

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

In reply, please refer to:
File:

House Committee on Health

HB2319, Relating to Privacy of Health Care Information

Testimony of Gary L. Gill
Acting Director of Health

Wednesday, February 5, 2014, 8:35 a.m., Room 329

- 1 **Department's Position:** The Department of Health (DOH) strongly supports this Administration bill.
- 2 **Fiscal Implications:** None.
- 3 **Purpose and Justification:** This bill proposes to repeal the current language in sections 333E-6 and
- 4 334-5, Hawaii Revised Statutes (HRS), replacing it with the requirements of the Health Insurance
- 5 Portability and Accountability Act (HIPAA) privacy rule, which will apply to all entities that hold
- 6 developmental disabilities and mental health records. This bill is a follow-up to the Health Care Privacy
- 7 Harmonization Act.
- 8 Under the proposed changes, health care providers that hold developmental disabilities and
- 9 mental health records will be able to share and access health care information using the HIPAA privacy
- 10 rule, rather than the stricter and lesser known state laws with respect to these types of health
- 11 information. Although chapter 323B, HRS, enables HIPAA covered entities to follow HIPAA rather
- 12 than the stricter statutes and rules, non-covered entities cannot do the same. These are health care
- 13 providers that do not bill electronically such as the Hawaii State Hospital.

1 The DOH strongly supports the protection of individuals' health information while maintaining
2 privacy and confidentiality of records. The proposed legislation, when enacted, will permit more
3 effective sharing of information and coordination of care, consistent with HIPAA.

4 Thank you for the opportunity to testify on this bill.



Community Alliance *for* Mental Health

February, 5, 2014

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To: the House Health Committee

Re: HB 2319

Aloha Chair Belatti and the members of the committee,

On behalf of the Community Alliance for Mental Health along with United Self Help we support the passage of HB2319.

We believe that the passage of this bill will guarantee the privacy and safety of medical records while going a long way to ensure the safety of the public at large.

Scott Wall
VP/Legislative Advocate
Community Alliance for Mental Health

morikawa2-Joanna

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 01, 2014 12:32 PM
To: HLTtestimony
Cc: sherrianwitt@aol.com
Subject: Submitted testimony for HB2319 on Feb 5, 2014 08:35AM

HB2319

Submitted on: 2/1/2014

Testimony for HLT on Feb 5, 2014 08:35AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
sherrian witt	Individual	Oppose	No

Comments: I oppose this measure based on this measure requires the state to be in compliance with Federal Statutes for disclosing mental Health information to the Federal Govt. This disclosure to the Federal government is not in compliance with protecting the rights of privacy. This statute will also allow for the reporting to the Federal agencies psychiatric involuntary confinement by Hospitals and/or medications being taken. I feel this bill also will be in compliance with Obama Care Act which most people in the country are not willing to participate in. This bill will chip away at our privacy rights. Sherrian Witt, M.A., L.M.H.C., psychotherapist. Hilo, Hawaii

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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STATE OF HAWAII
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February 5, 2014

LATE

The Honorable Della Au Belatti, Chair
House Committee on Health
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Au Belatti and Members of the Committee:


SUBJECT: HB 2319 – Relating to Privacy of Health Care Information

The State Council on Developmental Disabilities (DD) **SUPPORTS HB 2319**. The bill amends the statutes to protect the privacy of developmental disability and mental health patients' health information while allowing reasonable use and disclosure as provided by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

The passage of this bill is needed to allow public and private providers that have DD and mental health records the ability to share health care information for the benefit of the individuals while complying with HIPAA and maintaining privacy and confidentiality of records.

Thank you for the opportunity to submit testimony in **support of HB 2319**.

Sincerely,


Waynette K.Y. Cabral, MSW
Executive Administrator


J. Curtis Tyler III
Chair