STAND. COM. REP. NO. 749

Honolulu, Hawaii

Feb16, 2007

H.B. No. 1597 RE: H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committees on Health and Human Services & Housing, to which was referred H.B. No. 1597 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE,"

beg leave to report as follows:

The purpose of this bill is to ensure that individuals receive proper care by requiring health care facilities and providers to notify the state-designated protection and advocacy system prior to transferring any individual with a developmental disability, mental illness, or other disability to an out-of-state treatment, rehabilitation, or long-term care facility.

The State Council on Developmental Disabilities, Hawaii Disability Rights Center, Center on Disability Studies, and a concerned individual testified in support of this bill. Department of Health did not support this measure. The Queen's Medical Center provided comments.

Your Committees respectfully request the Attorney General and Hawaii Disability Rights Center to provide opinions on whether this measure may be in violation of the Health Insurance Portability and Accountability Act (HIPAA) and to provide suggested amendments to this measure to address those concerns.

Your Committees have amended this bill by:

- (1) Removing the provisions stating the right of individuals to receive long-term treatment under specified conditions;
- (2) Adding elderly individuals in need of basic medical care under the notification requirements for the state-designated protection and advocacy system; and
- (3) Exempting prisoners from the notification requirements;
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services & Housing that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1597, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1597, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services & Housing,

- May C

MAILE SHIMABUKURO, Chair

JOSHUA B. GREEN, M.D., Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.: 143 1544 1597		Date:	Date: 2-15-07				
Committee Referral: HSH, F/IV		☐ The c	☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended		X	Pass, with amendments				
☐ Hold			 Pass, with amendments, for recommittal for further consideration 				
HLT Members		Ayes	Ayes (WR)	Nays	Excused		
1. GREEN, Josh, M.D. (C)		V					
2. MIZUNO, John (VC)		V					
3. BELATTI, Della Au		V	-				
4. BERTRAM, Joe, III		V					
5. CABANILLA, Rida T.R.					ν		
6. RHOADS, Karl		V					
7. SHIMABUKURO, Maile S. L.		V		1			
8. TAKAI, K. Mark		V_					
9. TOKIOKA, James Kunane		V					
10. AWANA, Karen Leinani		V					
11. WARD, Gene, Ph.D.		V		1:	in the second se		

TOTAL		10			1		
The recommendation is:	Adopted						
	☐ Not Adopted						
	If joint referral,		did not support	recommendation			
committee acronym(s)							
Vice Chair's or designee's signature;							
John M. Mayo							
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Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: HB 1547	Date:	2/15/07	-				
Committee Referral: HLT /HSH, FIN		☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended	X	Pass, with amendments					
☐ Hold ☐ Pass, with amendments, for recommittal for further consideration							
HSH Members	Ayes	Ayes (WR)	Nays	Excused			
1. SHIMABUKURO, Maile S. L. (C)	/						
2. RHOADS, Karl (VC)							
3. BELATTI, Della Au	/						
4. BERTRAM, Joe, III	/						
5. CABANILLA, Rida T.R.							
6. GREEN, Josh, M.D.							
7. MIZUNO, John							
8. TAKAI, K. Mark							
9. TOKIOKA, James Kunane				Notes St. 18			
10. AWANA, Karen Leinani							
11. WARD, Gene, Ph.D.							
		:					

TOTAL	lo			1			
The recommendation is: Adopted							
/							
☐ Not Adopted							
If joint referral, did not support recommendation. committee acronym(s)							
Vice Chair's or designee's signature:							

Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office							