

May 11, 2021

Oregon State Legislature
House Committee on Health Care
900 Court Street NE
Salem, OR 97301

Re: Senate Bill 781 – Patient-Centered Access to Lab Results

Chair Prusak and members of the House Committee on Health Care:

On behalf of Oregon’s 62 community hospitals and the patients they serve, the Oregon Association of Hospitals and Health Systems (OAHHS) strongly supports Senate Bill 781. This bill is an essential fix to align state law with Federal law and ensure health care providers are not caught between the two when providing patients access to their medical information.

The 21st Century Cures Act (Cures Act) was signed into law in December 2016 and was designed to help accelerate medical product development and research, as well as place greater emphasis on the patient perspective. This was bipartisan legislation that was championed by Senator Ron Wyden. After significant stakeholder engagement and comment period, on March 9, 2020, the Office of the National Coordinator for Health IT (ONC) issues their Final Rule on the Cures Act. The program rule on Interoperability, Information Blocking, and ONC Health IT Certification requires that health care providers give patients access without charge to all the health information in their electronic medical records “without delay.” For the purposes of this rule, “information blocking” is defined as any practice that either intentionally or unintentionally prevents relevant parties from accessing, exchanging, or using electronic health information. Information blocking can interfere with providers’ ability to manage and treat patients’ health conditions and prevent information from being used to improve healthcare overall. Specifically, this includes eight types of clinical notes that must be that cannot be blocked: consultation notes, discharge summary notes, history & physical, imaging narratives, laboratory report narratives, pathology report narratives, procedure notes, progress notes.

Previously set to be implemented in October 2020 but delayed due to the COVID-19 public health emergency, the ONC revised the final rule’s applicability date to be April 5, 2021. Beginning then, all “actors” - which includes health information networks and exchanges, EHR vendors and health care providers - “will be subject to information blocking.” There are exceptions and parameters to information blocking, including the exclusion of psychotherapy notes and practices that are reasonable and necessary to prevent harm to a patient or another person, among other limited exceptions.

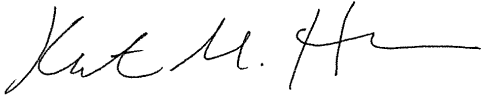
Currently, ORS 438.430 (3) requires waiting seven days to release laboratory test results after receiving a request from the patient, unless authorized for immediate release by the ordering doctor, dentist, or other person who requested the test, examination, or analysis. After April 5, 2021, health care providers in Oregon will be in direct opposition to Federal law.

To eliminate the statutory conflict between Oregon law and the Information Blocking provisions of the 21st Century Cures Act, SB 781 would streamline the reporting timelines of lab test results. SB 781 would enable a provider, or other designee as defined in statute, to automatically adhere to reasonable timeframes established to deliver test results unless an exception is specifically applied.

In addition to confirming that providers can abide by Federal law, it will also reduce regulatory burden for providers while increasing patient access to their laboratory results.

OAHHS supports SB 781. It is essential that Oregon law aligns with Federal regulations and ensures patient-centered access to their personal medical information, tests, examinations, or analyses.

Thank you,

A handwritten signature in black ink, appearing to read "Katie M. Harris". The signature is fluid and cursive, with a long horizontal stroke at the end.

Katie Harris
Director of Rural Health & Federal Policy
Oregon Association of Hospitals and Health Systems