

JAN 20 2010

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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. Across the nation, health care information  
2 technology initiatives are being set up to both improve health  
3 care outcomes and better control costs. Health care  
4 coordination can only improve when Health Insurance Portability  
5 and Accountability Act of 1996 - regulated entities are able to  
6 electronically share information.

7           As federal efforts are being undertaken in relation to data  
8 sharing through the creation of health information exchanges,  
9 one of the initial federal requirements is to harmonize federal  
10 and state laws. Under current Hawaii administrative rules,  
11 clinical laboratories in Hawaii may disclose lab results only to  
12 the person who ordered the lab test, or their designee.

13           With many local efforts underway to facilitate the  
14 implementation of patient-centered medical homes and accountable  
15 care organizations, and the increased use of telehealth as well  
16 as federal initiatives to build a functional health information



# S.B. NO. 2100

1 exchange, ensuring that health information may be shared to the  
2 fullest extent allowed by federal law is a necessity.

3 The purpose of this Act is to update current law to ensure  
4 the success of the many health care coordination projects  
5 underway in the community and to enable the sharing of all  
6 necessary medical information while complying with federal  
7 privacy standards.

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

11 "§321- Clinical laboratory test results. (a) Clinical  
12 laboratory test results shall be provided to authorized persons  
13 for the purpose of populating a personal health record or an  
14 electronic medical record and for any other purpose also  
15 permitted under the Health Insurance Portability and  
16 Accountability Act of 1996, et. seq., and federal regulations  
17 promulgated thereunder.

18 (b) For purposes of this section "authorized persons"

19 means:

20 (1) The provider ordering the test or his or her designee;

21 and



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1        (2) Any Health Insurance Portability and Accountability  
2        Act of 1996, et. seq., entity or business associate as  
3        defined in 45 Code of Federal Regulations Parts 160-  
4        164."

5        SECTION 3. New statutory material is underscored.

6        SECTION 4. This Act shall take effect upon its approval.

7

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**Report Title:**

Confidentiality of Clinical Laboratory Data

**Description:**

Ensures that appropriate health care entities are able to receive lab data in electronic format to facilitate the use and development of health care exchange networks.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

