STAND. COM. REP. NO.

Honolulu, Hawaii APR 1 3 2007

RE:

S.C.R. No. 48

S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.C.R. No. 48, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII DISABILITY RIGHTS CENTER TO PROVIDE AN ANALYSIS OF THE LAWS GOVERNING ITS ACCESS TO PATIENT RECORDS AND ITS POLICIES AND PROCEDURES FOR CONDUCTING INVESTIGATIONS,"

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the Hawaii Disability Rights Center to provide an analysis of the laws governing its access to patient records and its policies and procedures for conducting investigations.

This Concurrent Resolution also requests the Hawaii Disability Rights Center to submit a report to the Legislature and the Attorney General no later than twenty days prior to the convening of the Regular Session of 2008 to include:

- An outline of the federal authority that grants the Hawaii Disability Rights Center access to:
 - (A) Facilities serving individuals with disabilities;
 - (B) Individuals with disabilities; and
 - (C) The records of the individuals with disabilities;

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- (2) With the concurrence of the federal Administration on Developmental Disabilities, an analysis of the interrelationship between the federal authority and the laws protecting the privacy of individuals and their records; and
- (3) A statement of its policies and procedures regarding the manner in which it conducts investigations of allegations of abuse or neglect of an individual with a disability, including how, when, and under what circumstances, the investigations are undertaken.

The Attorney General is requested to offer comments to the Legislature regarding the report. This Concurrent Resolution also urges the parties to the litigation between the Hawaii Disability Rights Center and the Opportunities for the Retarded, Inc. to amicably settle the pending litigation.

Your Committee received comments in support of this concurrent resolution from The ARC in Hawaii, the Hawaii Disability Rights Center, twenty-one officers, board members, staff, and individual supporters of Opportunities for the Retarded, Inc., and nine individuals.

Your Committee finds that clarification of the relationship between the laws mandating access to the records of an individual with developmental disabilities and mental illness to a protection and advocacy agency and the laws protecting the privacy of that individual is necessary.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 48, S.D. 1, and recommends its adoption.

Respectfully submitted on behalf of the members of the Committee on Ways and Means,

Kesslyn & Baker ROSALYN H. BAKER, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Ways and Means WAM

| SCR 48 SD HSP, WAM Date: 4/11/07 | | | | |
|--|-------------|----------|-----|---------|
| The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: | | | | |
| The Recommendation is: | | | | |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| BAKER, Rosalyn H. (C) | 1 | | | |
| TSUTSUI, Shan S. (VC) | | | | |
| CHUN OAKLAND, Suzanne | / | | | |
| ENGLISH, J. Kalani | | | | / |
| FUKUNAGA, Carol | | | | |
| HOOSER, Gary L. | | | | |
| KIM, Donna Mercado | | | | |
| MENOR, Ron | | | | |
| TOKUDA, Jill N. | | | | |
| HEMMINGS, Fred | | | | |
| WHALEN, Paul | | | | |
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| TOTAL | 6 | 0 | 0 | -گ |
| Recommendation: Adopted | Not Adopted | | | |
| Chair's or Designee's Signature: | | | | |
| Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency | | | | |