
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 334-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§334-5 Confidentiality of records.** All certificates,
4 applications, records, and reports made for the purposes of this
5 chapter and directly or indirectly identifying a person subject
6 hereto shall be kept confidential and shall not be disclosed by
7 any person except so far as:

8 (1) [~~as the~~] The person identified, or the person's legal
9 guardian, consents [~~or~~];

10 (2) [~~as disclosure~~] Disclosure may be deemed necessary by
11 the director of health or by the administrator of a
12 private psychiatric or special treatment facility to
13 carry out this chapter [~~or~~];

14 (3) [~~as a~~] A court may direct upon its determination that
15 disclosure is necessary for the conduct of proceedings
16 before it and that failure to make the disclosure
17 would be contrary to the public interest [~~or~~];



- 1 (4) [~~as disclosure~~] Disclosure may be deemed necessary
2 under the federal Protection and Advocacy for Mentally
3 Ill Individuals Act of 1986, Public Law 99-319, to
4 protect and advocate the rights of persons with mental
5 illness who reside in facilities providing treatment
6 or care[~~, or~~];
- 7 (5) Disclosure is made by the person's health care
8 provider to another health care provider for the
9 purpose of continued care, treatment of the person,
10 health care operations, or monitoring activities; or
- 11 (6) [~~as disclosure is~~] Disclosures are made [~~to~~] between
12 the person's health care [~~insurer~~] provider and payer
13 to obtain reimbursement for services rendered to the
14 [~~person, except for records subject to Title 42 Code~~
15 ~~of Federal Regulations Part 2, confidentiality of~~
16 ~~alcohol and drug abuse patient records;~~] person;
17 provided that disclosure shall be made only if the
18 provider informs the person that a reimbursement claim
19 will be made to the person's insurer, the person is
20 afforded an opportunity to pay the reimbursement claim
21 directly, and the person does not pay.



1 Nothing in this section shall preclude the application of
2 more stringent rules of confidentiality set forth for records
3 covered by Title 42 Code of Federal Regulations Part 2,
4 confidentiality of alcohol and drug abuse patient records.

5 For the purposes of this section, "facilities" shall
6 include, but not be limited to~~[7]~~ hospitals, nursing homes,
7 community facilities for mentally ill individuals, boarding
8 homes, and care homes.

9 Nothing in this section shall preclude disclosure, upon
10 proper inquiry, of any information relating to a particular
11 patient and not clearly adverse to the interests of the patient,
12 to the patient, the patient's family, legal guardian, or
13 relatives, nor, except as provided above, affect the application
14 of any other rule or statute of confidentiality. The use of the
15 information disclosed shall be limited to the purpose for which
16 the information was furnished."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Mental Health Care; Disclosure of Information

Description:

Authorizes the disclosure of mental health certificates, applications, records, and reports made by a person's health care provider to another health care provider for the purpose of continued care, treatment, health care operations, or monitoring activities. (HB2173 HD2)

