

Senate Health and Human Services Committee

Kyle Baker 271-2609

SB 61, relative to medical records of a deceased spouse or next of kin.

Hearing Date: January 24, 2017

Time Opened: 2:20 p.m.

Time Closed: 2:40 p.m.

Members of the Committee Present: Senators Bradley, Avar, Gray, Fuller Clark and Hennessey

Members of the Committee Absent : None

Bill Analysis: This bill clarifies the procedure for receipt of medical records of a deceased spouse or next of kin.

Sponsors:

Sen. D'Allesandro
Sen. Reagan

Sen. Bradley
Rep. Hynes

Sen. Feltes
Rep. McBeath

Who supports the bill: Rep. Dan Sullivan, Hills 8; Marissa Chase, NHAJ; Holly Haines, Abramson, Brown and Dugan; Senator Lou D'Allesandro, SD# 20

Who opposes the bill: Kathy Bizarro-Thunberg, NH Hospital Association; Jane Alessandrini, NH Hospital Association

Who is neutral on the bill:

Summary of testimony presented in support:

Senator D'Alessandro, Senate District 20

- Clarifies the procedure of who receives medical records.
- Current statute only allows spouse or next of kin to access medical records of deceased spouse.
- Loved ones should be allowed to access medical records even if not named next of kin, which is what this bill would do.
- Being named next of kin under current statute can be very time consuming.
- Medical records are all electronic, very important in this day and age.
- In closing, medical records should be available to more than just the specified next of kin.

Holly Haines – Abramson, Brown & Dugan

- US Dept of Health addressed this issue, states can set different standards.
- Next of kin can be defined by current statute.
- Medical records can be acquired by patients when alive, cost a reasonable amount.
- Representatives of individual should be able to access medical records since they are technically individuals property, and their representatives are managing the rest of their property.
- Current statute does not fit with modern family structures, families are very complicated now (ie. Domestic partnership not currently recognized).
- People get married later, adults live with their parents.
- Death certificate often all family or next of kin gets, which is not very specific.
- Should not have to wait 2-3 months for probate court appointment.
- Need access to medical records for insurance or genetic reasons.
- Not a large cost, medical professionals can charge for administration costs.
- Family disagreements not relevant, all children are entitled to medical records of parents for example.
- Requests for records will be put on the record.
- Recent opiate deaths have highlighted this problem, parents cannot tell extent of the problem from death certificate of deceased children.
- Those who wants medical records must verify who they are, with a birth certificate or affidavit.

Senator Avard – What happens in the case of estranged siblings?

Haines – Even if a sibling is estranged they are entitled to the records of a parent for the purpose of their own healthcare management and possible genetic testing.

Senator Fuller-Clark – What options does a parent have for a child that has died of an overdose?

Haines – Under current law parents have no access to a deceased child's medical records if they are not the next of kin.

Senator Hennessey – Who is verifying claims of relationship?

Haines – Parents and spouse would be listed on the death certificate that would need to be submitted with the request for records. For children and siblings there would be something like a birth certificate or a signed affidavit .

Summary of testimony presented in opposition:

Cathy Bizzaro-Thunberg and Jane Alessandrini – NH Hospital Association

- Vice President of NH hospital association
- How can hospital know who should be entitled to medical records?
- How would hospital know who is family or who in the family should get records?
- Hospital workers have no way of establishing who is next of kin, should be left to probate court.
- Do not want to give up complete copy of medical records, only relevant information should be provided.
- Standard medical authorization form should be added to statute, hospital should provide it to individual (only applies to surviving spouse, other family must go to probate court).
- Domestic partnership is not accepted under current statute for next of kin.
- HIM Staff person should not have to decide who gets records, need probate court to decide, even if it takes a long time.
- Most patients do not fill out forms for the future, hospital employees often do not know who should have access because deceased individual did not give authorization to anyone.
- Problem can be solved by filling out a form designating who should receive records, which is a perfect scenario but it does not always happen.

Neutral Information Presented: None

Future Action: Pending

KRB

Date Hearing Report completed: January 27, 2017