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# A BILL FOR AN ACT

RELATING TO MEDICAL RECORDS.

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

1           SECTION 1. The legislature finds that health care  
2 providers and health care systems have internal policies and  
3 procedures, external accreditation requirements, and regulations  
4 from federal agencies such as the Centers for Medicare and  
5 Medicaid Services that ensure the retention and preservation of  
6 medical records. The legislature further finds that the  
7 department of health's role in approving plans for the  
8 disposition of patients' medical records when a health care  
9 provider ceases operations is no longer necessary.

10           The purpose of this Act is to repeal the requirement for  
11 the department of health to approve a health care provider's  
12 arrangements for the retention and preservation of patients'  
13 medical records prior to the health care ceasing operations and  
14 clarify the requirements for any such arrangements.

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



1           "(e) The health care provider, or the health care  
2 provider's successor, shall be liable for the preservation of  
3 basic information from the medical record for twenty-five years  
4 after the last entry, except in the case of minors, whose  
5 records shall be retained during the period of minority plus  
6 twenty-five years after the minor reaches the age of majority.  
7 If the health care provider is succeeded by another entity, the  
8 burden of compliance with this section shall rest with the  
9 successor. Before a provider ceases operations, the provider  
10 shall make immediate arrangements [~~, subject to the approval of~~  
11 ~~the department of health,~~] for the retention and preservation of  
12 the medical records [~~in keeping with the intent of this~~  
13 ~~section.~~] consistent with federal and state regulations, and  
14 notifying a patient, at the patient's last known address, of how  
15 the patient can access or request copies of the patient's  
16 medical records."

17           SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19           SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

DOH; Retention and Preservation of Medical Records; Health Care Providers; Repeal; Ceasing Operations

**Description:**

Repeals the requirement for the Department of Health to approve a health care provider's arrangement for the retention and preservation of patients' medical records prior to the provider ceasing operations. Clarifies that retention and preservation of medical records must be consistent with federal and state regulations and requires providers to notify patients on how to access or request copies of their medical records. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

