

JAN 16 2014

S.B. NO. 2192

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Following the passage of the health insurance
2 portability and accountability act (HIPAA), the secretary of the
3 United States Department of Health and Human Services
4 promulgated the standards for privacy of individually
5 identifiable health information, also known as the privacy rule.
6 The privacy rule guarantees patients' rights to access and
7 obtain copies of their medical records.

8 The legislature finds that individuals having
9 responsibility for decisions respecting their own health care
10 possess a concomitant right of access to complete information
11 respecting their condition and care provided. Allowing patients
12 access to their medical records will not only educate patients
13 about their medical conditions and possible treatments, it will
14 help ensure that records are available to new care providers
15 when patients relocate, change doctors, or when a health care
16 provider no longer provides services.

17 Currently, obtaining a copy of medical records can be a
18 long and expensive process for patients. For example, after a



1 medical facility declares bankruptcy, there are often extensive
2 time delays and costs involved for the bankrupt medical
3 facility's patients to obtain their own medical records.

4 The purpose of this Act is to permit patients to obtain
5 copies of their own medical records free of charge from a
6 medical facility that has filed for bankruptcy.

7 SECTION 2. Chapter 323, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§323- Access to medical records; bankruptcy. (a)
11 Before a medical facility files for bankruptcy, the medical
12 facility shall inform every patient or former patient by written
13 notice that the patient or former patient is entitled to a copy
14 of their own medical records at no charge. Upon receiving a
15 written request from the patient or former patient, the medical
16 facility shall provide a paper or electronic copy of the medical
17 records to the patient or former patient within thirty working
18 days from the date of the request or within sixty working days
19 if the record is stored off-site.

20 (b) A violation of this section may be grounds for
21 disciplinary action against a provider by the appropriate
22 licensing authority.



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(c) For the purposes of this section, unless the context clearly indicates otherwise:

"Medical facility" shall have the same meaning as in section 622-51.

"Medical records" shall have the same meaning as in section 622-51."

SECTION 3. Section 622-57, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) [Reasonable] Except as provided in section 323- , reasonable costs incurred by a health care provider in making copies of medical records shall be borne by the requesting person."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Medical Records; Medical Facilities; Bankruptcy

Description:

Permits patients to obtain their medical records free of charge from medical facilities that have declared bankruptcy.

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