

Honolulu, Hawaii

MAR 22 2012

RE: H.B. No. 1957  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1957, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify that persons and entities governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), who use or disclose individually identifiable health information in a manner that is consistent with HIPAA regulations, shall be deemed to be in compliance with Hawaii's privacy laws and rules.

Your Committee received testimony in support of this measure from the Office of the Governor; Department of Health; AlohaCare; Healthcare Association of Hawaii; Hawaii Medical Association; Hawaii Health Information Exchange; Hawaii Chapter, American Physical Therapy Association; HMSA; Hawaii Association of Health Plans; Hawaii Health Information Corporation; and Kaiser Permanente Hawaii.

Your Committee finds that there are approximately fifty statutory references to privacy, which are difficult for providers of care to understand and use. As HIPAA is considered to be the standard in the area of health care privacy, hinging compliance with state laws upon compliance with HIPAA will ensure that appropriate privacy protections are retained while facilitating the exchange of clinical information by providers through the



Hawaii Health Information Exchange, thereby improving the quality of care for patients.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1957, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1957, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



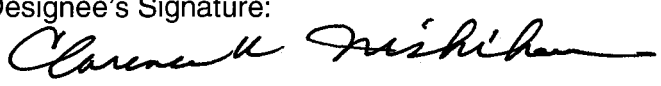
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JOSH GREEN, M.D., Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>HB1957, HD2</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>3-10-12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	/			
NISHIHARA, Clarence K. (VC)	/			
BAKER, Rosalyn H.	/			
CHUN OAKLAND, Suzanne	/			
SHIMABUKURO, Maile	/			
WAKAI, Glenn				/
SLOM, Sam				/
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes