

# HB1111 HD2

**Measure Title:** RELATING TO RECORDS OF THE HAWAII HEALTH SYSTEMS CORPORATION.

**Report Title:** Hawaii Health Systems Corporation; Copies of Records; Fees

**Description:** Authorizes the Hawaii Health Systems Corporation to set rates for copies of records that are protected from the disclosure requirements of Chapter 92F, Hawaii Revised Statutes. Establishes rates for copies of medical records at the actual cost of preparation within minimum and maximum rates. (HB1111 HD2)

**Companion:**

**Package:** None

**Current Referral:** CPH/JDL, WAM

**Introducer(s):** BELATTI

# OFFICE OF INFORMATION PRACTICES

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To: Senate Committees on Commerce, Consumer Protection, and Health  
and on Judiciary and Labor

From: Cheryl Kakazu Park, Director

Date: March 17, 2016, 9:00 a.m.  
State Capitol, Conference Room 016

Re: Testimony on H.B. No. 1111, H.D. 2  
Relating to Records of the Hawaii Health Systems Corporation

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position this bill, which would authorize the Hawaii Health Systems Corporation (“HHSC”) to set rates for copies of records that are statutorily made exempt from disclosure under the Uniform Information Practices Act (“UIPA”), chapter 92F, HRS, and establish rates for copies of subpoenaed medical records. OIP offers comments on the provision allowing HHSC to set its own rates for copies of the specified non-public records.

The essential effect of this provision would be to allow HHSC to act similarly to a private facility in charging individuals for copies of their medical records, credential applications, and other specified records. Some of those records would otherwise be considered personal records under the UIPA when requested by the individual a record is about (such as a patient asking for a copy of his or her medical record), and personal records must be provided without additional charges beyond copy fees. Thus, while other state and county agencies are not allowed to charge fees to search for, review, and segregate personal records, this bill would

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grant HHSC the freedom to act in a way comparable to private health care facilities in setting rates for copies of the specified records. As this matter is a policy call for the Legislature, OIP takes no position on this bill.

Thank you for the opportunity to testify.



**HAWAII HEALTH SYSTEMS**  
C O R P O R A T I O N

*"Quality Healthcare for All"*

**Senate Committee on Commerce, Consumer Protection, and Health**

**Senator Roslyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair**

**Senate Committee on Judiciary and Labor**

**Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair**

**Thursday, March 17, 2016  
Conference Room 016  
9:00 a.m.  
Hawaii State Capitol**

**Testimony Supporting House Bill 1111 HD2, Relating to Records of the Hawaii Health Systems Corporation.**

Linda Rosen, M.D., M.P.H.  
Chief Executive Officer  
Hawaii Health Systems Corporation

Thank you for the opportunity to submit testimony in support of HB 1111, HD2. The purpose of this bill is to establish minimum and maximum fees to be charged for copies of medical records from Hawaii Health Systems Corporation (HHSC) and to authorize HHSC to set rates for copies of records exempt from Chapter 92F, Hawaii Revised Statutes.

The copying of medical records is a labor-intensive process, one that entails specialized training to carefully scrutinize information to ensure that any requestfully complies with health care privacy and confidentiality regulations. Additionally, medical records often contain documents that are not uniform in size or shape due to the varied forms required by and produced for medical tests or procedures. This requires our personnel to number and handle each page individually in the duplication process. Thus, it is not as simple as feeding a stack of papers into an automatic document feeder on a copying machine. These factors cause the cost to prepare a copy of a medical record at an HHSC facility to be conservatively estimated to be at least \$1.09 per page. Recent challenges to this cost have resulted in litigation, consuming valuable time and resources of the facility. This bill, by allowing HHSC to establish rates for copies of

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medical records, will help to prevent future litigation over these costs. It will also help to reduce the financial losses experienced by HHSC facilities.

The initial draft of this bill conservatively sets the default charge at one dollar per page and allows a HHSC facility to establish a higher cost not to exceed two dollars per page by evaluating the actual costs. We respectfully request that these amounts be included in the final version of this bill.

Your consideration of our testimony is greatly appreciated. Thank you for the opportunity to submit testimony.