



March 19, 2024

Senator V. Susan Sosnowski
Chair, Senate Commerce Committee
State of Rhode Island General Assembly
sen-sosnowski@rilegislature.gov

Senator Roger A. Picard
Vice Chair, Senate Commerce Committee
State of Rhode Island General Assembly
sen-picard@rilegislature.gov

RE: ATA ACTION COMMENTS REGARDING SENATE BILL 2500

Good afternoon Chair Sosnowski and members of the Senate Commerce Committee,

On behalf of the ATA Action, I am submitting the following comments specifically regarding the consumer health data provisions of Senate Bill 2500 along with the following recommendation to improve the legislation.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

ATA Action has a targeted concern regarding consumer health data in SB2500 (“the Act”), which we believe could subject telehealth entities and providers to conflicting requirements and unnecessary confusion. Specifically, ATA Action makes the following recommendation:

Include Exemption for Healthcare Data Already Protected Under Rhode Island's Health Privacy Laws: Our organization represents both HIPAA and non-HIPAA covered entities, who nonetheless share a commitment to protect the confidentiality of patient's personal information. ATA Action supports Section 6-48.1-3 (f) (1) which exempts “protected health information under HIPAA” from the requirements of the Act. Although this would apply only to HIPAA-covered entities, it makes sense because processing of this information is already regulated and subject to enforcement under another law. By this same logic, a data-level exemption should be included for non-HIPAA covered entities and providers when consumer health data is collected, used, or disclosed in accordance with existing Rhode Island health privacy frameworks. Without this exemption, entities will be subject to additional, duplicative, and potentially inconsistent

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regulation, which creates unnecessary and inappropriate burdens and cost. We recommend adding the following data level exemption to 6-48.1-3(f) in addition to PHI under HIPAA:

(x) Health information, medical information, and medical records protected under 5 R.I. Gen. Laws §5-37.3 et. seq., 216-RICR-40-05-1, and any additional state laws, rules, and regulations regarding the protection of health information, medical information, and medical records;

ATA Action hopes that the Committee will embrace these changes so as to simultaneously ensure patient data is effectively protected while not placing undue burdens on providers. We believe that this strikes a fair balance between these two significant public policy goals.

Thank you for your support of telehealth. We encourage you and your colleagues to consider amending Senate Bill 2500 to ensure easy and efficient access to high-quality health care services in Rhode Island. Please do not hesitate to let us know how we can be helpful to your efforts to advance common-sense telemedicine policy. If you have any questions or would like to discuss the telemedicine industry's perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", is written over a light gray circular watermark.

Kyle Zebley
Executive Director
ATA Action