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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. The state health planning and development  
2 agency is tasked with promoting accessibility to quality health  
3 care services for all people of the State at reasonable cost.

4           The legislature finds that health care payers collect and  
5 analyze health care services claims and payment information for  
6 federal regulatory compliance and business accounting purposes.  
7 Reporting health care services claims and payment information to  
8 the state health planning and development agency would support  
9 collection analysis and dissemination of medical treatment  
10 claims and payment information, and lend to transparency in the  
11 health care sector and support public policy decision making.

12 The legislature believes that consumers of health care and state  
13 decision makers who regulate health care and insurance should  
14 have access to health care claims payment data and analytics.

15           The purpose of this Act is to facilitate greater  
16 transparency in the health care sector by broadening the scope  
17 of health and health care data and other information, including



1 health care services claims and payment information, submitted  
2 to the state health planning and development agency.

3 SECTION 2. Section 323D-18, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§323D-18 Information required of providers[-] and payers  
6 of health care services claims. (a) Providers of health care  
7 and all payers of claims for payment for health care services  
8 delivered to any person, including providers of public or  
9 private health insurance, doing business in the State shall  
10 submit [~~sueh~~], consistent with all federal and state data use  
11 and disclosure, privacy, security, and confidentiality laws,  
12 data and statistical and other reports of information related to  
13 health and health care as the state agency finds necessary to  
14 the performance of its functions. The information deemed  
15 necessary includes [~~but is not limited to~~]:

16 (1) Information regarding changes in the class of usage of  
17 the bed complement of a health care facility under  
18 section 323D-54(9);

19 (2) Implementation of services under section 323D-54;



- 1 (3) Projects that are wholly dedicated to meeting the
- 2 State's obligations under court orders, including
- 3 consent decrees, under section 323D-54(10);
- 4 (4) Replacement of existing equipment with an updated
- 5 equivalent under section 323D-54(11);
- 6 (5) Primary care clinics under the expenditure thresholds
- 7 under section 323D-54(12); [and]
- 8 (6) Equipment and services related to that equipment, that
- 9 are primarily intended for research purposes as
- 10 opposed to usual and customary diagnostic and
- 11 therapeutic care[-]; and
- 12 (7) Health care services claims and payment data,
- 13 including information about the nature of the
- 14 reimbursement and any fees, discounts, incentives, or
- 15 performance payments affecting the rate of
- 16 reimbursement from any insurer.

17 The state agency shall not disclose any individual  
18 patient's personal health information in violation of state or  
19 federal law.

20 (b) The state agency shall submit acquired data to a  
21 University of Hawaii data center that shall comply with the



1 conflict of interest provisions of title 42 United States Code  
 2 section 300gg-94(d)(2) that require a data center established  
 3 under title 42 United States Code section 300gg-94(c)(1)(C) to  
 4 adopt by-laws ensuring that the center and all members of the  
 5 center's governing board are independent and free from all  
 6 conflicts of interest; provided that the state agency shall  
 7 initially submit data to the college of social sciences, social  
 8 sciences research institute, pacific health informatics and data  
 9 center at the University of Hawaii; provided further that the  
 10 University of Hawaii data center may opt to no longer provide  
 11 data services to the state agency upon ninety days written  
 12 notice to the state agency.

13 (c) The entity accepting health care services claims and  
 14 payment data shall enter into a negotiated data sharing  
 15 agreement with any payer or insurer before data is submitted."

16 SECTION 3. Section 323D-18.5, Hawaii Revised Statutes, is  
 17 repealed.

18 ~~["§323D-18.5] Information from providers of health~~  
 19 ~~insurance. The state agency may request providers of health~~  
 20 ~~insurance doing business in the State to submit to the state~~  
 21 ~~agency available statistical, financial, and other reports of~~



1 ~~information that the state agency finds necessary to perform its~~  
2 ~~functions." ]~~

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

5 SECTION 5. This Act shall take effect on July 1, 2050.

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**Report Title:**

State Health Planning and Development Agency; Health and Health Care Information and Data

**Description:**

Broadens the scope of health and health care data and other information submitted to the state health planning and development agency. Takes effect on 7/1/2050. (SD1)

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