

STAND. COM. REP. NO.

749

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1597  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committees on Health and Human Services & Housing, to which was referred H.B. No. 1597 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE,"

beg leave to report as follows:

The purpose of this bill is to ensure that individuals receive proper care by requiring health care facilities and providers to notify the state-designated protection and advocacy system prior to transferring any individual with a developmental disability, mental illness, or other disability to an out-of-state treatment, rehabilitation, or long-term care facility.

The State Council on Developmental Disabilities, Hawaii Disability Rights Center, Center on Disability Studies, and a concerned individual testified in support of this bill. The Department of Health did not support this measure. The Queen's Medical Center provided comments.

Your Committees respectfully request the Attorney General and Hawaii Disability Rights Center to provide opinions on whether this measure may be in violation of the Health Insurance Portability and Accountability Act (HIPAA) and to provide suggested amendments to this measure to address those concerns.

HB1597 HD1 HSCR HLT-HSH HMS 2007-2367



Your Committees have amended this bill by:

- (1) Removing the provisions stating the right of individuals to receive long-term treatment under specified conditions;
- (2) Adding elderly individuals in need of basic medical care under the notification requirements for the state-designated protection and advocacy system; and
- (3) Exempting prisoners from the notification requirements;
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services & Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1597, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1597, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and Human  
Services & Housing,



MAILE SHIMABUKURO, Chair



JOSHUA B. GREEN, M.D., Chair





