



March 19, 2024

The Honorable Evan P. Shanley
Chairperson, House Committee on State Government & Elections
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: Letter of Opposition H-7181 – An Act Relating to Public Records - Access to Public Records

Dear Chairperson Shanley:

I write in opposition to H 7181, An Act Relating to Public Records-Access to Public Records (Act). The Act proposes to amend the Access to Public Records Act (APRA) in significant respects. Some of these amendments will intrude on Rhode Islander's privacy interests relating to their medical/health information and will likely have the unintended consequence of deterring the State's citizens from seeking consumer assistance from state agencies, such as the Office of the Health Insurance Commissioner (OHIC), in relation to their medical and health insurance concerns. Other proposed amendments will lead to burdensome and overbroad requests that impose financial burden on public bodies, especially very small agencies such as OHIC, which will ultimately be passed on to taxpayers.

OHIC also has specific concerns regarding the proposed changes including the requirement to respond to requests that are directed in a manner inconsistent with a public body's written procedure for obtaining public records; increased fines for APRA violations; and awarding compensatory and punitive damages for APRA violations.

Additionally, OHIC is concerned with the proposed amendment to R.I. Gen. Laws §38-2-2(4)(A)(I)(a) which significantly narrows the exception for documents and information relating to a doctor/patient relationship. Our state's citizens frequently reach out to OHIC for consumer assistance related to their health care needs, often urgent health care needs. In the course of doing so, these Rhode Islanders necessarily share health care and medical information with OHIC that is sensitive and private to them. OHIC believes the proposed amendment to this subsection of APRA will not adequately protect such communications from public disclosure requirements. Such an outcome will deter Rhode Islanders from seeking consumer assistance, which could be a detriment to them in terms of their health and finances, as well as would hinder OHIC's ability to be apprised of instances of carrier non-compliance.

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www.ohic.ri.gov • 1511 Pontiac Avenue • Building 69-1 • Cranston, RI 02920 • 401.462.9517

Sincerely,



Cory B. King
Acting Health Insurance Commissioner

CC: Honorable Members of the House Committee on State Government & Elections
Honorable Patricia A. Serpa
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House

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