

JAN 22 2008

A BILL FOR AN ACT

RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

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

1 SECTION 1. Section 321-29, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~321-29~~§~~] **Epidemiologic investigations.** (a) The
4 department may conduct investigations to determine the nature
5 and extent of diseases and injuries deemed by the department to
6 threaten the public health and safety.

7 (b) Every person, health care provider, and medical
8 facility shall provide the patient's name, the name of a minor
9 patient's parent or guardian, address, telephone number, age,
10 sex, race or ethnicity, clinical signs and symptoms, laboratory
11 test results, diagnostic interview data, treatment provided, and
12 the disposition of the patient when requested by an authorized
13 representative of the director for the purpose of conducting
14 such an investigation. The authorized representative may [~~only~~]
15 view only the limited portion of the patient's medical record[,
16 which] that is directly relevant in time and scope to the
17 subject of the investigation.

1 (c) Every person, company, organization, association,
2 health care provider, medical facility, or any other possible
3 source of information shall provide names, addresses, telephone
4 numbers, and locating information regarding an individual or
5 group of individuals suspected of having been exposed to a
6 disease or disease-causing substance that is the subject of an
7 epidemiologic investigation when requested by an authorized
8 representative of the director.

9 For the purposes of this subsection, "locating information"
10 includes information contained in appointment, reservation,
11 registration, invitation, attendance, billing, payment lists, or
12 any other record that may help the department identify, locate,
13 or contact individuals or groups suspected of having been
14 exposed to a disease under investigation.

15 (d) When, in the opinion of the director or the director's
16 authorized representative, investigation of a disease or series
17 of injuries deemed by the department to threaten the public
18 health or safety requires collection of plant, animal, food, or
19 environmental samples for testing, an authorized representative
20 of the department shall, during regular working hours or at
21 other reasonable times, be permitted access to any premises and
22 permitted to secure or collect any samples or specimens deemed

1 necessary to conduct the investigation successfully. The
2 authorized representatives shall be liable only for damage
3 caused by acts beyond the scope of the representatives'
4 authority or by the representatives' gross negligence or
5 intentional misconduct. If the representative obtains any
6 samples prior to leaving the premises, the representative shall
7 leave a receipt describing any samples obtained.

8 (e) If entry is refused under subsection (d), the
9 department representative may apply to the district court in the
10 circuit in which the property is located for a warrant to enter
11 the premises to effectuate the purposes of this section. The
12 district court may issue a warrant directing a police officer of
13 the circuit to assist the department representative in gaining
14 entry onto the premises during regular working hours or at other
15 reasonable times. The warrant may command the police officer to
16 take sufficient aid, and being accompanied by a representative
17 of the department, to go to the premises described in the
18 warrant and to seize, secure, or collect, under directions of
19 the representative, or to allow the representative to seize,
20 secure, or collect plant, animal, food, or environmental samples
21 deemed necessary to conduct the investigation successfully. The
22 authorized representatives and police officers shall be liable

1 only for damage caused by acts beyond the scope of the
2 representatives' or officers' authorities or by the
3 representatives' or officers' gross negligence or intentional
4 misconduct.

5 [~~(d)~~] (f) No person, company, organization, association,
6 health care provider, medical facility, or other source that
7 provides information requested by an authorized representative
8 of the director, for the purpose of conducting an investigation
9 under this section, shall be held civilly or criminally liable
10 for providing that information to the department.

11 [~~(e)~~] (g) All information provided to the department
12 under this section shall be kept strictly confidential, except
13 as the director determines is necessary to protect the public
14 health and safety. Access to confidential records shall be
15 restricted to those individuals specifically authorized to
16 participate in any given investigation. However, epidemiologic
17 and statistical information with no individual identifying
18 information may be released to the public. The identities of
19 individuals whose medical records are investigated shall be
20 disclosed only to those persons authorized by the director or
21 the director's representative to conduct a specific

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1 investigation under this section or determined by the director
2 to be necessary to protect the health and safety of the public."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:


BY REQUEST

Report Title:

Epidemiologic Investigations

Description:

Grants the Department of Health authority to take samples necessary for epidemiologic investigations.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

PURPOSE: To grant the Department of Health authority to take samples necessary for an epidemiologic investigation.

MEANS: Amend section 321-29, Hawaii Revised Statutes.

JUSTIFICATION: Interruption, containment, and prevention of outbreaks of dangerous diseases depend on timely epidemiological investigations that include tracing the possible sources and tracking the spread of disease. Epidemiological investigations have been impeded by refusal of individuals to allow Department of Health investigators to obtain samples necessary for analysis. Collection and analysis of plant, animal, food, or environmental samples associated with an outbreak investigation can identify the source and specific type of microbiological or chemical contamination. Analytical testing results provide essential data needed to make recommendations for remediation of an existing outbreak as well as prevention of future serious outbreaks. Lack of authority to take samples of potentially contaminated materials can impede an epidemiological investigation necessary to protect the public health.

Impact on the public: Authority to take samples for laboratory analysis can protect the public health and welfare by enabling or facilitating accurate determination of disease threats which is needed to prevent and control associated disease outbreaks.

Impact on the department and other agencies: Authority to take samples for laboratory

analysis will facilitate the department's ability to investigate, control, and prevent threats to public health.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH-131.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.