

HB 2390 – Making permanent certain exceptions to the disclosure of public records under the open records act.

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Proponent Testimony

Madam Chair Bowers and members of the committee, thank you for the opportunity to provide testimony in support of HB 2390.

Our Board appreciates the protections instituted by the Kansas Legislature in ensuring that patient records the board receives through an investigative subpoena remain confidential and unable to be disclosed. HB 2390 certifies that protection from disclosure and allows us to continue to maintain those records as confidential.

If that protection were to cease, the results could be catastrophic for an individual whose personal clinical records, medical reports, laboratory statements, files, films, etc, would now need to be disclosed upon an open record request. A person's medical records have proven to be necessary for our disciplinary process in determining the degree of harm, if any, that a patient was subjected to by the actions or behavior of the EMS provider. Failing to protect these legally compelled records could force the patient to become the victim a second time as we investigate the disciplinary matter.

Along the same lines of protecting patient information, HB 2390 also contains a provision to make permanent the ability for the advisory committee on trauma and each of its regional councils to release information from a closed session with the Secretary of Health and Environment. As I am sure you understand, the discussion of personal medical information should not be disclosed or discussed in an open meeting. The advisory committee on trauma and each of its regional councils went through becoming peer review committees and peer review officers thereby allowing them to conduct reviews of incidents of trauma injury or care in a closed session.

However, these bodies are advisory to the Secretary of Health and Environment and would need to be able to share the information discussed within that closed session with the Secretary in order for the Secretary to effect change or, more importantly, to promote positive behaviors and good practice.

The provisions allowing this practice to occur without subjecting the patient's information from potentially becoming open to the public are set to sunset on July 1, 2021. HB 2390 allows this practice to continue and protects the patient's medical information from being publicly disclosed.

The Emergency Medical Services Board thanks the Legislature for providing both of these important provisions and appreciates your consideration in continuing to allow these practices to occur while protecting personal health information that should not be disclosed publicly.

We urge your support of HB 2390 and its favorable passage. Thank you for your time and consideration.