
A BILL FOR AN ACT

RELATING TO DIGITAL HEALTH RECORDS.

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

1 SECTION 1. The legislature finds that the COVID-19
2 pandemic has demonstrated, among other things, the need to
3 safely transmit health information about individuals on a rapid
4 basis. As a result of the pandemic, individuals may seek care
5 at non-traditional health care entities or entities that they do
6 not normally visit. Having incomplete information about an
7 individual's health conditions can result in a less effective
8 treatment, which can potentially put an individual's life at
9 risk. The existence of cultural, social, and economic
10 inequalities can also impact accessibility to the treatment and
11 medical care needed to address rapidly spreading viruses. The
12 World Health Organization has urged all nations to prepare for
13 the inevitability of future pandemics.

14 The legislature further finds that the Hawaii Health
15 Information Exchange is a 501(c)(3) nonprofit organization
16 established in 2006 to enhance care coordination, improve the
17 health outcomes of Hawaii patients, and reduce the cost of care



1 for patients and health care providers. It is governed by an
2 independent board of directors made up of representatives from
3 major health care stakeholder organizations, community service
4 groups, and the State.

5 On September 4, 2009, Governor Linda Lingle designated the
6 Hawaii Health Information Exchange as the state-designated
7 entity to develop a seamless, effective, and secure statewide
8 health information exchange that ultimately links to the
9 nationwide health information network. This designation was
10 reaffirmed in a memorandum of agreement between the Hawaii
11 Health Information Exchange and Governor Neil Abercrombie on
12 February 14, 2012.

13 The Hawaii Health Information Exchange is an interoperable
14 data exchange system that enables all health care providers,
15 health plans, clinics, and hospitals to contribute and access
16 complete health information with confidence. This secure
17 exchange empowers participants to improve the quality, safety,
18 and efficiency of whole-person care, thereby enhancing health
19 outcomes for patients and reducing health care costs for the
20 community. The exchange also serves as the primary gateway for



1 the transmission of COVID-19 laboratory results to the
2 department of health.

3 The legislature also finds that the Hawaii immunization
4 registry is a digital vaccination record maintained by the
5 department of health. The registry is particularly useful for
6 ensuring youth who are in unstable situations receive all their
7 vaccinations, avoid duplication, and are able to provide the
8 necessary records to attend school. The registry may also play
9 a role in managing COVID-19 vaccination records.

10 The legislature believes that during a pandemic or any
11 other emergency situation, it is useful for emergency health
12 services to have ready access to vaccination history and organ
13 donor status.

14 The legislature recognizes that services provided by
15 non-traditional health care entities can have a material impact
16 on the health and well-being of Hawaii residents. Health care
17 outcomes are improved when providing medical care to high-risk
18 groups by having access to data on social, community
19 integration, and community transition services that coordinate
20 food and nutrition, transportation, housing, assisted living,
21 personal care, and other social services. These entities



1 provide services that address the social determinants of health,
2 as defined by the United States Centers for Disease Control and
3 Prevention. Making this data available to health care providers
4 on the statewide health information exchange will reduce costs
5 and improve the quality of care for patients.

6 The purpose of this Act is to enhance the value of these
7 systems by:

8 (1) Requiring major social service providers collecting
9 information relative to social determinants of health,
10 including social, community integration, and community
11 transition service data, to coordinate with the
12 state-designated entity for health information
13 exchange to make this information available to the
14 statewide health information exchange for transmission
15 and storage;

16 (2) Making participation in the Hawaii immunization
17 registry mandatory for all providers of immunizations,
18 including COVID-19 vaccines, beginning August 1, 2021;

19 (3) Requiring the examiner of drivers to coordinate with
20 the state-designated entity for health information
21 exchange to link organ donor information in the



1 driver's license database to the statewide health
2 information exchange; and

3 (4) Requiring the department of health to coordinate with
4 the state-designated entity for health information
5 exchange to link information in the Hawaii
6 immunization registry to the statewide health
7 information exchange.

8 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§321- Major social service providers; service
12 information. (a) Major social service providers collecting
13 information relative to social determinants of health, as
14 defined by the United States Centers for Disease Control and
15 Prevention, including social, community integration, and
16 community transition service data, shall coordinate with the
17 state-designated entity for health information exchange to make
18 this information available to the statewide health information
19 exchange for transmission and storage.

20 (b) For the purposes of this section:

21 "Health information exchange" includes:



(1) A private or governmental entity that provides a technical infrastructure to connect computer systems or other electronic devices used by participants to facilitate the secure transmission of health information; and

(2) The exchange of this information between participants.

"Major social service provider" means an entity with assets in excess of \$ that coordinates food and nutrition, transportation, housing, assisted living, personal care, and other social services for individuals in the State."

SECTION 3. Chapter 325, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

"§325- Mandatory enrollment. Beginning August 1, 2021, every health care provider shall enroll and record patient immunization information in the registry, unless the patient, or in the case of a minor, the minor's parent or legal guardian, has elected to refuse inclusion in the registry."

SECTION 4. Section 286-109.6, Hawaii Revised Statutes, is amended to read as follows:



1 "§286-109.6 Limited access to driver's license anatomical
2 gift data. (a) The examiner of drivers shall adopt rules
3 pursuant to chapter 91 to allow an organ procurement
4 organization twenty-four-hour telephone access to the driver's
5 license database information, solely for the purpose of
6 determining whether a driver has indicated a willingness to be
7 an organ donor pursuant to section 286-109.5.

8 (b) The examiner of drivers shall coordinate with the
9 state-designated entity for health information exchange to link
10 organ donor information in the driver's license database to the
11 statewide health information exchange.

12 (c) As used in this section[~~, "organ"~~]:

13 "Health information exchange" includes:

14 (1) A private or governmental entity that provides a
15 technical infrastructure to connect computer systems
16 or other electronic devices used by participants to
17 facilitate the secure transmission of health
18 information; and

19 (2) The exchange of this information between participants.

20 "Organ procurement organization" shall have the same
21 meaning as procurement organization in section 327-2."



SECTION 5. Section 325-121, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

"COVID-19 vaccine" means a vaccine against:

(1) The novel coronavirus identified as SARS CoV-2;

(2) Any mutation of the novel coronavirus identified as SARS CoV-2; and

(3) Any disease or health condition caused by the novel coronavirus identified as SARS CoV-2.

"Health information exchange" includes:

(1) A private or governmental entity that provides a technical infrastructure to connect computer systems or other electronic devices used by participants to facilitate the secure transmission of health information; and

(2) The exchange of this information between participants."



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1 2. By amending the definition of "health care provider" to
2 read:

3 ""Health care provider" means a program, agency, clinic,
4 health care center, physician licensed under the provisions of
5 chapter 453, advanced practice registered nurse licensed under
6 the provisions of chapter 457, pharmacist licensed under the
7 provisions of chapter 461, physician's assistant licensed under
8 the provisions of chapter 453, person authorized to practice
9 medicine as a physician or physician's assistant, or nursing as
10 an advanced practice registered nurse, in federal facilities
11 located in the State, that administers immunizations in Hawaii,
12 including COVID-19 vaccines, or any other person authorized to
13 prescribe vaccinations in Hawaii~~[-]~~, including COVID-19
14 vaccines."

15 SECTION 6. Section 325-122, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "~~§~~325-122~~[-]~~ **Hawaii immunization registry;**
18 **establishment and purposes.** (a) The department of health may
19 establish and maintain an immunization information system to be
20 designated as the Hawaii immunization registry. The purposes of
21 the registry shall be to maintain a single statewide repository



1 of immunization records to aid, coordinate, and help promote
2 efficient and cost-effective screening, prevention, and control
3 of vaccine-preventable diseases, including pandemic influenza.

4 (b) The department of health shall coordinate with the
5 state-designated entity for health information exchange to link
6 information in the Hawaii immunization registry to the statewide
7 health information exchange."

8 SECTION 7. Section 325-124, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§325-124 Purposes for access to registry information;**
11 **access not a disclosure.** (a) Notwithstanding section 325-123,
12 it shall not be a disclosure for the persons listed in
13 subsections (b), (c), (d), ~~[and]~~ (e), and (f) to have limited
14 access to registry information for the purposes specified in
15 each subsection.

16 (b) Registry information regarding specific individuals in
17 the registry may be accessed by authorized health care providers
18 who are treating, have treated, or have been assigned to treat
19 those individuals; by authorized employees of these health care
20 providers; and by authorized department of health personnel



1 assigned to monitor the immunization or health status of those
2 individuals for the purposes of:

- 3 (1) Recording the administration of any vaccination,
4 including pandemic influenza vaccine;
- 5 (2) Determining the immunization history of a patient to
6 deliver health care treatment accordingly;
- 7 (3) Notifying individuals or parents or legal guardians of
8 the need to schedule a visit for an immunization;
- 9 (4) Generating official immunization records;
- 10 (5) Ensuring compliance with mandatory immunization
11 requirements;
- 12 (6) Recording the distribution of prophylactic and
13 treatment medications administered or dispensed in
14 preparation for and in response to a potentially
15 catastrophic disease threat; or
- 16 (7) Complying with Hawaii vaccines for children and other
17 state-provided vaccine programs' vaccine ordering and
18 accountability policies and procedures.

19 (c) Registry information regarding specific individuals in
20 the registry may be accessed by school and post-secondary school
21 personnel authorized by the director of health, the



1 superintendent of education, the director of the executive
2 office on early learning, or the administrator of a private or
3 post-secondary school for the purpose of ensuring compliance
4 with mandatory student immunization requirements.

5 (d) Registry information regarding specific individuals in
6 the registry may be accessed by authorized health organizations
7 that have been contracted to provide health insurance or health
8 plan coverage for those individuals; provided that access is
9 limited to only the enrollees, members, subscribers, and
10 insureds of the authorized health organization, and for the
11 purpose of producing immunization assessment reports by the
12 authorized health organization.

13 (e) Registry information regarding specific individuals in
14 the registry may be accessed by the department of health or
15 agents of the department of health for the purposes of:

16 (1) Ensuring compliance with mandatory immunization
17 requirements;

18 (2) Performing immunization-related quality improvement or
19 quality assessment activities;



1 (3) Complying with Hawaii vaccines for children and other
2 state-provided vaccine programs' vaccine ordering and
3 accountability policies and procedures;
4 (4) Producing aggregate immunization assessment reports to
5 monitor and improve public health;
6 (5) Supporting efforts to prevent and manage outbreaks of
7 vaccine-preventable diseases, including pandemic
8 influenza;
9 (6) Assisting the department of health in the event of a
10 public health emergency; or
11 (7) Managing and maintaining the Hawaii immunization
12 registry system.
13 (f) Registry information regarding specific individuals in
14 the registry may be accessed by the state-designated entity for
15 health information exchange, and the entity's affiliated
16 workforce members acting within the scope of their duties for
17 the entity, for the purposes of linking registry information to
18 the statewide electronic health information exchange.
19 [~~(f)~~] (g) The use of registry information accessed
20 pursuant to this section shall be limited to the purposes for
21 which access is granted."



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1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 2021.

4

INTRODUCED BY:

Chris Korte

JAN 26 2021



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Report Title:

State-designated Entity for Health Information Exchange; Hawaii Health Information Exchange; Hawaii Immunization Registry; DOH

Description:

Requires coordination to link certain information on social services, organ donor status, and immunization data to the statewide health information exchange. Makes participation in the Hawaii immunization registry mandatory for all providers of immunizations, including COVID-19 vaccines, beginning 08/01/2021.

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