

**HB1957**

**HD2,SD1**



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SENATE COMMITTEE ON JUDICIARY AND LABOR  
Senator Clayton Hee, Chair

Conference Room 016  
March 27, 2012 at 10:30 a.m.

**Supporting HB 1957 HD 2 SD 1: Relating to Health Care Information**

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including all acute care hospitals, as well as long term care facilities, home care agencies, and hospices. In their efforts to provide quality care to all of Hawaii's residents, our members employ over 40,000 people. Thank you for this opportunity to support HB 1957 HD 2 SD1, which creates an effective regulatory structure for managing health care information.

The health care system is very complex, and much information is transmitted among the various organizations within the system. Patient confidentiality is of paramount importance, but information needs to flow through the system efficiently to ensure that care is provided on a timely basis, that payment is made for care, and that government entities responsible for monitoring health care receive the necessary information.

The federal Health Insurance Portability and Accountability Act (HIPAA) governs the transmission of individually identifiable health information between health care providers, insurers, and other organizations that depend on such information. The State also has regulations that govern the transmission of such information.

Unfortunately, State and federal regulations are not always aligned, and as such there can be confusion about the interpretation of the regulations. This confusion can result in medical information not being optimally shared among organizations. This bill harmonizes state regulations governing the disclosure of medical information with federal legislation.

For the foregoing reasons, the Healthcare Association of Hawaii supports HB 1957 HD 2 SD 1.



March 27, 2012

The Honorable Clayton Hee, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair

Senate Committee on Judiciary and Labor

**Re: HB 1957 HD2 SD1 – Relating to Health Care Information**

Dear Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

My name is Richard Jackson and I am chair of the Public Policy Committee of the Hawaii Association of Health Plans (HAHP). HAHP is a non-profit organization consisting of eight (8) member organizations: AlohaCare, HMAA, HMSA, HWMG, Kaiser Permanente, MDX Hawai'i, UHA, and UnitedHealthcare. Our mission is to promote initiatives aimed at improving the overall health of Hawaii. HAHP is also active participants in the legislative process. Before providing any testimony, all HAHP member organizations must be in unanimous agreement of the statement or position.

We appreciate the opportunity to provide testimony in support of HB 1957 HD2 SD1 which clarifies that the use or disclosure of health information in a way consistent with the regulations of the federal Health Insurance Portability and Accountability Act (HIPAA) is also in compliance with Hawaii's own privacy regulations.

HIPAA stringently regulates the use and disclosure of personal health information. Currently, the State also has its own set of regulations governing health care information privacy. Such protected information occasionally needs to be shared with other individuals and entities in order to facilitate appropriate health care. While it is imperative that this information is shared efficiently, it is also of utmost important to protect this personal health information. The combination of the federal and state regulations can create unnecessary difficulties and confusion when requesting important protected health information.

HB 1957 HD2 SD1 states that if private health information is disclosed in a way that is sufficient to HIPAA's regulations, it will also comply with the State's regulations. We believe that by streamlining these regulations, the health care system will become more efficient for the people of Hawaii.

We appreciate the opportunity to testify in support of HB 1957 HD2 SD1 today. Thank you.

Sincerely,

Richard Jackson  
Chair, Public Policy Committee

Testimony of  
Phyllis Dendle  
Director of Government Relations

Before:  
Senate Committee on Judiciary and Labor  
The Honorable Clayton Hee, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair

March 17, 2012  
10:30 am  
Conference Room 016

**HB1957 HD2 SD1      RELATING TO HEALTH CARE INFORMATION**

Chair Hee and committee members, thank you for this opportunity to provide testimony on HB1957 HD2 SD1 which brings into alignment state and federal laws concerning the protection of identifiable health information.

**Kaiser Permanente Hawaii supports this bill.**

The federal rules regarding privacy under HIPAA have been in effect since April 14, 2003. They have been successful in regulating the use of protected health information. The laws we have in the state of Hawaii have served us well but are not in alignment with federal laws which can cause confusion and can limit the appropriate use of health information. The bill before you proposes to harmonize this difference in laws. This will improve the efficiency of the use of information while still providing protections for the individual patient. We urge you to pass this bill.

Thank you for your consideration.

March 27, 2012

The Honorable Senator Clayton Hee, Chair  
The Honorable Senator Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor

**Re: HB1957, HD2, SD1 – Relating to Health Care Information.**

Honorable Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

My name is Christine Sakuda and I am the Executive Director for Hawai'i Health Information Exchange (Hawai'i HIE), a 501(c)(3) non-profit established in 2006 by leading health care stakeholders in Hawai'i for the purpose of improving health care delivery throughout the state through seamless, effective, and secure health information exchange.

We appreciate the time and attention that the Senate Committee on Judiciary and Labor has given to the Health Care Privacy Harmonization Act. **Hawai'i HIE submits this testimony in strong support of HB1957, HD2, SD1 – Relating to Health Care Information.**

Health care providers and their business associates face a bewildering patchwork of roughly fifty state privacy laws that are extremely difficult to understand and adhere to in addition to HIPAA and other federal privacy laws. This inhibits the health care industry from exchanging appropriate health data and effectively providing quality care to the patient. The intention of HB1957, HD2, SD1 is to harmonize the laws that govern the exchange of personal health data.

Hawai'i HIE has had the privilege to work closely with representatives from the Office of the Governor, the Department of Health, the Department of Commerce and Consumer Affairs, the Attorney General's office, HMSA, the Hawai'i Association for Justice, advocacy groups for developmental disabilities and HIV/AIDS, and other health care stakeholders to ensure that HB1957 achieve the goal of enabling the safe and secure exchange of personal health information. We have addressed concerns about consistency and clarity, and these discussions have resulted in amendments now incorporated into HB1957, HD2, SD1.

Hawai'i HIE understands the needs of the health care community to be able to safely and securely share personal health information in order to provide the finest and most efficient care to Hawai'i's patients. **For the aforementioned reasons, Hawai'i HIE strongly supports HB1957, HD2, SD1 and respectfully requests that Section 3 be amended to state: "This Act shall take effect upon its approval."**

Christine Mai'i Sakuda



Executive Director  
Hawai'i Health Information Exchange

March 26, 2012

Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor  
Hawaii State Legislature  
State Capitol  
Honolulu, HI 96813

Chair Hee and Vice-chair Shimabukuro,

The Hawaii Health Information Corporation supports HB 1957, HD 2, SD 1— RELATING TO PRIVACY OF HEALTH CARE INFORMATION. HB 1957, HD 2, SD 1 harmonizes existing Hawaii statutes relating to the privacy and sharing of health care records into conformance with federal HIPAA requirements, as amended by the American Recovery and Reinvestment Act. This is very important for two reasons.

First, the plethora of approximately fifty statutory references to privacy is difficult for providers to understand and use. Bringing all into conformance with HIPAA will provide providers with the ability to more easily comply with one set of standards. Second, a single set of HIPAA compliant statutes will facilitate the exchange of clinical information by providers through the Hawaii Health Information Exchange (HHIE). By allowing for clinical information to be exchanged easily, more information will be available to providers of care, improving the quality of care to the patient.

Various parties with concerns about aspects of the original bill have been engaged in developing the amendments to this measure. HB 1957 HD 2, SD 1 is the result of this work. We therefore support HB 1957, HD 2, SD 1 and urge that it be made effective on approval.

Sincerely,



Peter A. Sybinsky, Ph.D.  
President & CEO

