

ACT 150

S.B. NO. 934

A Bill for an Act Relating to Medical Records.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 622-57, Hawaii Revised Statutes, is amended to read as follows:

“[[]§622-57[]] Availability of medical records. If a patient of a health care provider as defined in section 671-1, requests copies of his or her medical records, the copies shall[, if available,] be made available to the patient unless in the opinion of the health care provider it would be detrimental to the health of the patient to obtain the records. If the health care provider is of the opinion that release of the records to the patient would be detrimental to the health of the patient, the health care provider [must] shall advise the patient that copies of the records will be made available to the patient’s attorney upon presentation of a proper authorization signed by the patient.

If an attorney for a patient asks a health care provider for copies of the patient’s medical records and presents a proper authorization from the patient for the release of the information, complete and accurate copies of the records shall be given to the attorney within a reasonable time not to exceed ten working days.

Reasonable costs incurred by a health care provider in making copies of medical records shall be borne by the requesting person.”

SECTION 2. Part V, chapter 622, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§622- Retention of medical records. Medical records may be computerized or minified by the use of microfilm or any other similar photographic process; provided that the method used creates a permanent, unaltered record.

The health care provider shall retain medical records in the original or reproduced form for a minimum of seven years after the last data entry except in the case of minors whose records shall be retained during the period of minority plus seven years after the minor reaches the age of majority.

Medical records may be destroyed after the seven-year retention period or after minification, in a manner that will preserve the confidentiality of the information in the record; provided that the health care provider retains basic information from each record destroyed.

Basic information from the records of a physician or surgeon shall include, but not be limited to, the patient’s name and birthdate, a list of dated diagnoses and intrusive treatments, and a record of all drugs prescribed or given.

Basic information from the records of a health care facility, as defined in section 323D-41(4), shall include, but not be limited to, the patient’s name and birthdate, dates of admissions and discharges, names of responsible physicians, records of all diagnoses, operations, and special study results, operative reports, pathology reports, and discharge summaries.

If the health care provider is succeeded by another entity, the burden of compliance with this section shall rest with the successor. The department of health shall adopt rules pursuant to chapter 91 governing the disposal of medical records when a health care provider ceases activity without a successor; provided that the rules shall be in keeping with the intent of this section.

For the purposes of this section, the term “health care provider” is defined in section 671-1.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 25, 1984.)