

ACT 190

S.B. NO. 1521

A Bill for an Act Relating to Health Care Data Discovery.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there are increasing demands for the public accountability of the medical profession from consumers, corporate purchasers of health care, and publicly supported health programs. Consumer advocates, health care providers, health insurance companies, and governmental entities also want information related to quality and costs of care provided by both hospitals and physicians in order to make informed purchasing decisions. In order to encourage the proper use of data collected for specific research and outcomes studies, planning, and decision making, safeguards are needed to protect the confidentiality and misuse of data. The purpose of this Act is to safeguard the use of physician-specific aggregate data by deeming this data not subject to discovery or admission into evidence.

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SECTION 2. Chapter 622, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§622- Health care data discovery. Where health care data submitted to either a public or private organization for the purpose of aggregate treatment outcomes, trends, or cost analysis, or public reporting, that identifies or reasonably could be used to identify specific physicians, health care professionals, or individual patients, that portion of the data shall not be subject to discovery or admission into evidence in any civil or administrative proceeding involving the organization. Information, documents, or records made in the regular course of business by a hospital or other provider of health care are not to be construed as immune from discovery or use in any civil or administrative proceeding merely because they were presented to an organization for aggregate analysis.”

SECTION 3. Section 622-51, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Health care data” means information submitted for outcomes, trends, or cost analysis, and research or informed policy and decision making relating to health care costs, mortality, morbidity, and treatment outcomes including but not limited to the:

- (1) Date of admission and date of discharge;
- (2) Patient discharge status;
- (3) Principal and secondary diagnoses;
- (4) Principal and secondary procedures;
- (5) Total charge segregated by service, procedures, facility, drugs, and medical supplies used; and
- (6) Total payment-reimbursed to the health care professional or provider.”

SECTION 4. New statutory material is underscored.¹

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

(Approved June 15, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.