

February 23, 2012

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

**Re: SB2098 – Relating to Privacy of Health Care Information.**

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

**Hawai'i Health Information Exchange (Hawai'i HIE) strongly supports SB2098 – Relating to Privacy of Health Care Information, which is intended to harmonize the laws that govern the exchange of personal health data.** We appreciate the opportunity to submit the following amended testimony.

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, and other health care stakeholders to ensure that SB2098 achieve the goal of enabling the safe and secure exchange of personal health information. These most recent discussions have resulted in amendments to SB2098 in the form of an SD1.

We appreciate the support of this bill and its intent and agree that consistency and clarity throughout the bill is of the utmost importance. **In order to accomplish the desired goal of harmonizing existing laws, so that entities governed by HIPAA do not need to comply with conflicting state and federal procedures, we respectfully submit an SD1 that includes the following amendments:**

- Added examples in the preamble (Section 1) of types of laws affected by SB2098 (including, but not limited to, mental health, developmental disabilities, and HIV/ARC/AIDS);
- Deleted reference in the preamble (Section 1) that limits the bill's effect to only those laws enacted prior to HIPAA, as the laws being affected both pre-date and post-date HIPAA;
- Added a new provision, regarding the relationship to other laws (updated Section 2, 4(6)), clarifying that any evidentiary privileges, discovery limitations, and protections for health information in judicial and administrative proceedings will not be affected by the bill;
- Eliminated potential inconsistency by retaining original terms (Section 2, 3(c)) harmonizing state notice of breach procedures with HIPAA and deleting a limitation preserving notice of breach procedures (original Section 2, 4(6)); and
- Made minor revisions for clarification and to conform the terms of the House and Senate versions of the bill.

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 most effective and efficient care to Hawai'i's patients. **For the aforementioned reasons, Hawai'i HIE strongly supports SB2098 with the amendments included in SD1.**

Christine Mai'i Sakuda



Executive Director  
Hawai'i Health Information Exchange



**The Hawai'i Health Information Exchange (Hawai'i HIE) is 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. In September of 2009, Hawai'i HIE was designated by the state to develop and implement a statewide health information exchange, which will ultimately feed into the national health information network.



February 24, 2012  
9:30am  
Conference Room 016

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

From: Paula Arcena, Director of Public Policy  
Robert Toyofuku, Government Affairs

Re: SB2098 Relating to Privacy of Health Care Information

Thank you for the opportunity to testify on this measure.

AlohaCare **supports** SB2098 which will clarify that persons and entities governed by HIPAA (Health Insurance Portability and Accountability Act of 1996), who use or disclose individually identifiable health information consistent with HIPAA regulations, shall be deemed to be in compliance with Hawaii's privacy laws and rules.

Passage of SB2098 will provide for integration of various laws and rules affecting Hawaii's health care into a well-coordinated scheme of state and federal privacy protections. This measure will maintain protection of private health information while allowing reasonable access by health care providers, health plans and health regulatory agencies.

AlohaCare is a non-profit, Hawaii based health plan founded in 1994 by Hawaii's community health centers to serve low-income families and medically vulnerable members of our community through government sponsored health insurance programs. We serve beneficiaries of Medicaid and Medicare on all islands.

Thank you for this opportunity to testify.



**AlohaCare**

For a healthy Hawaii.

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