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TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Wednesday, March 29, 2017
2:00 p.m.

TESTIMONY ON SENATE BILL NO. 1171, S.D. 1 – RELATING TO THE HEALTH CARE PRIVACY HARMONIZATION ACT.

TO THE HONORABLE SCOTT Y. NISHIMOTO, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department supports this bill if used for an All-Payer Claims Database project or similar purpose.

This bill identifies circumstances in which the State has a compelling interest in the use and disclosure of de-identified protected health information and recognizes that use and disclosure of de-identified protected health information is subject to 45 Code of Federal Regulations part 164.

We support the use of de-identified protected health information in a manner that is consistent with federal regulations. Such information may be helpful for an All-Payer Claims Database or similar purpose by providing data to help analyze health care cost drivers, and lead to activities for improving population health.

We thank the Committee for the opportunity to present testimony on this matter.

**March 29, 2017 at 2:00 pm
Conference Room 325**

House Committee on Judiciary

To: Representative Scott Nishimoto, Chair
Representative Joy San Buenaventura, Vice Chair

From: Michael Robinson
Vice President -- Government Relations and Community Affairs

Re: **SB 1171, SD1, Relating to the Health Care Privacy Harmonization Act
Testimony in Support**

My name is Michael Robinson, and I am the Vice President of Government Relations and Community Affairs for Hawai'i Pacific Health (HPH). Hawai'i Pacific Health is a not-for-profit health care system with over 70 locations statewide including medical centers, clinics, physicians and other caregivers serving Hawai'i and the Pacific Region with high quality, compassionate care. Its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox – specialize in innovative programs in women's health, pediatric care, cardiovascular services, cancer care, bone and joint services and more. Hawai'i Pacific Health is recognized nationally for its excellence in patient care and the use of electronic health records to improve quality and patient safety.

HPH **supports** SB 1171, SD1 which identifies circumstances in which the State has a compelling interest in the use and disclosure of de-identified protected health information under the Health Care Privacy Harmonization Act. We recognize that there may be circumstances under which the State has a compelling interest in protected health information as outlined in SB 1171. However, despite the State's compelling interests, it remains necessary to protect patient privacy and confidentiality. We appreciate the amendments contained in the current draft of the measure, specifying that the health information must be de-identified pursuant to title 45 Code of Federal Regulations part 164.

Thank you for the opportunity to testify.

To: The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
Members, Committee on Judiciary

From: Paula Yoshioka, Senior Vice President, The Queen's Health Systems

Date: March 24, 2017

Hrg: House Committee on Judiciary Hearing; Wednesday, March 29, 2017 at 2:00PM in
Room 325

Re: **Support for SB 1171, SD1, Relating to the Health Care Privacy Harmonization Act**

My name is Paula Yoshioka, and I am a Senior Vice President at The Queen's Health Systems (QHS). We would like to express our **support** for SB 1171, SD1, Relating to the Health Care Privacy Harmonization Act. This bill identifies certain circumstances under which the State has a compelling interest in the disclosure, use, and production of de-identified protected health information under the Health Care Privacy Harmonization Act; provided that the information has been de-identified pursuant to title 45 Code of Federal Regulations part 164.

QHS supports the use of de-identified protected health information in a manner that is consistent with federal regulation as provided in this bill and concur with the testimony provided by the Chamber of Commerce of Hawaii.

We commend the legislature for introducing this measure and ask you to support it.

Thank you for your time and attention to this important issue.



Chamber of Commerce HAWAII
The Voice of Business

**Testimony to the House Committee on Judiciary
Wednesday, March 29, 2017 at 2:00 P.M.
Conference Room 325, State Capitol**

**RE: SENATE BILL 1171 SD1 RELATING TO THE HEALTH CARE PRIVACY
HARMONIZATION ACT**

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee:

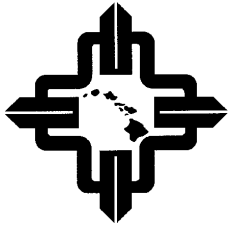
The Chamber of Commerce Hawaii ("The Chamber") **strongly supports** SB 1171 SD1, which identifies certain circumstances under which the State has a compelling interest in the disclosure, use, and production of de-identified protected health information under the Health Care Privacy Harmonization Act; provided that the information has been de-identified pursuant to title 45 Code of Federal Regulations part 164.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,600+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We believe that this bill is of significant interest to the business community as it impacts the way that the health information of individuals relevant to operations may be accessed, as stated in the bill, "for the purposes of medical or economic research, patient protection, public safety, and the proper operation of medical and health care facilities."

We ask that this bill be passed and appreciate the hard work and leadership of this and other committees.

Thank you for the opportunity to testify.



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

**House Committee on Judiciary
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair**

March 29, 2017
Conference Room 325
2:00 p.m.
Hawaii State Capitol

**Testimony in support of Senate Bill 1171, SD1, Relating to the Health Care Privacy
Harmonization Act**

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporate Board of Directors, thank you for the opportunity to present testimony **in support of** S.B. 1171 relating to the Health Care Privacy Harmonization Act.

HHSC is in support of this measure insofar as it clarifies and confirms the permissible use of de-identified patient information for legitimate and necessary purposes, including but not limited to hospital operations. We believe that adequate safeguards for patient information are provided by the existing HIPAA framework that is applicable nationwide and here in Hawaii in accordance with the Health Care Privacy Harmonization Act. It is important and timely to clarify the scope of protections applicable to patient privacy under the Hawaii State Constitution via this Bill. We respectfully wish to clarify that once the requirements for de-identification under HIPAA are satisfied, the information is no longer considered "protected health information" under HIPAA, and HIPAA restrictions on use or disclosure cease to apply.

Thank you for the opportunity to testify before this committee.