

2015 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1159

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee

Peace Garden Room, State Capitol

HB 1159

1/19/2015

Job Number # 22125

☐ Subcommittee

☐ Conference Committee

Marlyp Keiser

Explanation or reason for introduction of bill/resolution:

Bill Description: Relating to health care provider use of workers' compensation claim information; and to declare an emergency.

Minutes:

Attachment #1, #2

Rep Keiser Representative for District 47: He explained the reasoning for sponsoring the bill. Now if claim is filed to Workers Comp, if there is a medical component to the claim, they have complete access to the medical records from the provider. Some attorneys for the Sanford Group looked at the process that was being used and were concerned about this. It does not clearly state that we continue to do this process in the North Dakota Century Code, section 65-05-30.

What this bill's intentions are is that the provider can provide a statement regard the liability causation or preexisting nature of the injury. These changes are: so when a provider provides any information they will not incur any liability for furnishing that opinion.

When working with the North Dakota Medical Association, they had concerns about this because it looks like you exempt them from liability from any kind of action that the Board of Medical Examiners might take. We then added in subsection 3-b.

Rep Laning: Isn't this the procedure now, to get a release signed?

Rep Keiser: I am not sure but Workers Comp is here to answer that question.

Rep Lefor: My understanding is the only reason we are discussing this is that the Attorneys are uncomfortable the way we are doing this now and would like the language changed, is that correct?

Rep Keiser: It was being done and it is not being done now because of the concern of liability.

Rep Amerman: What happens if we are reluctant to do this?

Rep Keiser: I do believe they have subpoena power if it is an issue.

Tim Wahlin, Chief of Injury Services with WSI: (Testimony #1).

Rep Rick C Becker: Does the change in the wording give the provider the ability to give all information even if it is not related to the injury?

Tim Wahlin: We have the ability to get Medical information to the extent it will affect the claim.

Rep Rick C Becker: So the way it is worded now is there anything in anyone's record who is filing a claim that you don't have the ability to request?

Tim Wahlin: We only have the ability to request the information which impacts the adjudication of that particular claim.

Rep Rick C Becker: Is that part of the Century Code? As I read this bill nothing limits your ability to information in this particular part of the Code.

Tim Wahlin: There are other statutes that impact which I can get together for you.

Rep Kasper: Can you give us any examples where this type of claims has occurred?

Tim Wahlin: Example: we have a claim on a left ankle injury we now get another request that we are to start covering the right knee. It doesn't appear that they are linked and nothing in the medical records references the right knee. That means we may need to go back to the provider and due to the injury they have favored the left ankle and have harmed the right knee. We would need to get additional information to make that decision on the claim.

Rep Kasper: Where are you getting the additional information about the right knee? Why wouldn't you be able to get that information from the doctor making the assessment?

Tim Wahlin: We will have a bill that comes in for payment. When we pull that particular bill it will now be for a non-compensable body part or a body part we do not have on that claim. On review of the claim to pay the bill we are unable to make the link.

Rep Kasper: Could it be that billing error which is going beyond the ankle and is trying to get WSI to pay for the knee? Where are we getting into this denial situation?

Tim Wahlin: The majority is these come in through billings to WSI and reviewing those billings to determine whether or not we should paying that bill or not. The majority are coming through the billing department.

Rep Ruby: How many times is it an issue where there is an misunderstanding of someone giving information that they thought they were authorized to provide and yet there is question if that was the physician and if so how does this fix that issue?

Tim Wahlin: That happens almost never! It did happen as I recall one time.

Dan Hannaher, Legislative Affairs Director at Sanford Health: (Attachment #2)

Courtney Corbol, Executive Director Medical Association: We also stand in support of 1159.

Rep Keiser: Closed the hearing on HB 1159.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee

Peace Garden Room, State Capitol

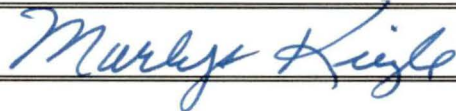
HB 1159

1/19/2015

Job Number 22128

☐ Subcommittee

☐ Conference Committee



Bill Discription: Relating to health care provider use of workers' compensation claim information; and to declare an emergency.

Minutes:

Attachment # 1

Chairman Keiser: Opens the hearing on HB 1159. Asked for questions on the proposed amendment which overstrikes the word "such" and inserts "regarding the injured employee's claim" on Page 1, line 21 and 22. He reminded Representatives that there is an Emergency Clause on this bill.

Representative Becker: Made a motion to accept the amendment. (Attachment 1)

Representative Beadle: Second the motion.

Chairman Keiser: It is important to make sure it is regarding the claim and not go beyond view other Medical records. It is their (WSI's) practice but it doesn't hurt to say it.

Representative Becker: I do see it addresses that point in Subsection 2. It seems like it should be in Subsection 1.

Voice Vote taken on the amendment and passed.

Chairman Keiser: What are the wishes of the committee?

Representative Becker: Made a motion of Do PASS AS AMENDED AND WITH THE EMERGENCY CLAUSE.

Representative Beadle: Seconded the motion.

Roll Call Vote DO PASS AS AMENDED AND WITH THE EMERGENCY CLAUSE

14 Yes 0 no 1 absent

Carrier Rep Lefor
Closed Hearing

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Peace Garden Room, State Capitol

HB 1159
1/26/2015
Job # 22521

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Related to health care provider use of workers' compensation claim information: and to declare an emergency.

Minutes:

Attachment 1

Chairman Keiser: Opened the meeting for HB 1159.

John Bjornson Legislative Council: Discussed the statue which gives Physicians' the ability to communicate with WSI regarding injured employees and their claims. There also was a discussion that wording in the statue contained some language that needed to be changed as such. That will be removed along with injured working claims asked that those be reviewed. He drafted an amendment. (Attachment #1)

Rep Kasper: Made a motion to adopt the amendment.

Rep Sukut: Second the motion

Voice Vote Passed

Rep Sukut: Do Pass as Amended

Rep Laning: Seconded the motion

Do Pass As Amended 12 yes 0 no 3 Absent

Rep Lefor is the carrier.

January 19, 2015

1/19/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1159

Page 1, line 21, overstrike "such"

Page 1, line 21, after "information" insert "regarding the injured employee's claim"

Page 1, line 22, overstrike "such"

Page 1, line 22, after "information" insert "regarding the injured employee's claim"

Renumber accordingly

January 29, 2015

SK
1-29-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1159

Page 1, line 21, overstrike "such"

Page 1, line 21, overstrike the first comma

Page 1, line 21, after "its" insert "deemed necessary for the administration of this title to"

Page 1, line 22, overstrike "such"

Renumber accordingly

Date: Jan 19, 2015Roll Call Vote: 1

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1159**

House Industry, Business & Labor Committee☐ Subcommittee☐ Conference CommitteeAmendment LC# or Description: 15.0582.0100LRecommendation: ☒ Adopt Amendment☐ Do Pass☐ Do Not Pass☐ Without Committee Recommendation☐ As Amended☐ Rerefer to Appropriations

Other Actions:

☐ Reconsider☐Motion Made By Becker Seconded By Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Lefor		
Vice Chairman Sukut			Representative Louser		
Representative Beadle			Representative Ruby		
Representative Becker			Representative Amerman		
Representative Devlin			Representative Bosch		
Representative Frantsvog			Representative Hanson		
Representative Kasper			Representative M Nelson		
Representative Laning					

Motion carries

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice roll call

Date: Jan 19, 2015Roll Call Vote: 2

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1159**

House Industry, Business & Labor Committee☐ Subcommittee☐ Conference CommitteeAmendment LC# or Description: 15.0582.01007

Recommendation:

☐ Adopt Amendment☒ Do Pass☐ Do Not Pass☐ Without Committee Recommendation☒ As Amended☐ Rerefer to Appropriations

Other Actions:

☐ Reconsider☐emergencyMotion Made By Becker Seconded By Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	<u>✓</u>		Representative Lefor	<u>✓</u>	
Vice Chairman Sukut	<u>✓</u>		Representative Louser	<u>✓</u>	
Representative Beadle	<u>✓</u>		Representative Ruby	<u>✓</u>	
Representative Becker	<u>✓</u>		Representative Amerman	<u>✓</u>	
Representative Devlin	<u>✓</u>		Representative Bosch	<u>✓</u>	
Representative Frantsvog	<u>A</u>		Representative Hanson	<u>✓</u>	
Representative Kasper	<u>✓</u>		Representative M Nelson	<u>✓</u>	
Representative Laning	<u>✓</u>				

Total (Yes) 14 No 0Absent 1Floor Assignment Lefor

If the vote is on an amendment, briefly indicate intent:

Date: Jan 26, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1159

House Industry, Business & Labor Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15, 0582.01003

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
Other Actions: ☐ Reconsider ☐

Motion Made By Kasper Seconded By Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Lefor		
Vice Chairman Sukut			Representative Louser		
Representative Beadle			Representative Ruby		
Representative Becker			Representative Amerman		
Representative Devlin			Representative Boschee		
Representative Frantsvog			Representative Hanson		
Representative Kasper			Representative M Nelson		
Representative Laning					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
voice vote

Date: Jan 26, 2015Roll Call Vote: 2

**2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1159**

House Industry, Business & Labor Committee☐ Subcommittee☐ Conference CommitteeAmendment LC# or Description: 15.0582.01003Recommendation: ☐ Adopt Amendment☒ Do Pass☐ Do Not Pass☐ Without Committee Recommendation☒ As Amended☐ Rerefer to Appropriations

Other Actions:

☐ Reconsider☐Motion Made By Sukut Seconded By Laning

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Lefor	x	
Vice Chairman Sukut	x		Representative Louser	x	
Representative Beadle	x		Representative Ruby	x	
Representative Becker	x		Representative Amerman	x	
Representative Devlin	Ab		Representative Boschee	x	
Representative Frantsvog	Ab		Representative Hanson	x	
Representative Kasper	x		Representative M Nelson	Ab	
Representative Laning	x				

Total (Yes) 12 No 0Absent 3Floor Assignment Rep Lefor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1159: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1159 was placed
on the Sixth order on the calendar.

Page 1, line 21, overstrike "such"

Page 1, line 21, after "information" insert "regarding the injured employee's claim"

Page 1, line 22, overstrike "such"

Page 1, line 22, after "information" insert "regarding the injured employee's claim"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1159: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1159 was placed
on the Sixth order on the calendar.

Page 1, line 21, overstrike "such"

Page 1, line 21, overstrike the first comma

Page 1, line 21, after "its" insert "deemed necessary for the administration of this title to"

Page 1, line 22, overstrike "such"

Renumber accordingly

2015 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1159

2015 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Roosevelt Park Room, State Capitol

HB 1159 Engrossed
3/9/2015
Job Number 24472

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Eva Likelt

Explanation or reason for introduction of bill/resolution:

Relating to health care provider use of workers' compensation claim information

Minutes:

Attachment

Chairman Klein: Opened the hearing.

Representative Keiser: Said this was a significant bill. Up until a year ago if WSI had a claim they could request the medical records. If the claim analyst had a question on the claim they would call the healthcare professional and ask them directly. Some of the attorneys looked at this and said that they might be providing information above and beyond the medical records and is that allowed by State law to manage the claim. This bill gives permission to medical providers that they may answer questions the claim analyst may have. (:05-4:36)

Senator Murphy: Asked if this was dancing around the HIPAA deal.

Representative Keiser: That is part of it. I think the liability in a court issue is probably an equal concern to HIPAA just not the disclosure of personal health information but opinions that might be involved. The point is if the opinion is written in the record there is no problem but if the opinion which is critical to the management of the case is not in the record before we could ask and get clarification the healthcare professional wants to make sure we have their backs on this.

Senator Murphy: Does this bill smooth the ability to communicate?

Representative Keiser: It is much more than that. It does those things but proper case management means getting valid and accurate information for the claimant as well as for WSI. (6:00-6:50)

Chairman Klein: We want to make sure we are doing the claim properly and make sure the folks providing the information don't feel like it could be used against them.

Representative Keiser: That is part of it. It is critical that everything gets put into the records and if it is not properly placed in the record it might result in reduced reimbursement. (7:08-8:33)

Tim Wahlin, Chief of Injury Services with Workforce Safety and Insurance: Written Testimony Attached (1). (9:00-13:13)

Dan Hannaher, Legislative Affairs Director at Sanford Health: Written Testimony Attached (2). (15:15-16:37)

Senator Murphy: Asked if this is enacted what the fear would be in revealing information and if they are sure this is the fix.

Dan Hannaher: We certainly do believe it is the fix because the federal concerns have not weighed on any of these matters. (17:03-17:50)

Courtney Koebele, North Dakota Medical Association: In support of the bill.

Senator Murphy: It was mentioned that the North Dakota Medical Examiners worked in conjunction with WSI to get this done, how is that related to the Medical Association?

Courtney Koebele: The North Dakota Medical Association was also involved in these discussions. The board of medical examiners in the discipline authority and we are the professional association. (20:00-20:41)

Chairman Klein: Closed the hearing.

Senator Murphy: Moved a do pass.

Senator Sinner: Seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Murphy will carry the bill.

**2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
HB 1159 Engrossed**

Senate Industry, Business and Labor Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Murphy Seconded By Senator Sinner

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Murphy	x	
Vice Chairman Campbell	x		Senator Sinner	x	
Senator Burckhard	x				
Senator Miller	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Murphy

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1159, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1159 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1159

#1

2015 HB 1159
Testimony before the House Industry, Business and Labor Committee
Presented by: Tim Wahlin
Workforce Safety and Insurance
Date: January 19, 2015

Mr. Chairman, Members of the Committee:

My name is Tim Wahlin, Chief of Injury Services with Workforce Safety and Insurance (WSI). On behalf of WSI, I am here to provide information on House Bill 1159. The WSI Board of Directors supports this bill, which is intended to ensure WSI receives the information necessary to appropriately and accurately adjudicate claims, while at the same time eliminate the possibility of disciplinary action against a health care provider for providing that information.

Currently, N.D.C.C. section 65-05-30 authorizes a health care provider, hospital or clinic to disclose an injured employee's comprehensive medical information to WSI. This statute also provides immunity from liability for disclosing this information. Historically, WSI has relied on this broad provision to request and to receive not only factually based claim information, but also the professional opinions of health care providers who treat injured employees.

For example, it is sometimes necessary to request a treating doctor to clarify or expand upon what is contained in a patient's medical record. In addition, WSI may ask a treating doctor to comment on the causation of an injury, an injured worker's return to work capabilities, treatment plans, and the prognosis of a patient. WSI may also ask a treating doctor to review and provide comment on an independent medical examination report, job description, or other medical records outside the provider's course of treatment. In short, a treating provider's response is a key component to the timely and accurate adjudication of claims. These informational requests to providers amount to literally thousands of interactions each year.

WSI was made aware of a physician who was formally disciplined for providing an opinion and comments to WSI regarding an individual whom he thought was his patient,

during the course of a fraud investigation. The Board of Medical Examiners determined that the physician provided additional observations and opinions which were communicated to WSI. They determined these communications violated his responsibility of confidentiality and advocacy under the North Dakota medical practices act.

As a result of this disciplinary matter, concern arose within the medical provider community as to what information could be provided to WSI without subjecting a provider to the possibility of formal discipline. Especially when the information requested by WSI did not pertain to the specific treatment notes of the provider. In certain instances, treating doctors stopped responding to WSI's inquires altogether. In some cases, this was detrimental to the injured employee because without the benefit of treating provider's opinion, the claim could not be paid.

As a result, WSI, Sanford Health, and the Board of Medical Examiners assisted in developing the language in this bill to reconcile the State Board of Medical Examiners position with WSI's need to obtain information from medical providers. The amendments make it clear a treating provider can provide WSI with comprehensive information or a professional opinion regarding an injured employee's claim. It further specifies that an opinion can include a statement regarding liability, causation, a preexisting condition, or other information WSI deems necessary.

Moreover, a health care provider does not incur any liability for providing this information to WSI or rendering an opinion. In addition, the sole act of furnishing that information or opinion cannot be used as a basis for discipline of a health care provider. However, the disclosure may be considered if it accompanied other conduct that may subject the provider to discipline. For example, the disclosure could be considered in a disciplinary matter, if in the course of providing the information, the provider was perpetrating fraud.

This concludes my testimony. I would be happy to answer any questions you may have.

Testimony before House Industry, Business and Labor Committee

HB 1159

Presented by: Dan Hannaher, Sanford Health

January 19, 2015

Chairman Keiser and Members of the Committee:

My name is Dan Hannaher, Legislative Affairs Director at Sanford Health. On behalf of Sanford Health I am providing testimony in support of House Bill 1159. For many years our Medical Providers have worked cooperatively with the State and the Department of Workforce Safety and Insurance to assist patients in accessing timely and efficient reviews of their injury claims. Information provided to WSI has included official medical records as well as the professional opinions of our Doctors in the treatment of patients.

Recent actions by the Board of Medical Examiners in a case surrounding a fraud investigation have brought into question the authority of Physicians to provide information beyond that of the formal Medical Record of the patient. Therefore, a reluctance to share conclusions and professional opinions has slowed the processing of claims. We believe this is not in the best interest of patients.

In an effort to be able to provide more comprehensive, professional information and to answer questions from WSI without fear of violating confidentiality; we at Sanford Health worked with the Board of Medical Examiners and WSI in crafting the language you see before you. It is our hope that with these changes, patient claims can be expedited fairly and quickly. A Physician being able to provide a thorough and full opinion of a patient's injury is a vital component of that patient's information when making a WSI claim. The amendment before you in HB 1159, we believe, will alleviate the concerns of providers.

Thank you, that concludes my testimony. I would be happy to take any questions.

HB 1159

Attachment 1

1/19/2015

Page 1 line 21 overstrike the wordsuch

Page 1 line 21 after the word information insert " regarding the injured employee's claim"

Page 1 line 22 overstrike the word such

Page 1 line 22 after the word information insert "regarding the injured employee's claim"

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1159

Page 1, line 21, overstrike "such"

Page 1, line 21, overstrike the first "to"

Page 1, line 21, overstrike the first comma and insert immediately thereafter "deems necessary to the administration of this title to"

Page 1, line 22, overstrike "such"

2015 Engrossed HB 1159
Testimony before the Senate Industry, Business and Labor Committee
Presented by: Tim Wahlin
Workforce Safety and Insurance
Date: March 9, 2015

Mr. Chairman, Members of the Committee:

My name is Tim Wahlin, Chief of Injury Services with Workforce Safety and Insurance (WSI). On behalf of WSI, I am here to provide information on Engrossed House Bill 1159. The WSI Board of Directors supports this bill, which is intended to ensure WSI receives the information necessary to appropriately and accurately adjudicate claims, while at the same time eliminate the possibility of disciplinary action against a health care provider for providing that information.

Currently, N.D.C.C. section 65-05-30 authorizes a health care provider, hospital or clinic to disclose an injured employee's comprehensive medical information to WSI. This statute also provides immunity from liability for disclosing this information. Historically, WSI has relied on this broad provision to request and to receive not only factually based claim information, but also the professional opinions of health care providers who treat injured employees.

For example, it is sometimes necessary to request a treating doctor to clarify or expand upon what is contained in a patient's medical record. In addition, WSI may ask a treating doctor to comment on the causation of an injury, an injured worker's return to work capabilities, treatment plans, and the prognosis of a patient. WSI may also ask a treating doctor to review and provide comment on an independent medical examination report, job description, or other medical records outside the provider's course of treatment. In short, a treating provider's response is a key component to the timely and accurate adjudication of claims. These informational requests to providers amount to literally thousands of interactions each year.

WSI was made aware of a physician who was formally disciplined for providing an opinion and comments to WSI regarding an individual whom he thought was his patient, during the course of a fraud investigation. The Board of Medical Examiners determined that the physician provided additional observations and opinions which were communicated to WSI. They determined these communications violated his responsibility of confidentiality and advocacy under the North Dakota medical practices act.

As a result of this disciplinary matter, concern arose within the medical provider community as to what information could be provided to WSI without subjecting a provider to the possibility of formal discipline. Especially when the information requested by WSI did not pertain to the specific treatment notes of the provider. In certain instances, treating doctors stopped responding to WSI's inquiries altogether. In some cases, this was detrimental to the injured employee because without the benefit of treating provider's opinion, the claim could not be paid.

As a result, WSI, Sanford Health, and the Board of Medical Examiners assisted in developing the language in this bill to reconcile the State Board of Medical Examiners position with WSI's need to obtain information from medical providers. The amendments make it clear a treating provider can provide WSI with comprehensive information or a professional opinion regarding an injured employee's claim. It further specifies that an opinion can include a statement regarding liability, causation, a preexisting condition, or other information WSI deems necessary.

Moreover, a health care provider does not incur any liability for providing this information to WSI or rendering an opinion. In addition, the sole act of furnishing that information or opinion cannot be used as a basis for discipline of a health care provider. However, the disclosure may be considered if it accompanied other conduct that may subject the provider to discipline. For example, the disclosure could be considered in a disciplinary matter, if in the course of providing the information, the provider was perpetrating fraud.

Section 2 of this bill indicates the act is declared to be an emergency measure. This will allow the statutory solution to become law immediately upon signing by the Governor.

This concludes my testimony. I would be happy to answer any questions you may have.

Testimony before House Industry, Business and Labor Committee**HB 1159****Presented by: Dan Hannaher, Sanford Health****March 9, 2015**

Senator Klein and Members of the Committee:

My name is Dan Hannaher, Legislative Affairs Director at Sanford Health. On behalf of Sanford Health I am providing testimony in support of House Bill 1159. For many years our Medical Providers have worked cooperatively with the State and the Department of Workforce Safety and Insurance to assist patients in accessing timely and efficient reviews of their injury claims. Information provided to WSI has included official medical records as well as the professional opinions of our Doctors in the treatment of patients.

Recent actions by the Board of Medical Examiners in a case surrounding a fraud investigation have brought into question the authority of Physicians to provide information beyond that of the formal Medical Record of the patient. Therefore, a reluctance to share conclusions and professional opinions has slowed the processing of claims. We believe this is not in the best interest of patients.

In an effort to be able to provide more comprehensive, professional information and to answer questions from WSI without fear of violating confidentiality; we at Sanford Health worked with the Board of Medical Examiners and WSI in crafting the language you see before you. It is our hope that with these changes, patient claims can be expedited fairly and quickly. A Physician being able to provide a thorough and full opinion of a patient's injury is a vital component of that patient's information when making a WSI claim. The amendment before you in HB 1159, we believe, will alleviate the concerns of providers.

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