

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 8, 1999 LB 17

of all, I want to express my appreciation for how, under your leadership, the Health Committee combined these three bills and brought before us what we have here today, but I still have a question or two about the area that Senator Wehrbein was concerned with. How do we know that this language, in lines 23, 24, and then the following line number 1, would refer only to mental health issues?

SENATOR JENSEN: Oh, Senator Chambers, I don't know that we absolutely know that that...where it might be, but I think the committee felt that certainly there could be a few cases, and I think we're talking about a very minute number, where the provider might, in his opinion, feel that this would be better off if this patient did not have that information or...or certainly not without some consultation maybe with others to determine whether this information should be released.

SENATOR CHAMBERS: But, Senator Jensen, I've been racking my brain and I cannot come up with any situation where it wouldn't be in the patient's interest to know what is in his or her medical records, so let me take it a step at a time. How could access be inconsistent with the patient's condition? The only way I can see that coming into play is if the patient has been misled, that the patient may have been told that he or she has a hernia, when in fact there may be a cancer. So how could access be inconsistent with the patient's condition, first of all?

SENATOR JENSEN: Well, first of all, I am not a physician and so I...or a psychologist, but this was language that had been used in other bills. It was in, matter of fact, some of the other bills that was presented on this, and so we use that language. We felt it should be maybe up to the discretion of the provider, these are specialists, and determining whether or not that information should be released, what is in the best interests of the patient.

SENATOR CHAMBERS: Senator Jensen, using language that my good friend, "Squire" Wehrbein used, I'm glad he used it because it's less sinister from him, you could drive a truck through this. Let's say that a provider became aware that a medical record would show that, based on the treatment given to this patient, there was negligence and malpractice, but the reason for denying