

STAND. COM. REP. NO. 1527-08

Honolulu, Hawaii

March 31, 2008

RE: S.B. No. 1802

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1802 entitled:

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

begs leave to report as follows:

The purpose of this bill is to allow health care providers to share necessary and relevant information, while preserving patient privacy, by creating an exception to the confidentiality of mental health records to allow a health care provider to disclose information to another health care provider for continued care or treatment.

The Hawaii Primary Care Association, Institute for Human Services, Inc., Kaiser Permanente Hawaii, Mental Health America of Hawaii, The Queen's Medical Center, NAMI Hawaii, and numerous concerned individuals supported this bill. The Department of Health supported this measure with amendments. Several concerned individuals provided comments.

Your Committee understands that it may well be in the interest of a patient, and society in general, for health care providers to be able to share information about the patient's mental health. Nonetheless, your Committee is mindful that our State affords individuals an extraordinarily high level of privacy protection, and that information concerning mental health care can be very sensitive, as well as susceptible to misuse or misinterpretation, especially over time. With prior concurrence

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from your Committee on Health, your Committee has amended this measure by:

- (1) Restricting the information that may be shared to actual diagnoses and medical prescription records; and
- (2) Restricting the persons allowed to share such information, to consecutive health care providers currently or most recently providing care to the patient.

Your Committee has further amended this bill by:

- (1) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1802, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1802, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



