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## A BILL FOR AN ACT

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RELATING TO MEDICAL RECORDS.

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

1       SECTION 1. The legislature finds that health care  
2 providers and health care systems have internal policies and  
3 procedures, external accreditation requirements, and regulations  
4 from federal agencies such as the Centers for Medicare and  
5 Medicaid Services that ensure the retention and preservation of  
6 medical records. The legislature further finds that the  
7 department of health's role in approving plans for the  
8 disposition of patients' medical records when a health care  
9 provider ceases operations is no longer necessary.

10       The purpose of this Act is to repeal the requirement for  
11 the department of health to approve a provider's arrangements  
12 for the retention and preservation of patients' medical records  
13 prior to ceasing operations.

14       SECTION 2. Section 622-58, Hawaii Revised Statutes, is  
15 amended by amending subsection (e) to read as follows:

16       "(e) The health care provider, or the health care  
17 provider's successor, shall be liable for the preservation of

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1 basic information from the medical record for twenty-five years  
2 after the last entry, except in the case of minors, whose  
3 records shall be retained during the period of minority plus  
4 twenty-five years after the minor reaches the age of majority.  
5 If the health care provider is succeeded by another entity, the  
6 burden of compliance with this section shall rest with the  
7 successor. Before a provider ceases operations, the provider  
8 shall make immediate arrangements [~~, subject to the approval of~~  
9 ~~the department of health,~~] for the retention and preservation of  
10 the medical records [~~in keeping with the intent of this~~  
11 ~~section.~~] consistent with federal and state regulations."

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 Statutory material to be repealed is bracketed  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

14 SECTION 4. This Act shall take effect upon its approval.

15  
16 INTRODUCED BY:



17  
BY REQUEST  
JAN 21 2025

# H.B. NO. 1102

**Report Title:**

DOH; Retention of Medical Records; Repeal

**Description:**

Repeals the requirement for the Department of Health to approve a provider's arrangement for the retention and preservation of patients' medical records prior to ceasing operations.

Clarifies that retention and preservation of medical records must be consistent with federal and state regulations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO MEDICAL RECORDS.

PURPOSE: To repeal the requirement for the Department of Health to approve a provider's arrangement for the retention and preservation of patients' medical records prior to ceasing operations.

MEANS: Amend section 622-58(e), Hawaii Revised Statutes.

JUSTIFICATION: Requiring approval from the Department of Health for the disposition of medical records is ineffective and outdated. Modern electronic medical record systems have features that provide security, redundancy, and protection for medical records, including patient accessibility through secure portals.

Impact on the public: None.

Impact on the department and other agencies: There is no practical impact because health care providers have not sought department approval for the retention and preservation of medical records for at least twenty years.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 907.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.