



GOV. MSG. NO. **530**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

April 25, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2086 HD2 SD2, without my approval, and with the statement of objections relating to the measure.

HB2086 HD2 SD2

A BILL FOR AN ACT  
RELATING TO HEALTH CARE DATA.

Sincerely,

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

April 25, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2086

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2086, entitled "A Bill for an Act Relating to Health Care Data."

The purpose of this bill is to allow clinical laboratory test results to be provided to authorized persons or a covered entity for a purpose permitted under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This bill appears to be intended to expedite patient care by broadening the definition of who may have direct access to laboratory data. However, the legislation lacks safeguards that will ensure the protection of patients' privacy rights.

Section 11-110.0-16, Hawaii Administrative Rules, states, "The result of a test shall be reported only to the authorized person who ordered the test and the designee(s) of the person who ordered the test." The administrative rules list the specific individuals and entities that may access laboratory data in such a way that ensures licensed health care providers use information for direct diagnosis, treatment, and health care evaluation purposes.

This measure is a significant departure from what is currently permissible, because it provides for a much broader array of people and entities, that do not have a direct role in a patient's health care, to access laboratory data. I am also concerned that once an entity or its associated businesses obtain

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 2086  
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laboratory data, they can forward that information to any other HIPAA entity or associate without limit. This could lead to the wider dissemination of sensitive patient information.

I believe that this issue requires and deserves further review. Additional safeguards should be developed before this bill is enacted. I strongly urge the Legislature and Department of Health to discuss with stakeholders the potential impacts of expanding access to clinical laboratory data. They should also evaluate national discussions currently underway and allow pending federal rules changes to be promulgated before proposing State legislation that may not meet new federal guidelines.

For the foregoing reasons, I am returning House Bill No. 2086 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

# VETO

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

H.B. NO. 2086  
H.D. 2  
S.D. 2

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## A BILL FOR AN ACT

RELATING TO HEALTH CARE DATA.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§321- Clinical laboratory test results. (a) Clinical  
5 laboratory test results may be provided to authorized persons  
6 for any purpose permitted under the Health Insurance Portability  
7 and Accountability Act of 1996, P.L. 104-191, and federal  
8 regulations promulgated thereunder.

9 (b) For purposes of this section, "authorized persons"  
10 shall include:

11 (1) The provider ordering the test, or the provider's  
12 designee; and

13 (2) Any covered entity as defined under 45 Code of Federal  
14 Regulations Section 160.103 promulgated under the  
15 Health Insurance Portability and Accountability Act of  
16 1996, P.L. 104-191."

17



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect upon its approval.
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