

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2447, RELATING TO FURNISHING THE DATE OF VITAL EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII THAT REQUEST VERIFICATION.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 9, 2012 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The Department of Health collects, compiles, and preserves data pertaining to vital events, and is mandated to protect the integrity of that data by limiting access or disclosure of that data to only those with a direct and tangible interest in the data. Subject to the confidentiality provisions specified in section 338-18, Hawaii Revised Statutes, the Department of Health is authorized by statute to verify the existence of vital record information that an applicant provides to be verified. The proposed amendment to section 338-18(g) would allow the Department of Health to also disclose the dates of vital events to governmental agencies within the State of Hawaii via the verification process, upon the request of the governmental agency.

Governmental agencies or organizations are currently entitled to obtain verification of vital events for purposes of updating their official lists. However, verification is essentially a "matching" of information that is already in the possession of the applicant, and does not provide any additional data that the applicant does not first provide. For government agencies that

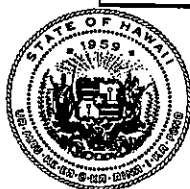
maintain lists of people who receive public benefits, tax exemptions, or other government services, it is important to update lists of recipients with dates of vital events in order to verify or discontinue eligibility for benefits, exemptions, or services.

This bill will enable the Department of Health to provide dates of vital events to assist governmental agencies within the State to determine eligibility for public benefits, correctly assess taxes, and discontinue services on behalf of deceased persons. This will limit fraud and increase the amount of available funds for those who are alive and actually need those funds. This bill includes provisions that would limit the scope of the disclosure to governmental agencies within the State of Hawaii.

We respectfully request that this bill be passed.

WRITTEN ONLY

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

COMMITTEE ON JUDICIARY

**HB 2447, Relating to Furnishing the Date of Vital Events to Governmental Agencies
within the State of Hawaii that Request Verification**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

February 9, 2012

- 1 **Department's Position:** The Department of Health strongly supports this bill.
- 2 **Fiscal Implications:** Fees for the verification of birth, death and marriage records are established by
- 3 law under section 338-14.3(d).
- 4 **Purpose and Justification:** The purpose of this bill is to allow the Department of Health to disclose
- 5 dates of vital events to governmental agencies within the State of Hawaii seeking to verify information
- 6 to update official lists of persons more quickly, efficiently and accurately. Many government agencies
- 7 within the State of Hawaii maintain lists of people who receive public benefits, tax exemptions, or other
- 8 government services. To discontinue these benefits, exemptions or government services, the
- 9 governmental agency must verify that the recipient has died and record the date of death. The proposed
- 10 amendment to section 338-18(g) would allow governmental agencies within the State of Hawaii to
- 11 receive the date of death via the current verification process.
- 12 Thank you for the opportunity to present testimony in strong support of the passage of this bill.

NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN
DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 9, 2012

TO: Honorable Gilbert S.C. Keith Agaran, Chair
House Committee on Judiciary

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2447 - RELATING TO FURNISHING THE DATE OF VITAL
EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE
STATE OF HAWAII THAT REQUEST VERIFICATION**

Hearing: Thursday, February 9, 2012; 2:00 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of H.B. 2447 is to amend section 338-18, Hawaii Revised Statutes, to allow the Department of Health to disclose dates of vital events to governmental agencies within the State of Hawaii seeking verification of information contained in vital statistics records for purposes of updating official lists.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this Administration bill that would allow the Department of Health to share the dates of vital events with governmental agencies.

This bill will eliminate barriers to allow DHS to stop paying for services for deceased persons. DHS provides services to individuals such as medical assistance. These particular services are provided by managed care health plans that are paid on a capitated basis. These payments continue until DHS learns that a recipient is no longer eligible or has died. Without receiving a date of death, DHS cannot recover

payments made following the date of death and can only stop payments prospectively.

Thank you for the opportunity to provide testimony on this bill.