STAND. COM. REP. NO. 3291

Honolulu, Hawaii

APR 0 4 2016

RE: H.B. No. 2311 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2311, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Health to continue for two more years to disclose lists of names and partial social security numbers of persons whose deaths have been recorded by the Department to state agencies that maintain official lists of persons and are prohibited by federal law from sharing information from the lists.

Your Committee received testimony in support of this measure from the Department of Health and Hawaii Employer-Union Health Benefits Trust Fund. Your Committee received comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that although the Department of Health is allowed to verify information contained in vital statistics records by employing a process that matches its vital statistics information with information provided by agencies, that process cannot be used by state agencies whose lists are confidential under federal law. The Department of Health is also prohibited from disclosing information in confidential vital statistics records, except as provided by law. Act 27, Session Laws of Hawaii 2014 (Act 27), is one such law that authorizes the Department of Health to disclose, upon request, the names of



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persons whose deaths have been recorded by the Department to state agencies that maintain official lists of persons and are prohibited from federal law from sharing information from the lists. However, Act 27 is scheduled to sunset on July 1, 2016.

Your Committee further finds that some governmental agencies within the State that keep official lists of persons need to know when members on their lists have died. This notification of death is important in maintaining the integrity of certain programs, such as Medicaid, by stopping unnecessary payments to contracted managed care health plans on behalf of deceased individuals. By allowing the Department of Health to continue to report deaths to state agencies that maintain official lists that are confidential under federal law, this measure assists state agencies to maximize the accuracy of their official lists and avoid overpaying benefits and wasting public funds.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2311, S.D. 1, and recommends that it pass Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

and ac sitt GILBERT S.C. KEITH Chair



The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

| Bill / Resolution No.:* | Committee | Referral: | Dat | :e: / | 1 |
|--|------------------|-----------|----------|-------------|---------|
| HB 2311 SDI | CPH, JDL 3/29/16 | | | | |
| 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 |
| KEITH-AGARAN, Gilbert S.C. (C) | | | | | |
| SHIMABUKURO, Maile S.L. (VC) | | | | | |
| GABBARD, Mike | | | | | |
| KAHELE, Kaiali'i | | / | | | |
| KIM, Donna Mercado | | | | | |
| THIELEN, Laura H. | | 1 | | | |
| SLOM, Sam | | | | | |
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| TOTAL | | 4 | | | 2 |
| Recommendation: | | | | | |
| Adopted Not Adopted | | | | | |
| Chair's or Designee's Signature: | | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | | |

*Only one measure per Record of Votes