

JAN 21 2016

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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1.   Following the passage of the Health Insurance  
2   Portability and Accountability Act of 1996, the Secretary of the  
3   United States Department of Health and Human Services  
4   promulgated the standards for privacy of individually  
5   identifiable health information, also known as the privacy rule.  
6   The privacy rule guarantees patients' rights to access and  
7   obtain copies of their medical records.

8           The legislature finds that individuals having  
9   responsibility for decisions respecting their own health care  
10   possess a concomitant right of access to complete information  
11   respecting their condition and care provided.   Allowing patients  
12   access to their medical records will not only educate patients  
13   about their medical conditions and possible treatments, it will  
14   help ensure that records are available to new care providers  
15   when patients relocate or change doctors, or when a health care  
16   provider no longer provides services.



1           Currently, obtaining a copy of medical records can be a  
2 long and expensive process for patients. For example, after a  
3 medical facility declares bankruptcy, there are often extensive  
4 time delays and costs involved for the bankrupt medical  
5 facility's patients to obtain their own medical records.

6           The purpose of this Act is to enable patients to obtain  
7 copies of their own medical records free of charge from a  
8 medical facility that has filed for bankruptcy.

9           SECTION 2. Chapter 323, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12           "§323-    Access to medical records; bankruptcy. (a)  
13 Before a medical facility files for bankruptcy, the medical  
14 facility shall inform every patient or former patient by written  
15 notice that the patient or former patient is entitled to a copy  
16 of the patient's or former patient's own medical records at no  
17 charge. Upon receiving a written request from the patient or  
18 former patient, the medical facility shall provide a paper or  
19 electronic copy of the medical records to the patient or former  
20 patient within thirty working days from the date of the request  
21 or within sixty working days if the record is stored off-site.



# S.B. NO. 2151

1        (b) A violation of this section may be grounds for  
 2 disciplinary action against a provider by the appropriate  
 3 licensing authority.

4        (c) For the purposes of this section, unless the context  
 5 clearly indicates otherwise:

6        "Medical facility" shall have the same meaning as in  
 7 section 622-51.

8        "Medical records" shall have the same meaning as in section  
 9 622-51."

10       SECTION 3. Section 622-57, Hawaii Revised Statutes, is  
 11 amended by amending subsection (g) to read as follows:

12       "(g) [Reasonable] Except as provided in section 323-  
 13 reasonable costs incurred by a health care provider in making  
 14 copies of medical records shall be borne by the requesting  
 15 person."

16       SECTION 4. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18       SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Mike Gabbard

Sen. Scott Agon      Will Espero

Sen. Dan Claitor      Sen. Peter Hummer



S.B. NO. 2151

*Michelle Sedani*

*Clerk of the Court*

*Karla Lee*



# S.B. NO. 2151

**Report Title:**

Medical Records; Medical Facilities; Bankruptcy

**Description:**

Requires medical facilities filing for bankruptcy to inform every patient or former patient by written notice prior to filing for bankruptcy that the patient or former patient is entitled to a copy of the patient's or former patient's own medical records at no charge. Requires the medical facilities to provide a paper or electronic copy of the medical records to the patient or former patient upon request.

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