Senate Health and Human Services Committee

Sophie Walsh 271-3469

SB 138, relative to record requests by health care providers.

Hearing Date: March 19, 2025

Time Opened: 9:48 a.m. **Time Closed**: 10:05 a.m.

Members of the Committee Present: Senators Rochefort, Avard, Birdsell, Prentiss and Long

Members of the Committee Absent: None

Bill Analysis: This bill provides that when a health care provider requests a patient's medical records, the records should be provided within 14 days of the request.

Sponsors:

Sen. McGough	Sen. Murphy	Sen. Birdsell
Sen. Innis	Sen. Gannon	Sen. Rosenwald
Rep. Potucek	Rep. Miles	Rep. Nagel
Rep. L. Walsh	Rep. Porcelli	

Who supports the bill: Sen. Rosenwald, Sen. Gannon, Lara McIntyre (Granite State Home Health & Hospice Association), Malcolm Perry (Derry Medical Center), Sarahlynn Williams, Michael Padmore (AARP NH), Jocelyn Duffy, Janet Altobello, James Mason, Linda Mason, Jane Doe, Vernon Hyman, and Suzanne Haldane.

Who opposes the bill: No one.

Who is neutral on the bill: Marissa Chase (NHAJ).

Summary of testimony presented:

Senator Tim McGough, Senate District 11

- Senator McGough explained that this is common-sense legislation that deals with medical record requests.
- This bill addresses a critical issue by eliminating unnecessary obstacles that prevent medical providers from obtaining essential patient information in a timely and efficient manner.
- Under current law in New Hampshire, medical record holders have up to 30 days to release records, even when they are requested by another healthcare

provider. This delay is not only an inconvenience, but also a serious risk to patient safety.

- Senator McGough noted that other states have already taken steps to improve access to medical records, including Texas, Arizona, and Montana.
- Senator McGough acknowledged that concerns have been raised about creating a burden on medical offices but explained that this should not be an issue since most records are now digital.
- New Hampshire has taken steps in the past to protect patients from record-related delays. Last session, a bill capping excessive fees for accessing medical records was passed. This bill is the next step in expediting the provision of medical records.

Malcolm Perry, Derry Medical Center

- Mr. Perry introduced himself as the CEO of Derry Medical Center.
- He explained that while medical records are the property of the patient, many patients are required to pay fees to have their records transferred to a different provider.
- He explained that there is no true cost of record transfers with the widespread transition to electronic medical records.
- Mr. Perry shared a specific scenario he knows of that involved a patient who had to seek a new primary care provider after their provider of 40 years retired. They had to transfer their medical records and faced significant delays in doing so. They ultimately had to pay a $74 fee, which Mr. Perry noted could be exorbitant for those on a fixed income.
- Mr. Perry referenced the website of a hospital in New Hampshire that indicated patients are charged fees when records are transferred to a provider outside of their health system or requested for personal use.
- Due to the frequency of these issues, Derry Medical Center has begun reimbursing new patients for record transfers. Mr. Perry emphasized that this should not be a barrier to patient care.
- Senator Avard questioned what justification there is for charging higher fees when records are transferred outside of a healthcare network.
- Mr. Perry stated that there is no valid reason for that.
- Senator Prentiss inquired about electronic record systems between different health systems not communicating with each other.
- Mr. Perry explained that New Hampshire does not support a public health information exchange, except for vaccination records. While progress has been made introducing standards for medical information exchange, this

implementation has remained mainly in the private sector with no government mandate.

- Mr. Perry noted that while the original goal of electronic medical records was to improve efficiency, many providers still rely on outdated methods.
- Senator Avard asked whether artificial intelligence would play a role in the future.
- Mr. Perry explained that artificial intelligence will be critical in improving efficiency within the healthcare system, as it could alleviate some of the administrative burden placed on physicians.
- Senator Long inquired about the record input process for employees at Derry Medical Center, as they use electronic records.
- Mr. Perry explained that when they receive medical records in physical form, they must be indexed and filed into patient charts. Even when they receive records electronically, they still must be indexed into the system because there is no automatic population.

Marissa Chase, New Hampshire Association for Justice

- Ms. Chase stated that she is speaking neutrally on the bill on behalf of civil plaintiff lawyers.
- She explained that it may be a good idea to create a commission to assess all the aspects of medical records.
- She addressed Senator Avard's earlier question about artificial intelligence and explained that it is already being utilized in medical records.
- While some entities, such as some of the largest healthcare facilities in the state, furnish complete records for free upon request, others contract with third parties to provide records at high costs.
- Establishing a commission to examine the costs and accessibility of medical records would be a sensible step forward because this is an evolving issue that requires further oversight.
- Senator Birdsell asked if Ms. Chase has prepared language for an amendment, and Ms. Chase said she would be happy to provide language.

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Date Hearing Report completed: March 21, 2025