

SB 781 A STAFF MEASURE SUMMARY

House Committee On Health Care

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 5/11, 5/18

WHAT THE MEASURE DOES:

Requires clinical laboratories to provide test results without unreasonable delay to patient or patient's authorized representative. Clarifies that authorized representative of patient has access to test results unless physician, dentist, or other person requesting the laboratory test has a reasonable belief that an exception to information blocking applies.

Senate Vote: Passed. Ayes, 28; Excused, 2.

REVENUE: No revenue impact.

FISCAL: No fiscal impact.

ISSUES DISCUSSED:

- Federal 21st Century Cures Act and information blocking provisions; created conflict between federal and state law
- Access to patient health information, patient privacy and security
- Health information management

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

According to the Office of National Coordinator for Health Information Technology (ONC), information blocking is the practice by a health IT developer, health information network or exchange, or a health care provider that interferes with access, exchange, or use of electronic health information. In 2016, Congress passed the 21st Century Cures Act which seeks to address information blocking. The Cures Act and the final rule by ONC (Nov. 2020) allow exceptions to information blocking including preventing harm to an individual and patient privacy protections, among other exceptions.

Senate Bill 781 A seeks to expediate patient access to results of clinical lab tests.