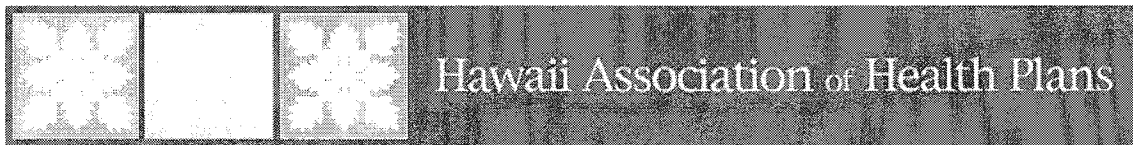


SB2100

SD1 Late



February 23, 2010

The Honorable Brian Taniguchi, Chair
The Honorable Dwight Takamine, Vice Chair

Senate Committee on Judiciary and Government Operations

Re: SB 2100 SD1 – Relating to Health Care Data

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

My name is Howard Lee and I am President of the Hawaii Association of Health Plans (“HAHP”). HAHP is a non-profit organization consisting of seven (7) member organizations:

AlohaCare
Hawaii Medical Assurance Association
HMSA
Hawaii-Western Management Group, Inc.

MDX Hawai‘i
University Health Alliance
UnitedHealthcare

Our mission is to promote initiatives aimed at improving the overall health of Hawaii. We are also active participants in the legislative process. Before providing any testimony at a Legislative hearing, all HAHP member organizations must be in unanimous agreement of the statement or position.

HAHP appreciates the opportunity to testify on SB 2100 SD1 which would amend the state’s regulatory framework regarding the sharing of clinical laboratory data to more closely comply with the federal Health Insurance Portability and Accountability Act (HIPAA.)

Health information technology is rapidly expanding and the state is expecting an influx of federal funding through the American Recovery and Reinvestment Act (ARRA). These monies will be used to create a statewide health information exchange which will ultimately connect the entire state and provide a framework to allow all types of health care providers to access clinical data.

One of the initial goals of ARRA is for states to examine local statutes in relation to data sharing to determine if changes need to be made in order to meet aggressive federal implementation timeframes. An examination of Hawaii regulations reveals that there is opportunity for change.

• AlohaCare • HMAA • HMSA • HWMG • MDX Hawaii • UHA • UnitedHealthcare •
HAHP c/o Howard Lee, UHA, 700 Bishop Street, Suite 300 Honolulu 96813
www.hahp.org

Clinical laboratories are overseen through federal regulation known as the Clinical Laboratories Improvement Amendments (CLIA). CLIA gives states leeway to define who may receive clinical laboratory results. In Hawaii, per Hawaii Administrative Rules (HAR), the only person who may receive laboratory results is the ordering physician or their "designee."

Since the HAR does not include other HIPAA covered entities, laboratories would be unable to provide clinical data to a health information exchange or for a physician to populate a field in an electronic medical record with this data. HAHP believes that making the statutory change included in SB 2100 SD1 to include HIPAA covered entities within the scope of those permitted to share laboratory data would be an easy step as we forge ahead to incorporate health care technology in a more comprehensive way.

We understand that the Hawaii Health Information Exchange is proposing changes to the current language of this measure. HAHP supports the inclusion of these clarifying amendments.

Thank you for the opportunity to offer comments today.

Sincerely,



Howard Lee
President

From: Raymond Yeung [ryeung@dlslab.com]
Sent: Monday, February 22, 2010 6:44 PM
To: JGO Testimony
Cc: tgoob@dlslab.com
Subject: Request to Retract Opposing Testimony on SB2100 SD1

LATE

I am Raymond Yeung, Vice President of Information Systems at Diagnostic Laboratory Services, Inc. I would like to retract my testimony in opposition to SB2100 SD1. My testimony was submitted by Mr. Thomas Goob (tgoob@dlslab.com) via email on Monday, February 22, 2010. Since submitting the testimony, the involved stakeholders have reached consensus. I apologize for any inconvenience.

Should you have any questions or need clarification, please contact me at 589-5100.

Thank you.

Sincerely,

Raymond Yeung
Diagnostic Laboratory Services
V.P., Information Systems

Thomas Goob
Diagnostic Laboratory Services
V.P., Department of Quality, Safety and Risk Management

LATE

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

February 23, 2010

The Honorable Brian Taniguchi, Chair
The Honorable Dwight Takamine, Vice Chair

Senate Committee on Judiciary and Government Operations

Re: SB 2100 SD1 – Relating to Health Care Data

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on SB 2100 SD1 which would allow clinical laboratories to provide access to lab data to HIPAA entities and business associates.

On the state level, Hawaii Revised Statutes do not directly oversee clinical laboratories and instead the Hawaii Department of Health regulates these entities under the Hawaii Administrative Rules (HAR). Current HAR only permit clinical laboratories to disclose lab results to “authorized persons” and their “designees.” Under the HAR definition, “authorized person” only includes medical providers licensed in the state. This current definition hinders the ability to meaningfully share clinical laboratory data to improve Hawaii’s health care system.

As you are aware, HMSA launched its Online Care program which allows individuals to gain access to physicians and specialists 24 hours a day, 7 days a week via the internet or telephone. An important component of Online Care is the ability for participating Online Care providers to access an individual’s medical history to ensure that they have all the information they need to provide an appropriate diagnosis. One of the problems which our system has run into is the inability to populate our member’s records with the results of any laboratory testing they have received. The language contained in SB 2100 SD1 is meant to allow for these results to be made available to physicians assisting members via Online Care by extending the definition of entities which may receive this information to those covered under HIPAA.

There are other projects in the works locally which stand to gain from its passage as well. The UH College of Pharmacy at Hilo, along with a broad coalition of organizations, is working toward implementing a regional health information exchange which would serve as a prototype for larger future projects. A grant application to receive federal funding has been submitted and this initiative will bring major changes to access for those on the Big Island. This goes hand-in-hand with the broader effort of the Hawaii Health Information Exchange (HHIE) to draw down American Recovery and Reinvestment Act (ARRA) funding to create a statewide information exchange. Unless HIPAA covered entities, such as health plans, are able to share this laboratory data, it will be virtually impossible to utilize technology to promote a more efficient and higher quality health care system.

That being said, we support the amendments being proposed today by the HHIE. These amendments would “allow” a laboratory to share data rather than “require” a laboratory share data. Additionally some of the language regarding personal health records (PHRs) and electronic medical records (EMRs) has been removed to

simplify the measure. We would point out that the removal of this language does not mean that using laboratory data for these purposes would no longer be permissible since populating PHRs and EMRs are permitted purposes under HIPAA.

HMSA and other affected stakeholders are working together in order to ensure that an individual's health information is protected. We would request the Committee pass this measure with HHIE's proposed amendments.

Thank you for the opportunity to testify today.

Sincerely,



Jennifer Diesman
Vice President
Government Relations