

HOUSE COMMITTEE ON
AUDIT & HUMAN SERVICES BUDGET REFORM

February 19, 2003 Hearing Room 50
3:00PM Tapes 32 - 33

MEMBERS PRESENT: Rep. Ben Westlund, Chair
 Rep. Steve March, Vice-Chair
 Rep. Susan Morgan, Vice Chair
 Rep. Jeff Kruse
 Rep. Jeff Merkley
 Rep. Alan Bates

MEMBER EXCUSED: Rep. Randy Miller

GUEST MEMBERS: Rep. Gordon Anderson
 Rep. Laurie Monnes Anderson
 Rep. Mitch Greenlick

STAFF PRESENT: Rick Berkobien, Committee Administrator
 Kelly Fuller, Committee Assistant

INVITED TESTIMONY: Gwen Dayton, Association of Hospitals and Health Care Systems
 Paul Frisch, Oregon Medical Association

ISSUES HEARD: **Informational Meeting**
 “Medical Privacy in the Hospital and Physician Office Settings: How
 the Federal Privacy Regulation will Impact Healthcare Delivery in Oregon
 after April 14, 2003”

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
Tape 32, A		
001	Chair Westlund	Calls meeting to order and introduces Gwen Dayton, Association of Hospitals and Health Care Systems and Paul Frisch, Oregon Medical Association and opens informational meeting.
<u>INFORMATIONAL MEETING</u>		
003	Dayton	Introduces herself and Paul Frisch.
006	Frisch	Gives an overview of his presentation materials (EXHIBIT A) (EXHIBIT B) (EXHIBIT C) and begins presentation.
050	Rep. March	Makes recommendations that they make the print on their forms larger for their readers.
067	Frisch	Comments that there is a disk in the binder for them to use and to customize. Continues presentation.
191	Monnes Anderson	Asks if a separate are for files for AIDS and etc., is what they are referring to. Asks what exactly is the issue here.
208	Dayton	Responds to the question about separate files.
250	Rep. Merkley	Asks why the information is not being sent to the Oregon Health Plan.

261	Frisch	Responds to information being sent to the OHP.
274	Rep. Merkley	When you expressed your sense of discomfort with this, and yet it doesn't show this is a change to current practice, could you expand on your thinking a little bit.
278	Frisch	Give explanation of his thinking of this.
295	Rep. Merkley	The question was about your discomfort.
300	Frisch	Explains his discomfort.
308	Rep. Greenlick	Understands the authorization to use it for quality assurance is limited in fact to that use only and elaborates.
315	Frisch	Responds and makes comments.
325	Rep. Greenlick	Relates a personal experience with these types of forms and asks if the service will be effected by the new rules.
340	Dayton	Comments about how the personal experience was done incorrectly.
351	Rep. March	Relates what he thinks HIPAA is trying to do.
360	Dayton	Responds to what is happening with HIPAA in these instances.
371	Frisch	Makes comments as well.
Tape 33, A		
006	Dayton	Starts her presentation and explains the material she has provided. (EXHIBIT D) .
116	Rep. Kruse	Asks how you exchange information if it is not mandatory within HIPAA guidelines.
124	Dayton	Responds to the exchange of information.
126	Rep. Kruse	Asks if you are still requiring the patients to ok the exchange of information.
134	Dayton	Responds yes, and elaborates.
135	Rep. Kruse	Asks if that is dropping hits and skirting the issue, there is tons of shaky ground here.
140	Dayton	Responds and elaborates.
160	Rep. Kruse	Asks just a couple more questions for clarification.
165	Dayton	Answers the questions.
171	Rep. Monnes Anderson	Asks if the provider can give immunization history over the phone to another nurse.
184	Frisch	Responds that immunization falls into the exception category. Continues presentation.
250	Rep. Kruse	Asks if this becomes a problem for electronic prescriptions.
256	Frisch	Responds that the final security rule is not that onerous.
269	Rep. Kruse	Responds that there is no unbreakable fire wall. It would be a shame if it interferes with electronic prescriptions.
284	Frisch	Responds that he does not think the rules will get in the way and elaborates.
302	Rep. March	Asks who all is covered in this program when it comes to sharing information.
315	Chair Westlund	Asks what if you are a physician off the job. e.g. a legislator.
320	Dayton	Yes, if you are a physician you are covered, but as a legislator no.
340	Chair Westlund	Asks for some perspective of how real this is going to be down the road.
354	Frisch	Responds to the question and give perspective of how real the rules are.
380	Dayton	Agrees with Paul Frisch and elaborates.
Tape 32, B		
011	Rep. Kruse	Will do not need HIPAA police and questions if there are huge down sides to this.
022	Dayton	Responds to the comments and elaborates that they are working

025	Monnes Anderson	on what they call HIPAA paralysis. Makes comments about personal experience with other colleagues in regards to HIPAA.
036	Frisch	Remarks and elaborates with his comments about sharing this with one person at a time.
066	Rep. Greenlick	Asks if there other components of HIPAA that are effecting the state.
081	Frisch	Responds to other components of HIPAA that might effect the state.
093	Frisch	Responds and elaborates.
120	Chair Westlund	Closes informational meeting adjourns 4:18pm

EXHIBIT SUMMARY

A – Informational, A Day in the Life of Dr. Mum, Paul Frisch, 4 pp

B – Informational, TPO Matrix, Paul Frisch, 7 pp

C – Informational, IPAA Preemption of Oregon Law, Gwen Dayton, 38 pp

D – Informational, Joint Notice of Privacy Practices, Gwen Dayton, 10 pp