

# SB2151

Measure Title: RELATING TO HEALTH.

Report Title: Medical Records; Medical Facilities; Bankruptcy

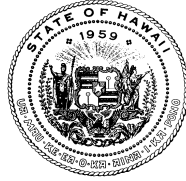
Description: Requires medical facilities filing for bankruptcy to inform every patient or former patient by written notice prior to filing for bankruptcy that the patient or former patient is entitled to a copy of the patient's or former patient's own medical records at no charge. Requires the medical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

Companion:

Package: None

Current Referral: CPH, JDL

Introducer(s): GABBARD, ESPERO, KEITH-AGARAN, KIDANI, NISHIHARA, SHIMABUKURO, Galuteria, Ihara, Slom, L. Thielen



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**Testimony COMMENTING on SB2151  
RELATING TO HEALTH**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH  
Hearing Date: Tuesday, February 9, 2016 Room Number: 229

1 **Fiscal Implications:** None known.

2 **Department Testimony:** Thank you for the opportunity to provide COMMENTS ONLY on  
3 this bill.

4 The department takes no position on the merits of this bill, but offers the following  
5 comments as the department with the regulatory responsibility over hospitals. We offer no  
6 comments on this bill as it relates to other types of medical facilities.

7 First, the definition of a medical facility should be clarified. Section 622-51, HRS,  
8 defines medical facility as a hospital licensed under chapter 321, physicians' offices, or "any  
9 other type of facility where medical records relating to the care or treatment of a patient are  
10 kept." This latter part of the definition appears overly broad and vague.

11 Second, to provide some context, when Hawaii Medical Centers East and West (HMC,  
12 formerly St. Francis Medical Centers East and West) filed for bankruptcy, the department met  
13 with their CEO and outlined the state licensure and Medicare certification requirements relating  
14 to hospital and skilled nursing facility services. They were instructed to inform DOH in writing,  
15 inform patients and former patients, offer a copy of the medical records to patients and former  
16 patients, appropriately discharge or transfer patients, and to store the remaining medical records

1 for a period of time following closure in the event patients wanted their records following  
2 closure. HMC complied with the department's requirements.

3 Finally, this bill would allow the department to take disciplinary action against the  
4 hospital for any violation. However, it is likely that any disciplinary action on a hospital who  
5 has filed for bankruptcy would be highly ineffective and, therefore, meaningless.

6 Thank you for the opportunity to provide comments.