

**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
JUDICIARY COMMITTEE
Monday, April 1, 2019**

HB 7380, An Act Concerning Access To Medical Records That Are Subject To The Federal Health Insurance Portability And Accountability Act

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **7380, An Act Concerning Access To Medical Records That Are Subject To The Federal Health Insurance Portability And Accountability Act**. CHA supports the bill.

Before commenting on the bill, it's important to point out that Connecticut hospitals and health systems provide high quality care for everyone, regardless of their ability to pay. By investing in the future of Connecticut's hospitals, we will strengthen our healthcare system and our economy, put communities to work, and deliver affordable care that Connecticut families deserve.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), including its regulations, rules, and guidance, is the primary body of federal law governing the use and handling of medical information by healthcare providers as well as health insurance plans and payer programs. HIPAA sets a national framework for what is expected when using and disclosing patient data.

For several years, CHA has encouraged the legislature and various agencies to identify and recognize times when Connecticut law or practice is at odds with HIPAA, so as to clarify patient rights and provider obligations. Several Connecticut laws and regulations relating to medical information are outdated, outmoded, and misaligned with HIPAA mandates. These disparities cause confusion for providers and put patient rights, as well as patient confidentiality, at risk. HB 7380 is designed to remedy two of these misalignments.

First, the bill seeks to delete a sentence from Section 19a-490b of the Connecticut General Statutes that purports to allow hospitals additional time to provide a patient or family with access to medical record access. That sentence is not consistent with federal law and should be removed from state law.

Next, the bill seeks to promote and protect patient rights by removing the confusion currently caused by common application of Connecticut's subpoena laws in a manner that is a direct conflict with how HIPAA disclosures are intended to occur in litigation matters. Specifically, although federal HIPAA regulations set very strict requirements on the steps a provider or health insurer must take before releasing protected health information in response to a subpoena, Connecticut law fails to reference or contain any of those steps. Connecticut subpoena law makes it appear that those steps are not required – but they are under federal law. Lawyers frequently misapply the law when issuing subpoenas. The result is that providers and carriers are routinely asked by lawyers and others with subpoena power to release records in an illegal manner. This not only exposes providers and carriers to risk and liability, it dilutes, and can often destroy, a patient's ability to keep their medical information confidential. The bill would reduce these risks by ensuring that a person issuing a subpoena first cross-checks federal law, and also requires compliance with HIPAA protections that already exist in federal law.

CHA welcomes the opportunity to work with the legislature and state agencies to find more ways to better align state law with HIPAA, which will benefit patients, providers, and insurers.

Thank you for your consideration of our position. For additional information, contact CHA Government Relations at (203) 294-7310.