

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1234

2001 HOUSE HUMAN SERVICES

HB 1234

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1234

House Human Services Committee

☐ Conference Committee

Hearing Date January 22, 2001

Tape Number	Side A	Side B	Meter #
Tape 1		X	2100 to 2835
Committee Clerk Signature <i>Cornne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: Opened hearing on HB 1234.

Arnold Thomas: President of ND Healthcare Association. Section 23-12-14 sets forth policies governing the release and copy charges of medical records. Among this sections provisions is the stipulation that a written medical record release is for a specific period of time but may not exceed three years or until revoked in writing by the patient. (See written testimony.) We ask for a DO PASS on HB 1234.

Chairman Price: Nothing in front of us is going to conflict with HIFA that you are aware?

Arnold Thomas: No. This is a presumption of release that would be outside the provisions of this particular section.

Dave Thiele: North Dakota Workers Compensation Bureau. I am not for or against, but am here to present an amendment that we feel will clarify by adding "the workers compensation bureau" if this bill is favorably considered by the committee. By putting in this additional language it will specify that workers compensation bureau is part of the exception. I think we will avoid a lot of arguing.

Chairman Price: Mr. Thomas, do you see any objections to the amendment as proposed?

Arnold Thomas: I don't.

Chairman Price: We will close the hearing on HB 1234.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1234 A

House Human Services Committee

☐ Conference Committee

Hearing Date January 23, 2001

Tape Number	Side A	Side B	Meter #
Tape 3		X	1350 to 1930
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

COMMITTEE WORK:

Chairman Price: HB 1234.

????????????? What we have done on the amendments with 1234 is make it consistent between 1233 and 1234. It includes a lot more information. Chip Thomas feels very comfortable with it. If amendments are adopted, No. 2 should read "except as specified in Section 26.1-36-12.4, a written medical records release must be for specific stated time, but not to exceed three years or until revoked in writing by a patient. A written medical release does not expire after three years, however, the patient or the patient's authorized representative expressly gives consent to release of medical records to a medical provider being advised or consulted concerning the current treatment of the patient."

Chairman Price: We have an amendment in front of us, what are your wishes?

Vice Chairman Devlin: Motion DO PASS as amended.

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House Human Services Committee
Bill/Resolution Number HB 1234
Hearing Date January 23, 2001

Rep. Klein: Second.

Chairman Price: All in favor signify by saying Aye. (14 YES) We have an amended bill in front of us, what are your wishes?

Rep. Porter: DO PASS as amended.

Rep. Galvin: Second.

Chairman Price: The clerk will call the roll on a **DO PASS AS AMENDED.**

14 YES 0 NO 0 ABSENT CARRIED BY REP. TIEMAN

Proposed Amendment to HB 1234 (10307.0100)

On page 1, line 21, after "2." delete "A" and insert "Except as specified in section 26.1-36-12.4, a".

On page 2, line 2, delete ":".

On page 2, line 3, delete "a. A" and insert "a".

On page 2, line 4, delete "; or" and insert ".".

On page 2, delete lines 5-7.

VR
1/24/01

HOUSE AMENDMENTS TO HB 1234

HOUSE HS

1-25-01

Page 1, line 21, overstrike "A" and insert immediately thereafter "Except as specified in section 26.1-36-12.4, a"

HOUSE AMENDMENTS TO HB 1234

HOUSE HS

1-25-01

Page 2, line 2, replace the underscored colon with "a"

Page 2, line 3, remove "a. A"

Page 2, line 4, replace "or" with an underscored period

Page 2, remove lines 5 through 7

Renumber accordingly

Date: 1-23-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1234

House Human Services Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Rep. Porter Seconded
By Rep. Galvin

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment Rep. Tieman

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

REPORT OF STANDING COMMITTEE

HB 1234, as amended, Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "A" and insert immediately thereafter "Except as specified in section 26.1-36-12.4, a"

Page 2, line 2, replace the underscored colon with "a"

Page 2, line 3, remove "a, A"

Page 2, line 4, replace "; or" with an underscored period

Page 2, remove lines 5 through 7

Renumber accordingly

2001 SENATE HUMAN SERVICES

HB 1234

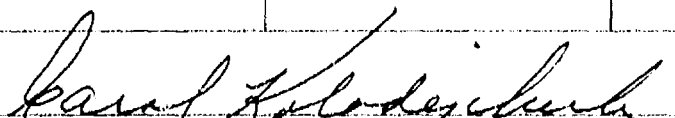
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1234

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 12, 2001

Tape Number		Side A	Side B	Meter #
	1	X		16.3
March 20, 2001	1	X		28.3
Committee Clerk Signature				

Minutes:

The hearing was opened on HB 1234.

ARNOLD THOMAS, ND Healthcare Assoc., introduced bill. (Written testimony) SENATOR

MATHERN: What is rationale for 3 years? MR. THOMAS: Three years is in statute, but I

have no answer as to why. SENATOR POLOVITZ: What is definition of consultants? MR.

THOMAS: That is medical consultant; a doctor who is prescribing treatment. Finishing claim

would involve insurance. SENATOR MATHERN: Seems like we are providing records to

secondary (consultant) and not to primary. MR. THOMAS: Need to have time to determine

where 3 years comes from. SENATOR KILZER: There is a difference between continuing

treatment for three years or someone who was treated three years ago. MR. THOMAS: I will

look into that and get back to you.

No other testimony. The hearing was closed on HB 1234.

March 20, 2001, Tape 1, Side A, Meter 28.3.

Page 2

Senate Human Services Committee

Bill/Resolution Number HB 1234

Hearing Date March ~~20~~¹², 2001

Discussions resumed. ARNOLD THOMAS presented amendments 10307.0202. He explained the amendments and what they do to the bill. JOY KRUSH, St. Alexius Hospital Medical Records, told us the copies are sent; original is kept. ROD ST. AUBYN is supportive of the amendments. Discussion. SENATOR MATHERN moved amendments. SENATOR ERBELE seconded the motion. Voice vote carried amendments. SENATOR KILZER moved a DO PASS AS AMENDED. SENATOR MATHERN seconded the motion. Roll call vote carried 6-0-0. SENATOR KILZER will carry the bill.

Students from Rolla were welcomed to the committee. SENATOR LEE told them about the business we were discussing and what the process is with bills.

March 15, 2001

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1234

Page 1, line 21, after the period insert "a." and after "26.1-36-12.4" insert "or subsection 3"

Page 1, overstrike line 22

Page 1, line 23, overstrike "writing by the patient" and insert immediately thereafter "is valid for the period of time specified in the release or three years, whichever is shorter" and replace "A written medical records release does not expire after" with:

"b. A patient or any person authorized by the patient may revoke a medical records release at any time by providing written notification to the medical provider.

3. Notwithstanding the period of validity under subdivision a of subsection 2, a signed medical records release authorizes a medical provider to forward a patient's medical records to another medical provider during the period of time necessary to complete the patient's course of treatment and to conclude all medical and financial aspects of the case."

Page 1, remove line 24

Page 2, remove lines 1 and 2

Renumber accordingly

Date: 3/20/01

Senate HUMAN SERVICES Committee

or

Legislative Council Amendment Number

Action Taken Dr. Dasas Amended

Motion Made By Sen Kilzer Seconded By Sen Mathews

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment See Kibbe

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

REPORT OF STANDING COMMITTEE

HB 1234, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 21, after the period insert "a." and after "26.1-36-12.4" insert "or subsection 3"

Page 1, overstrike line 22

Page 1, line 23, overstrike "writing by the patient" and insert immediately thereafter "is valid for the period of time specified in the release or three years, whichever is shorter" and replace "A written medical records release does not expire after" with:

"b. A patient or any person authorized by the patient may revoke a medical records release at any time by providing written notification to the medical provider.

3. Notwithstanding the period of validity under subdivision a of subsection 2, a signed medical records release authorizes a medical provider to forward a patient's medical records to another medical provider during the period of time necessary to complete the patient's course of treatment and to conclude all medical and financial aspects of the case."

Page 1, remove line 24

Page 2, remove lines 1 and 2

Renumber accordingly

2001 TESTIMONY

HB 1234



North Dakota Healthcare Association

Vision

The North Dakota Healthcare Association will take an active leadership role in major healthcare issues

Mission

The North Dakota Healthcare Association exists to advance the health status of persons served by the membership.

2001 Session

HB 1234

Madame Chairman, members of Health and Human Services Committee, my name is Arnold Thomas. I am the President of the ND Healthcare Association, here in support of HB1234.

Section 23-12-14 sets forth policies governing the release and copy charges of medical records. Among this sections provisions is the stipulation that a written medical record release is for a specific period of time but may not exceed three years or until revoked in writing by the patient.

HB1234 would create two exemptions to this provision. The first exemption to the time limitations of this section permits access to the patient's medical records by consultants if the course of treatment extends beyond the time provisions of this section. The second exemption to the patient's reauthorization permits release of medical records for purposes of payments or claims, fraud investigation, or quality of care review and studies.

Without HB1234, a reauthorization to access medical records would be required if the treatment and use of consults took longer than the time framework of this section. Without HB1234 a reauthorization to release medical records would be required to settle administrative matters associated with the patient's treatment or condition that extend beyond the time certainty of this section.

We ask for a "Do Pass" on HB 1234.

PROPOSED AMENDMENT TO 2001 HOUSE BILL NO. 1234

Page 2, line 6, after "organization" insert ", the workers
compensation bureau"

Renumber accordingly

Promosed Amendments to engrossed HB 1234

Starting at line 21

2. a. Except as specified in section 26.1-36-12.4 or subsection 3, a written medical records release is valid for the period of time specified in the release or three years, whichever is shorter.

b. A patient or any person authorized by the patient may revoke a medical records release at any time by providing written notification to the medical provider.

3. Notwithstanding the period of validity under subdivision a of subsection 2, a signed medical records release authorizes a medical provider to forward a patient's medical records to another medical provider during the period of time necessary to complete the patient's course of treatment and to conclude all medical and financial aspects of the case.