



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on SB1421 SD1
RELATING TO MEDICAL RECORDS

REPRESENTATIVE GREGG TAKAYAMA, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date/Time: March 14, 2025; 9:00 AM

Room Number: 329

1 **Department Testimony:** The Department of Health offers comments on SB1421 SD1, which is
2 part of the Governor's Administrative Package. Amendments to SB1421 SD1 that require
3 returning medical records to the patient at the patient's last known address raises the concern
4 that the confidential medical records may be intercepted by someone other than the patient.
5 The department recommends striking the amendments and reverting the bill back to its original
6 draft. However, should the Legislature pursue an outreach mechanism when a healthcare
7 provider closes their practice, then sending a notification to the patient's last know address
8 with instructions on how to access or request their medical records provides another safety
9 measure to maintain confidentiality.

10 Thank you for the opportunity to testify on this measure.

11 Offered amendments:

12 SECTION 2. Section 622-58, Hawaii Revised Statutes, is amended
13 by amending subsection (e) to read as follows:

14 "(e) The health care provider, or the health care provider's
15 successor, shall be liable for the preservation of basic information
16 from the medical record for twenty-five years after the last entry,
17 except in the case of minors, whose records shall be retained during

1 the period of minority plus twenty-five years after the minor reaches
2 the age of majority. If the health care provider is succeeded by
3 another entity, the burden of compliance with this section shall rest
4 with the successor. Before a provider ceases operations, the provider
5 shall make immediate arrangements~~[, subject to the approval of the~~
6 ~~department of health,~~] for the retention and preservation of the
7 medical records [~~in keeping with the intent of this~~
8 ~~section.~~] consistent with federal and state regulations, and notifying
9 patients, at the patient's last known address, of how they can access
10 or request copies of their medical records.

11 SECTION 3. Statutory material to be repealed is bracketed and
12 stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Greg Takayama, Chair
The Honorable Sue L. Keohokapu-Lee Loy, Vice Chair
Members, House Committee on Health

From: Jace Mikulanec, Director, Government Relations, The Queen's Health Systems

Date: March 14, 2025

Re: Support for SB1421 SD1 – Relating to Medical Records

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 10,000 affiliated physicians, caregivers, and dedicated medical staff statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's supports the intent of SB1421 SD1, which repeals the requirement for the Department of Health to approve a provider's arrangement for the retention and preservation of patients' medical records prior to ceasing operations; it also clarifies that retention and preservation of medical records must be consistent with federal and state regulations.

We appreciate the Department of Health's and the Legislature's commonsense approach to modernizing the state's approach to medical record retention. As noted in the preamble of the measure, providers must comply with a set of federal and state regulations (including those under HIPPA, CMS, etc.) that require medical records be retained for certain number of years. This bill could remove a redundant approval requirement that would allow greater flexibility and efficiency when a provider intends to close practice.

We respectfully offer a proposed amendment that addresses a potential patient privacy concern. On page 2, lines 12 and 13 to be replaced with the following: "and notifying patients, at the patient's last known address, of how they can access or request copies of their medical records".

"(e) The health care provider, or the health care provider's successor, shall be liable for the preservation of basic information from the medical record for twenty-five years after the last entry, except in the case of minors, whose records shall be retained during the period of minority plus twenty-five years after the minor reaches the age of majority. If the health care provider is succeeded by another

The mission of The Queen's Health System is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

entity, the burden of compliance with this section shall rest with the successor. Before a provider ceases operations, the provider shall make immediate arrangements~~[, subject to the approval of the department of health,]~~ for the retention and preservation of the medical records ~~[in keeping with the intent of this section.]~~ consistent with federal and state regulations, and notifying patients, at the patient's last known address, of how they can access or request copies of their medical records.

Mahalo for allowing us to provide testimony in support of SB1421 SD1.