

## ACT 13

A Bill for an Act Relating to Information Received by the Department of Health in Making Studies Related to Problems of Mental Health and Mental Retardation.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of facts constituting such urgency :

Congress has appropriated over \$330,000 for the current year for the purpose of aiding the State of Hawaii to develop a mental health plan. Such a plan must be based on current and accurate information in order to assess the needs in mental health and mental retardation.

For mental health planning, it is essential to know the actual prevalence of mental illness, emotional disorders and mental retardation in the total community, and this information is not currently available in Hawaii except for those state facilities reporting to the central statistical unit, mental health division, department of health. Based on studies done in other states, the above sources take care of less than half the mentally ill in a community, the private and voluntary facilities and private practitioners taking care of the majority of cases.

Experience in relation to studies to secure information required for mental health, has clearly demonstrated that private agencies and physicians have been unable to provide this information in the absence of legal protection even though they are desirous of cooperating.

In order to develop the most meaningful mental health plan for the State of Hawaii by utilizing all available sources and to insure that the State qualifies for the appropriated Federal funds, sufficient legal protection must be provided private agencies and physicians.

SECTION 2. Any person, public or private medical facility, or social or educational agency, may provide information, interviews, reports, statements, memoranda, or other data or relevant material relating to individuals to the department of health to be used in the course of any study for the purpose of reducing morbidity or mortality resulting from mental illness or mental retardation, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings, conclusions and summaries of such research or study committees to advance medical research and medical education.

SECTION 3. Said material shall be used or published only for the purpose of advancing medical research, medical education or education of the public in the interest of reducing morbidity or mortality. The identity, or any group of facts which tends to lead to the identity, of any person whose condition or treatment has been studied shall be confidential and shall not be revealed in any reports or any other matter prepared, released or published by such research or study committees under any circumstances.

SECTION 4. Any findings, conclusions or summaries resulting from medical studies within the scope of this Act shall not be used or made

available in any legal proceeding. Any information provided to any research or study committee shall not be used or made available in any legal proceeding unless it is unobtainable from the original source. In such event, the judicial officer shall in chambers inspect the committee's findings, conclusions or summaries and make available factual information contained therein.

SECTION 5. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and fined not more than \$500.

SECTION 6. If any provision of this Act is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Act.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 20, 1964.) **S.B. 33.**

---