



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1439, RELATING TO REPORTING DEATHS TO STATE AGENCIES.

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH

**DATE:** Friday, February 8, 2013

**TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

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

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Chair Belatti and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The Department of Health (DOH) 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 (HRS), the DOH is authorized by statute to verify the existence of vital record information that an applicant provides to be verified. Subsequent to a 2012 amendment to section 338-18(g), HRS, the DOH is also allowed to 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.

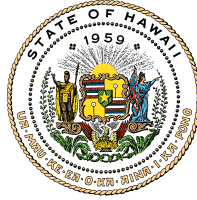
Because verification is essentially a "matching" of information that is already in the possession of the applicant, some governmental agencies that maintain lists of people who receive public benefits, tax exemptions, or other government services have been able to share their lists of people with the DOH and DOH has been able to verify if it has a matching record. Unfortunately, some governmental agencies within the State that are otherwise entitled to verification of vital records under section 338-18(g), HRS, are unable to use the process because of federally mandated confidentiality requirements that prevent them from disclosing their lists of people to the DOH.

This bill, by adding a new section to chapter 338, HRS, would allow the DOH, pursuant to a written agreement, to provide vital record information to State agencies that maintain official lists of persons in the ordinary course of the agency's activities but are prohibited by federal law

from sharing information from the lists with the DOH to take advantage of the verification process. These agencies would otherwise be entitled to the verification process but cannot because of their own federal confidentiality laws. Passage of this bill would assist governmental agencies within the State to determine eligibility for public benefits, correctly assess taxes, and discontinue services on behalf of deceased persons. Being able to update their lists will allow the agencies to limit fraud and increase the amount of available funds for those who are alive and actually need those funds.

We respectfully request that this bill be passed.

NEIL ABERCROMBIE  
GOVERNOR



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TESTIMONY OF  
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER  
TO THE HOUSE

COMMITTEE ON HEALTH  
AND  
COMMITTEE ON PUBLIC SAFETY

Friday, February 8, 2013  
8:30 a.m.  
Conference Room 329  
State Capitol

H.B. 1439

RELATING TO REPORTING DEATHS TO STATE AGENCIES

Chairs Belatti and Aquino, Vice Chairs Morikawa and Ing, and members of the committees, thank you for the opportunity to testify H.B. 1439. My name is Sanjeev "Sonny" Bhagowalia, Chief Information Officer for the State of Hawaii.

The Office of Information Management and Technology (OIMT) supports H.B. 1439 given the need for modernizing the Vital Statistics System for Death Records.

While OIMT generally doesn't support or encourage an inter-departmental fee structure for information sharing, there is an unfunded mandate that must be addressed. Currently, due to its legacy system the Department of Health (DOH) incurs a cost to provide these important records to other agencies for information verification purposes. OIMT therefore supports the need for an interim fee structure with a clear expiration date until such time that a preferred funding source is identified and/or federal grants become available to modernize the Death Records system. A grant application is being submitted this fiscal year and will implement an updated solution by FY16. Meanwhile, these vital records will continue to be subject to stringent privacy and security restrictions, and the interim fees shall ensure regulatory compliance and funding of a modernization path for the system. The improved information sharing could save taxpayers up to 10 times the investment by accurately and timely adjudication of the information requests.

Thank you for the opportunity to testify on this matter.