

# S.B. NO. 2811

JAN 23 2014

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## A BILL FOR AN ACT

RELATING TO REPORTING DEATHS TO STATE AGENCIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that some governmental  
2 agencies within the State that keep official lists of persons,  
3 in the ordinary course of the agency's activities, need to know  
4 when members on their lists have died so that they can, for  
5 example, discontinue providing benefits. Although section 338-  
6 18(g), Hawaii Revised Statutes, allows the department of health  
7 to verify information contained in vital statistics records by  
8 employing a process that matches its vital statistics  
9 information with information provided by agencies, that process  
10 cannot be used by state agencies whose lists are confidential  
11 under federal law.

12           The legislature also finds that it is unlawful for the  
13 department of health to disclose information contained in  
14 confidential vital statistics records, except as authorized by  
15 law. Allowing the department of health to report deaths to  
16 state agencies that maintain official lists that are  
17 confidential under federal law would assist state agencies to

1 maximize the accuracy of their official lists and avoid  
2 overpaying benefits and wasting public funds.

3 SECTION 2. Chapter 338, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§338- Deaths reported to state agencies. (a) The  
7 department of health, within six weeks after the end of each  
8 quarter or other agreed upon period, shall deliver to a state  
9 agency a list of the names of all persons whose deaths have been  
10 recorded by the department during that period; provided that  
11 this section shall only apply to a state agency that:

- 12 (1) Maintains official lists of persons in the ordinary  
13 course of the agency's activities and is prohibited by  
14 federal law from sharing information from the lists;  
15 and  
16 (2) Has requested the information from the department  
17 pursuant to a written agreement.

18 The list shall set forth the full name of the decedent and the  
19 dates of the decedent's birth and death, if known. The  
20 department and the requesting agency shall determine the form  
21 and format of providing the information to the agency.

22 (b) In response to an agency's first request pursuant to  
23 subsection (a), the department may provide a list of the persons

S.B. NO. 2811

1 whose deaths were recorded by the department during an agreed  
2 upon period in the past. The department may charge a reasonable  
3 fee to cover its cost of providing the list. If a state agency  
4 requires further information, the department may provide a  
5 certified copy of the death certificate to that state agency,  
6 subject to the requirements of section 338-14.5.

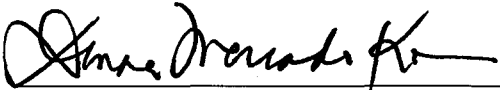
7 (c) Any state agency that obtains, pursuant to this  
8 section, a list of the names of persons whose deaths have been  
9 recorded by the department shall use the list only for the  
10 purposes for which it was obtained and shall not further  
11 disclose any information on the list."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

16

BY REQUEST

**S.B. NO. 2811**

**Report Title:**

Vital Records; Reporting Deaths to State Agencies

**Description:**

Authorizes the Department of Health (DOH) to disclose lists of names of persons whose deaths have been recorded by DOH, to state agencies that maintain official lists of persons and are prohibited by federal law from sharing information from the lists. Effective upon approval.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES.

PURPOSE: To allow the Department of Health (DOH) to share death information with state agencies that are barred by federal law from sharing information with the DOH to request verification of the agencies' official lists.

MEANS: Add a section to chapter 338, Hawaii Revised Statutes.

JUSTIFICATION: Federal law prohibits some state agencies from disclosing their protected health information to the DOH for purposes of obtaining verification to update official lists of persons. This bill will allow the DOH to provide death information directly to other state agencies.

Two of the state agencies that would benefit from passing this bill are the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) and the Department of Human Services Med-QUEST Division (Med-QUEST). The EUTF provides health and life insurance benefits for active employees, retirees and dependents of Hawaii state government and all counties. Med-QUEST provides medical insurance benefits for low-income Hawaii residents through the Medicaid Fee-For-Service Program and the Hawaii QUEST Medicaid managed care program.

When EUTF beneficiaries and Med-QUEST participants pass away, EUTF and Med-QUEST are not always notified of the deaths by a next of kin. When this happens, EUTF and Med-QUEST continue to provide benefits to the deceased beneficiaries and participants.

**SB. NO. 2811**

By allowing the DOH to provide death information to state agencies like EUTF and Med-QUEST, such agencies will be able to terminate benefits of participants and/or beneficiaries who die in Hawaii in a timely manner.

Impact on the public: This bill will save taxpayer money and avoid overpaying benefits and wasting public funds by informing agencies that could not otherwise get the information of deaths so that they can timely terminate payments.

Impact on the department and other agencies: The DOH will be required to provide lists of deaths to other state agencies that need to update their official lists but cannot share the information on their lists with the DOH to get verification. The DOH will provide death lists to those agencies that have requested the information pursuant to a written agreement. The DOH may charge a reasonable fee to cover its costs of providing a list.

GENERAL FUND: None.

OTHER FUNDS: State agencies will need to pay the fees out of their operating budgets.

PPBS PROGRAM DESIGNATION: n/a

OTHER AFFECTED AGENCIES: Department of Health, Department of Human Services, Department of Budget and Finance, and any other agencies that need death information but are prevented by Federal law from obtaining verification.

EFFECTIVE DATE: Upon approval.