



May 8, 2017

To: Representative Mitch Greenlick and House Committee on Health Care
From: Tracy Paul, CEO DBS Health Information, Small Business Bend, OR
RE: Support of Senate bill 275

Dear Representative Greenlick and Committee:

DBS Health Information represents over 25 healthcare facilities in Oregon. We are the professional service company that provides Release of Information support to various healthcare entities. We are submitting testimony today in support of SB 275 and have some ideas on amendments that may make the bill more clear and applicable to the industry.

In the year 2016, our company assisted in processing 2146 requests for "free copies" of private health information under ORS 192.576. Of the 2146 requests we processed, only 12 of them were requests received directly from an INDIVIDUAL PATIENT. The other 2134 requests we received and processed came directly from Disability Attorneys, who stand to gain financially from the individual seeking to receive disability benefits. The cost to our Business Associates to process copies of health information under ORS 192.576 came to over \$100,000. Of Course, we do not represent ALL Healthcare facilities in Oregon. Therefore, this is just a SMALL portion of the total expense to healthcare providers in our state processing free copies to disability attorneys in 2016.

This bill would allow healthcare facilities to charge a fee to 3rd party requestors that stand to gain financially from the use of the individual's health information. It stands to reason that if someone is using the copies of health information to gain financially, a fee should be charged to the 3rd party entity that is requesting the information.

TWO PROPOSED CHANGES TO THE BILL:

We believe there are 2 critical changes that need to be made to the wording of this bill in order for the law to be clear.

- (1) Change the "one free copy" to "one free request"

We are in support of individual patients being able to receive a free copy of the necessary information needed to appeal their denial of SS benefits. However, often times, we will received up to 3 different requests from the same disability attorney office, requesting

updated records, as they continue to build their case for the appeal hearing. Therefore, there is not just ONE free copy but multiple requests that are processed for one patient. We would like to see the language in this bill changed from “one free copy” to “one free request”. This would limit the individual to receiving one free request processed and would cut down on the time and expense to the healthcare facilities on processing multiple request for various dates of service. This of course would mean that the individual would want to wait until they are ready for their denial hearing before they request the information needed to submit as evidence.

- (2) Change the scope of dates of service that can be copied at no charge to the individual.

We understand that sometimes the initial application for benefits does not include all dates of service necessary to properly adjudicate the application. Therefore, we do believe that sometimes dates of service that are prior to the denial of the application are necessary for the individual to receive free of charge. We suggest changing the language to state “One free request for health information not previously submitted as evidence in the initial application for social security disability benefits”

Each healthcare facility must keep a disclosure log, documenting what dates of service and documents were sent to every requestor. Each healthcare facility would be able to determine what records were previously submitted to the Social Security Disability Administration and which dates of service were not submitted, thus being able to provide the proper documents that fall under “one free request” in this particular law.

I am available to meet and discuss the changes proposed in this testimony and/or be a part of a task force that creates an amendment. Our company is dedicated to providing great service the citizens of Oregon through the healthcare facilities we serve.

Respectfully Submitted,

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