

Testimony
Senate Bill Number 2116 - Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
February 15, 2017

Chairman Weisz, and members of the House Human Services Committee, I am Marlys Baker, Child Protection Services Administrator with the Department of Human Services (Department). I appear before you to support Senate Bill 2116, which was introduced at the request of the Department.

The proposed changes in Section 1 of the Bill remove redundant language regarding medical records being provided to the Department or the Department's authorized agent as the proposed changes in Section 2 address the disclosure of medical records.

The proposed changes in Section 2 of the Bill clarify that certain health professionals and facilities shall disclose to the Department or the Department's authorized agent, records of a patient or client that are deemed relevant for a child abuse or neglect assessment or a services required decision. In the past and without any recent change in the law, the Department or the Department's authorized agent have been able to obtain relevant medical information from health professionals and facilities. The Department has received information from its authorized agents, some State's Attorneys, and the Attorney General's Office over the last couple of years that some health professionals and facilities have recently changed their practice of disclosing relevant medical records despite the Health Insurance Portability and Accountability Act (HIPAA) of 1996 permitting the disclosure of medical records for child abuse and neglect purposes. The Attorney General's Office also issued [pre-HIPAA](#)

[opinions](#) supporting the Department's or its authorized agent's ability to obtain medical records for child abuse and neglect purposes. The proposed change will ensure that the Department or its authorized agent will be able to obtain all relevant medical records, when necessary, to conduct a thorough child abuse and neglect assessment.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.