

## Rosenberg Corey

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**From:** Tracy Paul <Tracy@dbshealth.com>  
**Sent:** Monday, February 13, 2017 11:04 AM  
**To:** SHS Exhibits  
**Subject:** SB 275 Public Hearing Testimony

February 13, 2017

To: Senator Sara Gelser and Senate Human Services and Early Childhood Committee

From: Tracy Paul, CEO DBS Health Information, Small Business Bend, Oregon

RE: Support of Senate Bill 275 and proposed amendment

Dear Senator Gelser 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 275 and will support if amended.

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 received directly from an Individual patient. The other 2134 requests we received and processed came directly from Disability Attorneys, who stood 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 what the total expense to healthcare providers in our state would have incurred to process free copies to Disability Attorneys in 2016.

In addition to the cost incurred to process these requests, there was MUCH disagreement as to how to apply the law as it was written. In some cases, we received up to THREE (3) requests for free copies of health information for the same patient. It appears there would be an "initial request" from the Disability Attorney to receive copies of ALL DATES OF SERVICE for the patient without charge. Additionally, another request for records would then be received for NEW DATES of service. Assuming this would be for any visits the patient may have had with the health care provider after the initial request was sent in by the Disability Attorney. Lastly, we would sometimes receive yet another request for updated visits, prior to the date of the hearing. As you can well imagine, the cost to process THREE (3) REQUESTS FOR FREE RECORDS is an extreme hardship on the facility. It takes approximately 1 hour total to process a basic request for health information from the time it is received at the facility until the time it is delivered to the requester. This means that my organization spent 6,438 hours of uncompensated time and materials to process these free requests for private health information.

It is my opinion that the Disability Attorney should share in the cost of providing the copies of private health information that they require in order to argue their case. The healthcare facilities already carry a heavy burden of maintaining and regulating the release of information. The healthcare facilities absorb many functions within their departments that garner no compensation. It seems reasonable that the healthcare facilities should be able to charge a fee for the processing of requests that are delivered to entities from those requestors that stand to gain financially from the receipt of such information.

Lastly, I will share with you my frustration that this law has created a venue for some disability attorneys or their third party requesting service to use as a platform for harassment of my staff and the staff of the healthcare facilities we serve. We have received many demanding phone calls from requestors that seek copies of information immediately, often times without patient consent that their free copy is going to a third party, stating that if their demand is not met that we will be in jeopardy of "punitive actions" or fines. Of course, any correspondence or threat from an attorney carries with it a sense of authority, which can tend to come across as bullying of the healthcare representative who is simply attempting to apply the law and protect the individual patient's rights. I believe that the wording in this amendment will help remedy these types of interactions.

Respectfully Submitted,

*Tracy Paul*  
President/CEO  
DBS Health Information

