

Honolulu, Hawaii
February 7, 2014

RE: H.B. No. 2532
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2532
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE PRIVACY,"

begs leave to report as follows:

The purpose of this measure is to safeguard the privacy and
integrity of health care information by:

- (1) Specifying an individual's rights to access, use, and
ensure the accuracy of the individual's own health
records;
- (2) Specifying conditions under which individual health care
information can be used or disclosed by individuals,
medical personnel, regulatory agencies, researchers,
public health agencies, law enforcement agencies, and
parties to judicial or administrative proceedings; and
- (3) Establishing civil and criminal penalties for
violations.

An individual testified in support of this measure. The
Office of Information Practices, Healthcare Association of Hawaii,
Hawaii Health Information Corporation, and Kaiser Permanente
opposed this measure. The Hawaii Medical Service Association
commented on this measure.



Your Committee has amended this bill by:

- (1) Limiting its scope to the use and disclosure of protected health care information in civil legal, administrative, or law enforcement proceedings or investigations;
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Should this measure proceed further in the legislative process, your Committee respectfully requests that the House Committee on Judiciary and the House Committee on Finance consider the impact and effects of the Hawaii Supreme Court's finding in *Brende v. Hara*, 113 Hawai'i 424, 153 P.d 1109 (2007), that the right to privacy granted by the Hawaii State Constitution prohibits certain uses and disclosures of personal health care information in the context of civil legal proceedings.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2532, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2532, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,


DELLA AU BELATTI, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 233-14

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2532	Committee Referral: HLT, JUD, FIN	Date: 2/5/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. CARROLL, Mele				✓
4. CREAGAN, Richard	✓			
5. HASHEM, Mark J.	✓			
6. JORDAN, Jo	✓			
7. KOBAYASHI, Bertrand	✓			
8. OSHIRO, Marcus R.	✓			
9. WOODSON, Justin H.				✓
10. MATSUMOTO, Lauren Kealohilani		✓		
TOTAL (10)	7	1		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
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