

**SB 275 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Monnes Anderson

**Senate Committee On Human Services**

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**Action Date:** 04/12/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Gelser, Knopp, Monnes Anderson, Olsen

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Requires "covered entity" to provide Social Security disability benefits appellant with one free copy of recent health records prior to administrative hearing. Permits appellant to choose format of records. Permits denial or fee for additional copies of health information requested by appellant or appellant's representative. Permits covered entity to otherwise deny copies of records to requesters that are not the subject patient or the patient's representative, absent proper authorization from the patient, and to charge for such records *with* proper authorization. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Clarifying existing statute
- Process for declaring personal representative under current statute
- Availability of medical records and access to Social Security disability benefits
- Suggested amendments

**EFFECT OF AMENDMENT:**

Requires covered entity to provide one free copy of appellant's health information after initial application for Social Security disability benefits prior to appellant's administrative hearing. Permits appellant to choose format.

**BACKGROUND:**

Current Oregon law requires that state health plans, health insurers, certain health care providers, and health care clearinghouses (collectively "covered entities") provide one free copy of a patient's individually identifiable health information when that person is appealing a denial of Social Security disability benefits. Such records are required be released to the appellant or to the appellant's representative in paper or electronic form upon request.

Senate Bill 275-A requires covered entities to provide one free copy of an appellant's health records from the period after the appellant's initial application for Social Security disability benefits and before the administrative hearing. It permits the appellant to choose the format of the health records provided. The measure allows covered entities to charge a fee or to deny *additional* requests for copies of records by an appellant or their representative to appeal a denial of Social Security disability benefits. Senate Bill 275-A also allows covered entities to deny requests in general, by persons other than the patient or patient's representative that do not have the patient's authorization; and to charge for such requests made *with* the patient's authorization.