

Senate Public Health and Welfare Committee

SB234

Opposition Testimony

Unite Us - Mr. Paul Fassbender

Vice President of Corporate Strategy, Regulatory and Government Affairs

Tuesday, March 21, 2023

Chair Gossage and members of the Public Health and Welfare Committee, thank you for your time today. My name is Paul Fassbender. I work for a social care coordination company called Unite Us. Our company was founded ten years ago by two Iraq war veterans following their return from combat and their subsequent personal mission to help other veterans like themselves. The company initially focused on building a coordinated care network to ensure veterans received the non-medical help they needed, and over the years the scope expanded to helping all people within our communities. Those communities now span 44 states, including here in Kansas. Our work in this state began in the last few years and has grown close to 300 organizations—including local Kansas community partners such as Salvation Army Veterans Program, Catholic Charities, and the United Way—and have assisted thousands in finding the non-medical help they need.

We object to the current form of the legislation in front of you today. This legislation will place burdensome requirements on numerous organizations that already must comply with a myriad of federal and state privacy laws, like HIPAA, 42 CFR Part 2, FERPA, VAWA, and VOCA. We do not think that platform-specific regulation promotes coherent policy for collaboration across healthcare partners, government partners, and community organizations—it does the opposite and makes it harder for people to access care. As written, the bill would not permit a provider to access a client's information even if the individual sought services directly from that provider and consented to share their information from that same provider—the bill fails to account for the common scenario of individuals seeking services directly from their providers. The practical result will be to require providers to create duplicate and fragmented records without justification and make it more difficult for individuals to access care throughout the state.

The bill also creates conflicting obligations for business associates that are already strictly governed by HIPAA, and will create confusion among every health and social care provider in Kansas—it purports to apply only to “government entities,” but its substantive provisions expressly regulate all “healthcare providers, health plans, health information exchanges, public agencies, nonprofit organizations, charitable organizations, closed-loop referral system technology vendors and entities that provide social care” in the state.” This would impose massive burdens on providers in Kansas without justification.

Unite Us prioritizes the privacy and dignity of individuals seeking care at every step of their care journey. We treat all social care data like healthcare data, employing the same security measures required by HIPAA for all data on our platform, regardless of where it originates. We support quality coordinated care networks that ease the burden on individuals, streamline

delivery of services for organizations in accordance with each individual's express consent, and provide people the temporary help they need. As written, we do not believe SB234 accomplishes these goals.

I appreciate the committee's time, and am happy to answer any questions.