

ACT 244

H.B. NO. 201

A Bill for an Act Relating to the Privacy of Health Care Information Act.

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

SECTION 1. The legislature finds that Act 87, Session Laws of Hawaii 1999, was well intended to protect the privacy of medical patients. However, when the Act’s effective date of July 1, 2000, approached, Hawaii’s businesses, insurers, physicians, and even state agencies realized the difficulty and/or impossibility of compliance. With the civil and criminal penalties so severe, the 2000 legislature, during the second special session, amended the law so that entities affected by this chapter could have an additional year to comply, as well as attend the Medical Privacy Task Force meetings to have their concerns addressed.

It was not the intent of the legislature at that time to have Act 87, Session Laws of Hawaii 1999, repealed. However, after a series of informational briefings in January 2001, and careful review of the dissenting report, the 2001 legislature finds little support for a Hawaii Medical Privacy Law in light of the adoption of federal rules and regulations on medical privacy by the United States Department of Health and Human Services. In fact, long-time supporters and original medical privacy task force members stated that they may support a repeal of Act 87, Session Laws of Hawaii 1999, in light of the federal government’s action.

The legislature further finds that although there is a concern about the privacy of medical records, there is no evidence of widespread abuse in Hawaii. This is a complex issue, and there needs to be a clear understanding of what, if any, problems Hawaii faces in protecting medical privacy.

Thus, considering the testimony from the recent informational briefings, which included the testimony of the lieutenant governor, the purpose of this Act is to repeal Act 87, Session Laws of Hawaii 1999, and all other acts related to Act 87 which in whole or in part amended Act 87 or its preliminarily codified provisions in chapter 323C, Hawaii Revised Statutes, except the provision on furnishing mental health information to the chief of police for the evaluation of fitness to acquire or own a firearm. This provision is reenacted in the firearms law.

SECTION 2. Act 127, Session Laws of Hawaii 2000, is amended by repealing section 3.

~~[“SECTION 3. Chapter 323C, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated to read as follows:~~

~~“§323C-A Disclosure for firearm permit and registration purposes. A health care provider or public health authority shall disclose health information, including protected health care information, relating to an individual’s mental health history, to the appropriate county chief of police in response to a request for the information from the chief of police, provided that:~~

- ~~(1) The information shall be used only for the purposes of evaluating the individual’s fitness to acquire or own a firearm; and~~
- ~~(2) The individual has signed a waiver permitting release of the health information for that purpose.”’]~~

SECTION 3. Act 87, Session Laws of Hawaii 1999, is repealed.

SECTION 4. Act 91, Session Laws of Hawaii 2000, part II, is repealed.

SECTION 5. Act 140, Session Laws of Hawaii 2000, is repealed.

SECTION 6. Act 1, Second Special Session Laws of Hawaii 2000, is repealed.

SECTION 7. Statutory material to be repealed is bracketed and stricken.

SECTION 8. This Act shall take effect on June 30, 2001.

(Approved June 14, 2001.)