

SB 385 – Health – Disclosure of Medical Records - Penalty

Position: *Oppose*

February 9, 2022

Senate Finance Committee

Bill Summary

Senate Bill 385 would add information maintained for auditing purposes to the definition of medical record and creates a civil penalty for actual damages or \$1,000, whichever is greater, for violations.

Position

This bill would unnecessarily expand the definition of medical records, which may create confusion for patients, impede access to timely care, and increase the administrative burden for hospital staff at a time when they can least afford it.

MedStar Health is dedicated to providing the best care for our patients. Medical records can play a role in this process. A properly defined set of medical records provides patients with important, and relevant, medical information. This can help patients better understand their conditions and make informed decisions about their care.

SB 385, however, would jeopardize this process. If enacted, the bill would require hospitals to expand patients' medical records to include information maintained for auditing purposes. Hospitals are required by regulators to maintain a variety of information for auditing purposes, many of which are not intended to help explain the patient's diagnosis or treatment. Forcing hospitals to include such information will flood the patient's medical records with large amounts of irrelevant documents. We are concerned that this will confuse our patients and make it harder for them to find what they need to understand their conditions or treatment.

The inclusion of a large volume of irrelevant information may cause delays in patient care. A physician providing a consult or a second opinion, for example, must now sift through an expanded medical record containing large amount of irrelevant auditing information. This will increase providers' review time and potentially delay the delivery of needed care.

Finally, the bill will require hospitals to divert resources and staff to capture the extra information. The additional administrative burden would be difficult in the best of times but will be especially challenging as hospitals confront the Omicron surge and try to navigate the healthcare workforce shortage.

For the reasons listed above, we respectfully ask that you give SB 385 an ***unfavorable*** report.