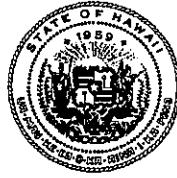


SB2100

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

SB 2100, Relating to Health Care Data

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

February 5, 2010

1 **Department's Position:** The Department of Health has concerns and respectfully opposes the bill as
2 written.

3 **Fiscal Implications:** Uncertain but substantial costs for departmental and private information
4 technology (IT). For the department, we will need employees or vendors to develop, test and maintain
5 an electronic data transmission system in compliance with the bill. Such costs are not covered by the
6 executive supplemental budget and would cause financial hardship to the department.

7 **Purpose and Justification:** The measure requires that laboratory test results be provided to health care
8 providers or their designees, and HIPAA entities and business associates as defined by 45 CFR Parts
9 160-164.

10 The department understands the need for health care entities to share electronic information to expedite
11 patient care, including access to and payment of necessary laboratory testing, and the department urges
12 that such information sharing be done carefully, with consideration of relevant issues, such as privacy
13 under the law, business needs, information technology, and costs.

14 The bill appears over-broad. It requires providing personal health information to "authorized persons"
15 to the extent of the definition of such persons whether those persons request the information or not. The

1 bill also provides any HIPAA-defined entity or business associate, such as insurance companies, broad
2 and unrestricted access to all patient laboratory information without the current provider-patient
3 permissions, or even health plan membership.

4 We have already noted the costs of IT development, but we also have a major concern with the time
5 needed to develop a good IT system even when resources are available, and the bill takes effect upon
6 approval.

7 Designing and operating a good IT system also requires teamwork by the affected parties, especially if a
8 new system is to be integrated with or connected to existing systems or coordinated with other proposed
9 systems. The bill does not recognize this need.

10 For these reasons we respectfully oppose the measure as written.

11 Thank you for the opportunity to testify.



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
www.hawaii.gov/dcca

LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Friday, February 5, 2010
2:55 p.m.

TESTIMONY ON SENATE BILL NO. 2100 – RELATING TO HEALTH CARE DATA.

TO THE HONORABLE DAVID Y. IGE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is J.P. Schmidt, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department supports this bill, which enables the sharing of laboratory test results to improve medical record information sharing practices.

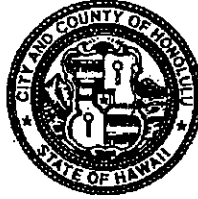
Improving the sharing of medical information within the healthcare system may have a positive effect on both the costs and quality of medical care. Currently, the failure to share information between unaffiliated healthcare providers sometimes results in unnecessary and even dangerous care.

We thank this Committee for the opportunity to present testimony on this matter and ask for your favorable consideration.

DEPARTMENT OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU

REAL PROPERTY ASSESSMENT DIVISION
33 SOUTH KING STREET, #101 * HONOLULU, HAWAII 96813
PHONE: (808) 768-3799 * FAX (808) 768-5540
WWW.HONOLULU.GOV

MUFI HANNEMANN
MAYOR



RIX MAURER III
DIRECTOR

MARK K. OTO
DEPUTY DIRECTOR

GARY T. KUROKAWA
ADMINISTRATOR

February 3, 2010

Honorable David Y. Ige,
Chair, Committee on Health
State Senate
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, HI 96813

Honorable J. Kalani English
Chair, Committee on Transportation, International and Intergovernmental Affairs
State Senate
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, HI 96813

RE: Proposed SB2611 - Relating to Vital Statistics

The City and County of Honolulu supports SB2611, which would require the department of health, within six weeks of the last day of each month and at no charge, to provide each county's real property assessment division a list of all persons age eighteen and older whose deaths were recorded by the department during the previous month.

Under existing law, only the county clerks of each county are provided with a list of citizens of voting age or older whose deaths have been recorded in the department, for purposes of removing the name of any registered voter from the general county register. The county clerks are precluded by the State from sharing the list with any other county agencies or using it for any other purpose.

One additional change that we are requesting is to include the following or similar language in the proposed bill: "If the reported information of a deceased citizen matches the information of more than one taxpayer on a county's property assessment database and that county's real property assessment division notifies the department of health of that problem, the department of health shall provide the full social security number of that deceased taxpayer."

We respectfully urge your approval of this proposed amendment and thank you for the opportunity to testify on this matter.

Sincerely,


Gary T. Kurokawa
Administrator
Real Property Assessment Division

Hawai'i Health Information Exchange

Health information, when and where you need it.

To: The Senate Committee on Health
Senator David Y. Ige, Chair
Senator Josh Green, M.D. Vice-Chair

**Testimony in Support of the Intent of Senate Bill 2100
Relating to Health Care Data
Submitted by: Christine Maii Sakuda, Executive Director
Hawaii Health Information Exchange
February 5th, 2010, 2:55 p.m. Agenda, Room 016**

Dear Honorable Chair, Vice Chair and committee members,

I am submitting testimony on Senate Bill 2100 to you today on behalf of the Hawaii Health Information Exchange (HHIE); a 501(c)(3) non-profit established in 2006 by leading healthcare stakeholders in Hawaii and designated by the State to develop and implement a statewide health information exchange.

The HHIE supports the intent of this bill: that appropriate sharing of health data in this case, clinical laboratory test results is an important step to improving the quality and coordination of care patients receive across the continuum of care.

Within the next 6 months, HHIE will facilitate the development of a statewide health information exchange plan to include:

- development of the technical infrastructure for HIE to include hardware, software, applications and network configuration
- identification of the legal and policy barriers and enablers to HIE that include privacy and security requirements that need to support data sharing agreements
- Identification and agreement on the data elements themselves; what is the purpose of sharing the patient's health data, to whom, and who authorizes the exchange
- Development of a sustainable business model

The Hawaii HIE has set up working committees to include Finance, Governance, Data Access & Management, Technical Infrastructure & Standards, and Legal/Policy. Establishing interdependencies among these key pillars of an HIE will ensure that a sustainable plan is developed and implemented in the best interests of Hawaii. Stakeholders of the HHIE, led by the Legal/Policy committee are in the process of coming to agreement on proposed language for this bill.

Therefore HHIE supports the intent of SB2100 and looks forward to sharing its view with the legislature in the future.

Thank you for the opportunity to testify on this bill.

LATE



February 5, 2010

The Honorable David Ige, Chair
The Honorable Josh Green M.D., Vice Chair

Senate Committee on Health

Re: SB 2100 – Relating to Health Care Data

Dear Chair Ige, Vice Chair Green 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 in support of SB 2100 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 know 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 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.

Thank you for the opportunity to offer comments today.

Sincerely,



Howard Lee
President