

April 17, 2024

Melissa H. Wiklund
Chair, Health and Human Services Committee
2107 Minnesota Senate Bldg.
St. Paul, MN 55155

Dear Madame Chair and Committee Members:

My name is Elizabeth McElhiney and I serve as Regulatory Chair at the Association of Health Information Outsourcing Services (AHIOS). On behalf of AHIOS, I provide this written testimony in opposition to a provision in SF4699 that would lower existing fees and caps on the total fees charged for medical records requests from third-parties found at lines 483.27 to 484.20 of the scs4699a-2 amendment to SF4699 (Medical Records Fee Proposal)..

AHIOS was established in 1996 with a mission to strengthen and enhance the Health Information Management (HIM) outsourcing industry while promoting excellence in the handling and dissemination of confidential patient-identifiable information. To this end, a large component of our work as an organization is focused on pursuing fair and equitable legislative, regulatory, and legal processes that support the release of confidential patient information. AHIOS member companies' services are often provided at no cost to a healthcare organization; our companies operate on the state-regulated fees paid by third-party requesters.

Ultimately, our goal as an organization and industry is to support healthcare organizations in keeping their patients' data secure yet accessible. By partnering with an AHIOS member company, healthcare organizations gain not only operational and financial relief from the ever-growing burden of medical records requests, but they also provide a more efficient, effective, and secure solution for accessing medical records to the constituent that matters most: the patient. Hospitals and other healthcare providers have found such value in utilizing release of information (ROI) companies that more than 80% of hospitals and an estimated 50% of ambulatory clinics have elected to outsource this function nationally.

The ROI Process

While interoperability between electronic medical record (EMR) applications remains a key national goal, the reality is that a patient's electronic medical records cannot be retrieved with a single click of a mouse. Patient records are often spread across multiple record systems and may still involve paper charts and microfilm records; it requires approximately

45 steps to fulfill a single request for medical records.^{1,2} Most healthcare providers and organizations have opted to outsource ROI as the process has become increasingly complicated, regulated, and labor-intensive.

The previous workflow contains a significant number of human interventions. Our member companies develop specialized training courses and materials to educate their ROI Specialists on, at minimum, Idaho law, federal law, a provider's policies and procedures, industry best practices, customer service, the handling of specially protected records, such as genetic testing results and alcohol/drug abuse treatment records. ROI specialists may hold degrees in Health Information Management, Healthcare Administration, and Health Informatics. AHIOS has developed the Certified Release of Information Specialist (CRIS) exam to reflect the subject matter expertise and commitment to ongoing education required to work as a ROI Specialist.

Our member companies have made similar, significant investments in proprietary technologies that enable the secure collection of patient data from disparate locations and formats, compilation of a complete file, and the subsequent secure distribution of PHI - performing a vital function in fulfilling medical records requests across the healthcare ecosystem. These technologies allow our companies to provide patients and other requesters with additional delivery methods and a faster fulfillment of their request.

Patient Fees

Just as a patient's rights were established under HIPAA, the Privacy Rule was written to specifically govern the specific fees assignable to a patient (when requesting a copy of their PHI). Patient requests and rights received particular attention in the Privacy Rule due to the policy aims of the regulations' drafters; a patient's request to access PHI is discussed in 45 CFR 164.508 while requests requiring an authorization were separately addressed in 45 CFR 164.524. HIPAA left individual states to determine the specific fees applicable to third-party requesters.

The Medical Records Fee Proposal would suffocate the current flow of critical information **altogether** as it would allow third party requesters to receive electronic medical records for little to no cost. It would also shift costs to these hospitals and other medical providers by

¹ Our Release of Information (ROI) Process workflow may be found at <https://www.ahios.org/pdf/AHIOS-45-Step-ROI-Process-Poster.pdf>

² AHIOS has made available a short video describing the ROI process which may be viewed at <https://www.youtube.com/watch?v=-VipeaXmRjA>

reducing fees charged to third party requesters who play no role in care coordination or delivery to patients and health care providers.

We appreciate the opportunity to provide this written testimony in opposition to the Medical Records Fee Proposal as proposed. We would hope to continue working with you and your colleagues on a workable solution to protect patient privacy and promote patient access. Should you have any additional questions, please feel free to contact me via email at emcelhiney@verisma.com.

Sincerely,



Elizabeth Notz McElhiney, MHA, CHPS, CPHIMS
Regulatory Chair, AHIOS