

Medical Record Requests and Records Fee Working Group

MEETING MINUTES

TUESDAY, OCTOBER 24, 2023

10:00 AM ON ZOOM

The meeting was called to order at 10:03AM by Chairman, Rep. Quinn.

The following Working Group members were present:

Members: Representative Christine Conley, Representative Michael Quinn, Michael D'Amico, Representative Tom O'Dea, Jennifer Cox, Senator Somers, Marie Gallo-Hall, Kyle Probst, Liz McElhiney, Kathleen Nastri, Carl Schiessl, Mike Johnson, Sue Schaffman

Absent were: Senator Saud Anwar, Kim Schlottman, Rick Silver, Rachel Pattison

Remarks by the Chairs & Introductions:

Representative Quinn welcomes everyone to the meeting and thanks them for participating on the Working Group. He states that he and Rep. Conley are the Chairs of the working group. He states that the hope is to address the timeliness of receiving the medical records and the costs associated with the records. He hopes that this Working Group can create a statute to address the timeliness and the cost, and that the biggest challenge will be figuring out who is to blame for a record not being received in a timely manner. He states that he is confident that the Working Group will be able to create a piece of legislation that everyone can support. He then asks for each member in attendance to introduce themselves.

Representative Conley introduces herself, and states that she also works on workers compensation litigation just like Representative Quinn and deals with the frustration of trying to obtain medical records. She shares a recent situation where this happened with one of her clients and the confusion and delay related to these records.

Michael D'Amico states that he represents working individuals particularly in civil litigation not workers compensation. He states that the issues he faces are predominately cost and timing as well as the federal statutory scheme being unclear and that the best way to address it is to get a good state statute.

Marie Gallo-Hall introduces herself as the legal director for the Workers Compensation Commission and states that the Commission doesn't take positions on what legislation should or shouldn't be passed, but that her role is mainly as a resource for the Working Group.

Jennifer Cox introduces herself as an attorney for advice and regulatory law, but she started as a litigator on the defense side. She states most of her work is with the Connecticut Hospital Association and that hospitals are the largest suppliers of medical records. She states she wants to make sure whatever happens doesn't create unintended consequences, because there is mainly only one pipeline when you prioritize one set of records it deprioritizes another set of records.

Liz McElhiney introduces herself and states she is the regulatory chair from the Association of Health Information Outsourcing Services, she is coming at this from the release of information contractor perspective. She is hoping to provide insight on the ROI process considerations trying to achieve mutually satisfactory turnaround time and modernizing the fee statutes.

Mike Johnson introduces himself as a lobbyist with Sullivan & LeShane and represents the largest independent practicing association and that the Executive Director will hopefully participate in the Working Group.

Kyle Probst introduces himself as deputy general counsel for Psyox Health which are a record production company that works with medical providers to produce records to 3rd parties who need the records or to providers who need the records. He states that he's dealt with this issue many times and hope that a resolution can be reached while also allowing businesses to operate and getting the records quickly. He states it isn't the industries intent to delay getting records to individuals and that it is much more complex than people think.

Kathleen Nastri introduces herself as a plaintiff malpractice trial lawyer and past president of the Connecticut Trial Lawyers. She states obtaining records are paramount and it's the foundation for all of their work, and states that timeliness and completeness is out of control in the age of technology we are in today. She states her clients can't pay 65 cents a page for thousands of pages of a record.

Carl Schiessl introduces himself and states he works for the Connecticut Hospital Association. He states that he has practiced law in Connecticut for 40 years, served in the General Assembly for 12 years, served as counsel to the state Senate for 6, and has been at CHA for the last 13 years and used to be a member of the Connecticut Trial Lawyers Association. He states there is always room for improvement in our statutes and getting together this panel is timely but be mindful of unintentional consequences.

Representative O'Dea introduces himself and states he is mostly interested in Mr. Probst's experience in other states and that he predominately works on the defense side and that he had attempted to get some records and they wanted \$10,000 for the records and it was

months into the process which is unacceptable. He is interested on what other states utilize in order to make it better in Connecticut.

Sue Schaffman introduces herself and states she represents the Connecticut Orthopedics Society. She states she is very interested in this but is concerned about potential unintended consequences and she wants to be a part of the solution. She states she doesn't believe physicians are purposely delaying records being sent and wants the Working Group to understand the nuances.

Senator Somers introduces herself as the Ranking Member of the Public Health Committee and states that her committee has been dealing with this issue for close to eight years and is glad this Working Group is working on trying to solve the issue. She states her goal is to be the voice of balance between trial lawyers and the defendants. She states she's been in a malpractice lawsuit herself and understands the nuances in getting records, and states that doctors don't have a ton of time to get the records to those who need it. She states that it's important to have this group and hear both sides to come back to the legislature with a proposal that can satisfy both sides.

Announcement of Time and Date of Next Meeting:

Rep. Quinn states that an email will be sent around to see what days can work for everyone, and that if anyone prefers for the meetings to be hybrid instead of just virtual to let him and Rep. Conley know. Rep. Quinn hopes that it will remain virtual to increase the total amount of members who can attend the meetings. He states that meetings will likely be biweekly, but seeing as the next meeting would be on Election Day the next meeting will likely be on Tuesday, November 14th and the time will be worked out over the next few weeks.

The meeting was adjourned at 10:23AM.

Nate Kalechman
Working Group Administrator

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Minutes Prepared By