

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1233

2001 HOUSE HUMAN SERVICES

HB 1233

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1233

House Human Services Committee

Conference Committee

Hearing Date January 22, 2001

Tape Number	Side A	Side B	Meter #
Tape 1		X	1160 to 2095
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Doseh, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: Opened hearing on HB 1233.

Rep. Weisz: Those of you that were here in previous sessions probably remember a bill that was passed having to do with the cost of copying medical records possibly for civil law suits or other purposes, and the cost in some cases is quite astronomical. So we passed a legislation and attempted to correct this problem, but I believe it was a maximum of \$50 for a certain number of pages. It turns out there was a loop hole in that law. For normal claims processing, and some of these other things, some people are charging \$50 for one piece of paper. So this bill is an attempt to correct that.

Dan Ulmer: Government Relations of BCBSND. It is our thinking that it's fairly difficult and somewhat irresponsible to pay a charge without seeing a bill. Medical records include both the charges and the reasons for the charges. Therefore, we would hope that you pass HB 1233 to allow us to continue our "claims review and processing" in as cost effective and seamless manner as possible. (See written testimony.) You do need to know that if you want to become a subscriber or member of Blue Cross we do pay for medical records in that process. In 1998 the board decided that medical records should be part of the process. There were some internal exchanges that occurred, particularly labs, that they up the fee for drawing blood in lieu of paying for records and eliminated our charges for medical records to perspective members to \$30. Outside of that, we really don't pay for records. We do have instances where a physician may be on focus review when their practice patterns become apparent and we have to require a significant amount of records. In those cases we do pay for them. Those are fairly rare.

Bruce Levi: North Dakota Medical Association. I am more in a neutral position of this bill. This bill would provide that all copies of medical records requested by an insurance company for purposes of claims processing would be provided free of charge by the medical provider. What I've handed out are the Attorney General's opinion, and also the letter requesting the Attorney General's opinion from Senator Kilzer raising the issue of what is referred to as "the loop hole". The Attorney General's opinion suggests that in interpreting the statute, the maximum charge does apply to claims processing. My written testimony cites the language from the current BCBS provider network organization agreement that is on file. With the insurance department currently, providers must furnish to BCBS upon request, and at no cost, access to copies of medical records. The issue of who is responsible for the cost of medical record copies associated with claims processing is really currently a matter of contract. The existing CBS contract places

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House Human Services Committee
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the burden of cost on the medical providers. Some other insurance companies do pay the cost of medical record copies for claims processing. There is no reason to limit future arrangements under contract between insurance companies and medical providers on this issue. I guess our point is that this should remain a matter for negotiations between the parties. HBO 1233 in its present form would take away that ability to negotiate who should pay for medical record copies.

Chairman Price: Close the hearing on HB 1233.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1233 b

House Human Services Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
2	xx		2070--2848
Committee Clerk Signature <i>Cornne Pastor</i>			

Minutes: Chair Price : Let's take up HB1233. We have amendments going around.

Rod St.Aubon, Blue Cross/Blue Shield : The amendments say on page 1, line 13, "will refer to any person designated to any person designated by the patient or the person authorized by the patient, if the records are requested for claims review or processing". We added "unless there is contractual agreement between the provider and the insurer concerning payment for medical records". These allows those providers that have arrangements with other insurance company can still bill for those. The other part of the amendment, page 2, line 3, is to make this the same language you used when you adopted the amendments in HB1234.

Rep. Weisz : I move to accept these amendments.

Rep. Galvin : I second.

VOICE VOTE: ALL YES. PASSED.

Rep. Weisz : I move a DO PASS AS AMENDED

Rep. Porter : I second.

VOTE: 14 YES and 0 NO . PASSED. Rep. Weiler will carry the bill.

VR
1/24/01

HOUSE AMENDMENTS TO HB 1233

HOUSE HB

1-25-01

Page 1, line 15, after "processing" insert "unless there is a contractual agreement between the provider and the insurer concerning payment for medical records"

HOUSE AMENDMENTS TO HB 1233

HOUSE HB

1-25-01

Page 2, line 1, after "26.1-36-12.4" insert "and this subsection"

Page 2, line 3, after the period insert "A written medical records release providing consent to release medical records to a medical provider being advised or consulted concerning the current treatment of the patient does not expire after three years if the patient or the patient's authorized representative expressly authorizes the consent to exceed three years."

Renumber accordingly

Date: 1-24-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1233

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO Pass as Amended

Motion Made By Rep Weisz Seconded By Rep Porter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment Rep. Weiler

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1233, as amended, Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). placed on the Sixth order on the calendar.

Page 1, line 15, after "processing" insert "unless there is a contractual agreement between the provider and the insurer concerning payment for medical records"

Page 2, line 1, after "26,1-36-12.4" Insert "and this subsection"

Page 2, line 3, after the period insert "A written medical records release providing consent to release medical records to a medical provider being advised or consulted concerning the current treatment of the patient does not expire after three years if the patient or the patient's authorized representative expressly authorizes the consent to exceed three years."

Renumber accordingly

2001 SENATE HUMAN SERVICES

HB 1233

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1233

Senate Human Services Committee

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
1	X		
March 20,2001 1	X		48
Committee Clerk Signature <i>Carol Kaladejchuk</i>			

Minutes:

The Human Services Committee was called to order by Vice-Chairman Kilzer. Five Senators were present. Senator Lee was absent.

The hearing was opened on HB 1233.

ROD ST.AUBYN, Blue Cross Blue Shield, introduced the bill. (Written testimony) Offered amendments. SENATOR KILZER: Do you accept the forms of a non participating doctor?

MR. AUBYN: We are getting charged for information and only a short paragraph. We like to have our forms used, but will accept others. SENATOR MATHERN: Is it possible we should put both bills in one MR. ST. AUBYN:: The only concern was that if one gets killed so would the other.

ARNOLD THOMAS, ND Healthcare Assoc., testified in a neutral position. The concern to reconcile 1233 and 1234. Need the opportunity to visit with BCBS to insure same language.

SENATOR KILZER: Are copies now accepted? MR. THOMAS: There is a wide array of

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Senate Human Services Committee
Bill/Resolution Number HB 1233
Hearing Date March 12, 2001

charging practices for records. Our issue was not with BCBS; we need to understand we must work together with companies. SENATOR MATHERN: Do you believe that bill applies only to hospitals? MR. THOMAS: No, it would apply to any provider. SENATOR POLOVITZ: Where does the \$50 come in? MR. THOMAS: It would be case by case. Some may charge; some may not? No set policy. MR. ST. AUBYN: Statute says \$20 first page and so much for each additional page. If we get into focus review, we ask for records; we continue to pay.

The hearing was closed on HB 1233.

March 20, 2001, Tape 1 Side A, Meter 48. Side B

Discussion resumed on HB 1233.

ROD ST. AUBYN, BCBS, presented amendments and explained them. We referred to them as March 14 and March 19 amendments. They do not work together.

ARNOLD THOMAS, ND Healthcare Assoc., answered question on the charge of Medical records. JOY KRUSH, St. Alexius Medical Record Dept., answered questions on the bill.

JIM BERG, Workers' Comp, testified that they pay \$5 for first 5 pages.

Discussion SENATOR FISCHER moved Amendment A, March 14. SENATOR MATHERN seconded the motion. Discussion. Roll call vote failed 1-5. SENATOR KILZER moved a DO NOT PASS. SENATOR ERBELE seconded the motion. Roll call vote failed 3-3. Discussion. SENATOR MATHERN moved Amendment B. SENATOR FISCHER seconded the motion. Discussion. Roll call vote carried 5-1-0. SENATOR FISCHER moved DO PASS AS AMENDED. SENATOR POLOVITZ seconded the motion. Discussion. Roll call vote failed 3-3-0. The question was called again. Roll call vote carried 4-2-0. SENATOR MATHERN will carry the bill.

option A

Rod St Aubyn

**Proposed Amendment to Engrossed House Bill 1233
March 14, 2001**

Page 1, line 14, delete "review"

Page 1, line 15, delete "and"

Page 1, line 15, after "processing" insert "in conjunction with a health insurance policy,"

Page 1, line 22, delete "review and"

Page 2, line 3, remove overstrike and delete "Except as specified in section 26.1-36-12.4 and this subsection, a"

Page 2, line 5, delete "A written medical records release"

Page 2, delete lines 6 - 9.

Renumber accordingly

Date: 3/20/01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1233

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Amendment A to failed 1-5

Motion Made By Sen Fischer Seconded By Sen Mathern

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson		✓	Senator Polovitz		✓
Senator Kilzer, Vice-Chairperson		✓	Senator Mathern		✓
Senator Erbele		✓			
Senator Fischer	✓				

Total (Yes) 51 No 5

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

BCBS March 14

