

S .B. NO. 2865

JAN 23 2014

A BILL FOR AN ACT

RELATING TO RECORDS OF THE HAWAII HEALTH SYSTEMS CORPORATION.

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

1 SECTION 1. Section 323F-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§323F-6 Records.** (a) The corporation and each regional
4 system board shall be subject to the requirements of chapter
5 92F, except that the following categories of government records
6 shall not be required to be disclosed:

7 (1) Applications for credentials or staff privileges at
8 any of the corporation's medical facilities, records
9 from peer review proceedings, and medical records; and

10 (2) Marketing strategies, strategic plans, evaluations,
11 assessments, negotiations, or rates and charges, the
12 disclosure of which would raise the cost of
13 procurement or give a manifestly unfair advantage to
14 any competitor or to any person or entity seeking to
15 do business or proposing to enter into an agreement
16 with a regional system board, the corporation, or any
17 of its facilities.

S . B . N O . 2865

1 Any person denied access to any such government records
2 shall have available the remedies specified in sections 92F-15
3 and 92F-15.5. Government records protected from disclosure by
4 this section shall be subject to the interagency disclosure
5 provisions of section 92F-19. Section 624-25.5 shall apply to
6 this part notwithstanding anything to the contrary contained in
7 this section.

8 (b) The corporation shall have the authority to set rates
9 for copies of records exempt from chapter 92F. In the case of
10 medical records subpoenaed or in any other manner requested from
11 any of the corporation's regional system facilities, copies
12 shall be paid for by the requestor in an amount based on the
13 facility's actual cost of preparation. The facility's actual
14 cost of preparation shall be no less than \$1 per page and no
15 more than \$2 per page."

16 SECTION 2. New statutory material is underscored.

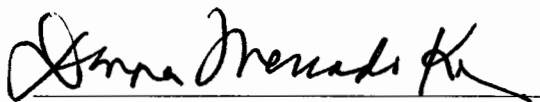
17 SECTION 3. This Act does not affect rights and duties that
18 matured, and proceedings that were begun before it effective
19 date.

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

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INTRODUCED BY:



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BY REQUEST

S . B . NO . 2865

Report Title:

Hawaii Health Systems Corporation

Description:

Establishes the minimum and maximum fee for copies of Hawaii Health Systems Corporation medical records and the method of computing appropriate fees above the minimum.

SB. NO. 2865

JUSTIFICATION SHEET

DEPARTMENT: HEALTH.

TITLE: A BILL FOR AN ACT RELATING TO RECORDS OF THE HAWAII HEALTH SYSTEMS CORPORATION.

PURPOSE: To establish minimum and maximum fees for copies of medical records from Hawaii Health Systems Corporation and to authorize the Hawaii Health Systems Corporation to set rates for copies of records exempt from chapter 92F, Hawaii Revised Statutes.

MEANS: Amend section 323F-6, Hawaii Revised Statutes.

JUSTIFICATION: The cost of searching and producing a medical record at one of the Hawaii health systems corporation facilities is about \$1.09 per page. This amendment would set a dollar a page as a minimum fee, which, if charged, would eliminate the litigation that has ensued over the cost of producing the records.

Impact on the public:
None.

Impact on the department and other agencies:
Eliminates costly litigation over challenges to the cost of producing a medical record.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-210

OTHER AFFECTED AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.