



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 27, 2014

The Honorable Karl Rhoades, Chair
House Committee on Judiciary
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Rhoades and Members of the Committee:


SUBJECT: SB 2869 SD2 – Relating to Privacy of Health Care Information

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 2869 SD2**. 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).

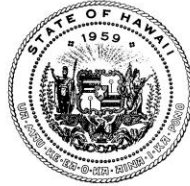
The passage of this bill is needed to allow public and private providers that have DD and mental health records the ability to share health care information for the benefit of the individuals while complying with HIPAA and maintaining privacy and confidentiality of records.

Thank you for the opportunity to submit testimony in **support of SB 2869 SD2**.

Sincerely,


Waynette K.Y. Cabral, MSW
Executive Administrator


J. Curtis Tyler, III
Chair



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

In reply, please refer to:
File:

House Committee on Judiciary

SB2869, SD2, Relating to Privacy of Health Care Information

**Testimony of Linda Rosen, M.D., M.P.H.
Director of Health**

Friday, March 24, 2014, 2:00 p.m., Room 325

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 passed in 2012. The Senate Health Committee, in Senate Draft 1, added the same
8 change to chapter 333F, Services for Persons with Developmental or Intellectual Disabilities. That
9 amendment makes it very clear that HIPAA must be followed for the use and disclosure of all
10 developmental disabilities records.

11 Under the proposed changes, health care providers that hold developmental disabilities and
12 mental health records will be able to share and access health care information using the HIPAA privacy
13 rule, rather than the stricter and lesser known state laws with respect to these types of health
14 information. Although chapter 323B, HRS, enables HIPAA covered entities to follow HIPAA rather

1 than the stricter statutes and rules, non-covered entities cannot do the same. These are health care
2 providers that do not bill electronically, such as the Hawaii State Hospital (HSH).

3 This legislation, for example, would permit HSH to share information with law enforcement,
4 including information regarding crimes on the premises, and limited information for the purposes of
5 identification and location of patients who have eloped from HSH. The current chapter 334-5, HRS,
6 does not permit the disclosure of information for either purpose.

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

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