

# NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 16, 2017

Senator Laura Ebke  
District #32 State Capitol  
P.O. Box 94604  
Lincoln, NE 68509-4604

RE: LB 527

Dear Senator Ebke and Members of the Judiciary Committee:

I am submitting this letter in opposition to LB 527 which proposes to allow a person who expects to be a party to a court action, but is currently unable to bring it, to file a request to access state or political subdivision records with the district court. If the court is satisfied that the subpoena of records may prevent a failure or delay of justice, the court shall issue an order designating the records subject to the subpoena.

DHHS records include many federally protected confidential records including Medicaid, Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF), substance use disorder records, protected health information under HIPPA and IRS tax information. LB 527 is inconsistent with federal safeguarding laws protecting the release of these records.

Under LB 527, notice of the request for subpoena is required to be sent only to adverse parties and notice to the custodian of the records is not required. Unless it were an adverse party, DHHS would not receive notice of requests to release DHHS records. This would prevent DHHS from having the opportunity to object to the release of statutorily protected confidential information prior to an order being issued by the court.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Gianakos".

Brad Gianakos  
Agency Counsel  
Department of Health and Human Services