

JAN 23 2015

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.



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.

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

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INTRODUCED BY: Mike Hubbard

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S.B. NO. 356

Report Title:

Medical Records; Medical Facilities; Bankruptcy

Description:

Enables patients to obtain their medical records free of charge from medical facilities that have declared bankruptcy.

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