



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

In reply, please refer to:
File:

Senate Committee on Health

SB2869, Relating to Privacy of Health Care Information

**Testimony of Gary L. Gill
Acting Director of Health**

Monday, February 3, 2014, 1:30 p.m., Room 229

- 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.



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
February 3, 2014

The Honorable Josh Green, Chair
Senate Committee on Health
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Green and Members of the Committee:

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

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

Sincerely,

Waynette K.Y. Cabral, M.S.W.
Executive Administrator

J. Curtis Tyler III
Chair



Community Alliance *for* Mental Health

February, 3, 2014

Board of Directors

Anne Chipchase
President

Robert Scott Wall
Vice President

Brenda Kosky
Secretary

William Lennox
Treasurer

Susan King

Linda Takai

Randolph Hack

Gina Hungerford

To: Senate Health Committee
Re: SB 2869

Aloha Senator Green and the members of the committee,

On behalf of the Community Alliance for Mental Health along with United Self Help we support passage of SB 2869.

We believe that this bill is necessary to insure not only the safety of records but as a defined mechanism to insure the safety of the general public.

Scott Wall
VP/Legislative Advocate
Community Alliance for Mental Health