

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 1957  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and  
Judiciary, to which was referred H.B. No. 1957, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION,"

beg leave to report as follows:

The purpose of this measure is to help protect the privacy of health care consumers by clarifying that persons and entities governed by the Health Insurance Portability and Accountability Act (HIPAA) who use or disclose individually identifiable health information that is consistent with HIPAA regulations are deemed to be in compliance with Hawaii's privacy statutes and rules.

The Office of the Governor, Department of Health, Hawaii Medical Service Association, Kaiser Permanente Hawaii, Hawaii Association of Health Plans, Healthcare Association of Hawaii, Hawaii Disability Rights Center, Hawaii Health Information Exchange, Hawaii Chapter - American Physical Therapy Association, and National Alliance on Mental Illness Hawaii supported this bill. The Hawaii Health Information Corporation supported the intent of this measure. The Department of Commerce and Consumer Affairs (DCCA), Regulated Industries Complaints Office of DCCA, Hawaii Association for Justice, and a concerned individual submitted comments.

After careful consideration, your Committees have amended this bill by, among other things:



- (1) Establishing the applicability of the new statute;
- (2) Adding definitions for "breach", "disclosure", "unsecured protected health information", and "use";
- (3) Providing that any notice of breach of unsecured protected health information that complies with 45 Code of Federal Regulations, Part 164, Subpart D, will be deemed to comply with all state laws relating to notice of breach of protected health information;
- (4) Providing that nothing in the new statute will be construed to limit or otherwise affect any evidentiary privilege, limitation on discovery, or confidentiality protection provided by any state law, decision, or order in relation to individually identifiable health information sought, used, or produced in any judicial or administrative proceeding;
- (5) Changing its effective date to January 1, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1957, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1957, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Consumer  
Protection & Commerce and  
Judiciary,

  
GILBERT KEITH-AGARAN, Chair

  
ROBERT N. HERKES, Chair





