

SB 275 B STAFF MEASURE SUMMARY

Carrier: Rep. Nosse

House Committee On Health Care

Action Date: 05/31/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 6-3-0-0

Yeas: 6 - Alonso Leon, Greenlick, Hayden, Keny-Guyer, Malstrom, Nosse

Nays: 3 - Buehler, Hack, Kennemer

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Requires "covered entity" to provide Social Security disability benefits appellant with one free copy of personal health records, from the alleged date of the disability onset, prior to administrative hearing. Permits appellant to choose format of records. Permits denial or fee for additional copies of health information requested by appellant or appellant's representative. Permits covered entity to otherwise deny copies of records to requesters that are not the patient or the patient's representative, absent proper authorization from the patient, and to charge for such records with proper authorization. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current process of appealing Social Security disability benefit decisions
- Unintended consequences from Senate Bill 710 (2015)
- All records are required for the appeal process
- Concerns about Health Insurance Portability and Accountability Act (HIPAA) violations
- HIPAA verification of all record requests
- Proposed amendment

EFFECT OF AMENDMENT:

Specifies that the one free copy of the individual's personal health information be from the date of the individual's alleged onset of the disability.

BACKGROUND:

Current Oregon law requires that state health plans, health insurers, certain health care providers and health care clearinghouses (collectively "covered entities") provide one free copy of a patient's individually identifiable health information when that person is appealing a denial of Social Security disability benefits. Such records are required to be released to the appellant or to the appellant's representative in paper or electronic form upon request.

Senate Bill 275-B requires covered entities to provide one free copy of an appellant's health records from the alleged onset of the disability after the appellant's initial application for Social Security disability benefits and before the administrative hearing. It permits the appellant to choose the format of the health records provided. The measure allows covered entities to charge a fee or to deny additional requests for copies of records by an appellant or their representative when appealing a denial of Social Security disability benefits. Additionally, Senate Bill 275-B allows covered entities to deny requests in general, by persons other than the patient or patient's representative that do not have the patient's authorization, and to charge for such requests made with the patient's authorization.