

ACT 157

S.B. NO. 1171

A Bill for an Act Relating to the Health Care Privacy Harmonization Act.

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

SECTION 1. The purpose of this Act is to identify the 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. It is not the intent of the legislature to foreclose other circumstances in which the State may similarly have a compelling interest in the use or disclosure of this information.

SECTION 2. Chapter 323B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§323B- Disclosure, use, and production of de-identified protected health information. (a) Provided that individually identifiable protected health information has been de-identified pursuant to title 45 Code of Federal Regulations part 164, as may be amended, the State shall have a compelling interest in the public and private disclosure, use, and production of the de-identified protected health information for the purposes of medical or economic research, protecting patient or public safety, ensuring proper operation of facilities providing medical care, and health care operations as defined in title 45 Code of Federal Regulations part 164, as may be amended.

(b) Public and private uses of de-identified protected health information in which the State shall have a compelling interest include but are not limited to:

- (1) De-identified protected health information from state agencies, hospitals, medical and health care facilities, health care providers, and providers of health insurance relating to:
 - (A) Medical or economic research; and
 - (B) Public safety;
- (2) De-identified protected health information from state agencies, pharmacies, hospitals, medical and health care facilities, health care providers, and providers of health insurance relating to patient protection and public safety involving unfair or deceptive acts or practices, restraints of trade, and price-fixing in violation of chapter 480; and
- (3) De-identified protected health information from state agencies, hospitals, medical and health care facilities, and health care providers relating to the proper operation of medical and health care facilities that includes:
 - (A) Quality assessment and improvement activities;
 - (B) Patient protection and safety activities;
 - (C) Population based activities relating to improving health or reducing health care costs;
 - (D) Fraud and abuse detection and compliance; and
 - (E) Employment actions.”

SECTION 3. Section 323B-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““De-identified protected health information” has the same meaning as in title 45 Code of Federal Regulations section 164.514(a), as may be amended.”

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2017.

(Approved July 10, 2017.)

Note

1. Edited pursuant to HRS §23G-16.5.