

STAND. COM. REP. NO.

2217

Honolulu, Hawaii

FEB 12 2008

RE: S.B. No. 2758
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred S.B. No. 2758 entitled:

"A BILL FOR AN ACT RELATING TO AN AUDIT OF THE HAWAII
DISABILITY RIGHTS CENTER,"

begs leave to report as follows:

The purpose of this measure is to require the Auditor to perform a financial and management audit of the Hawaii Disability Rights Center to protect its vulnerable clientele and to ensure that state funds are being spent in accordance with applicable laws, and to make an appropriation therefor.

Your Committee received testimony in support of this measure from eleven individuals. Testimony in opposition was received from the Hawaii Disability Rights Center and two individuals.

Your Committee finds that there is an ongoing dispute as to whether the law that provides the Hawaii Disability Rights Center access to records overrides the privacy rights of persons receiving services and their families, with or without the appropriate waivers of these privacy rights, and, if so, what justification is necessary for the Center to demand access to records of persons with disabilities. Providers of services to individuals with disabilities are uncertain as to their obligation to disclose patient records to an entity such as the Hawaii Disability Rights Center. Concerns have been raised about the Center's approach to resolving the conflict between a patient's



right to privacy and its need for access to the patient and the patient's records.

The Hawaii Disability Rights Center receives state moneys as well as federal funding. As such, the Center is subject to an audit by the Auditor. The Center has never been the subject of such an audit.

Your Committee has amended this measure by requiring the Auditor to perform an audit of the Hawaii Disability Rights Center not less than once every seven years, and making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Human Services and Public Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2758, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2758, S.D. 1, and be referred to the Committee on Ways and Means.


Respectfully submitted on
behalf of the members of the
Committee on Human Services and
Public Housing,


SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* SB 2758	Committee Referral: HSP, WAM	Date: 2/7/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
HOOSER, Gary L.				✓
SAKAMOTO, Norman				✓
HEMMINGS, Fred	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes