and its competitors are consulted regarding fees for providing medical records.

Meryl Spat, Attorney at Law: She testified in opposition to the bill sharing that The Disability Bar Section strongly opposes the proposed legislation as they believe it shifts the cost of providing medical records from the medical providers to the disability applicants.

Mark Wawer, Attorney: He testified in opposition to the bill explaining that he feels that the changes in the proposed bill regarding the payment for necessary medical records to prove their claims would negatively impact Social Security claimants.

Reported by: Allison Kyff

Date: 4-10-24