

# S.B. NO. 2840

JAN 27 2016

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## A BILL FOR AN ACT

RELATING TO REPORTING DEATHS TO STATE AGENCIES.

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

1           SECTION 1. The legislature finds that some governmental  
2 agencies within the State that keep official lists of persons,  
3 in the ordinary course of the agency's activities, need to know  
4 when members on their lists have died so that they can, for  
5 example, discontinue providing benefits. Although section 338-  
6 18(g), Hawaii Revised Statutes, allows the department of health  
7 to verify information contained in vital statistics records by  
8 employing a process that matches its vital statistics  
9 information with information provided by agencies, that process  
10 cannot be used by state agencies whose lists are confidential  
11 under federal law.

12           The legislature also finds that it is unlawful for the  
13 department of health to disclose information contained in  
14 confidential vital statistics records, except as authorized by  
15 law. Allowing the department of health to report deaths to  
16 state agencies that maintain official lists that are  
17 confidential under federal law would assist state agencies to

S.B. NO. 2840

1 maximize the accuracy of their official lists and avoid  
2 overpaying benefits and wasting public funds.

3 SECTION 2. Act 27, Session Laws of Hawaii 2014, is amended  
4 by amending section 2 to read as follows:

5 "SECTION 2. Chapter 338, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8 "§338- Deaths reported to state agencies. (a)  
9 Notwithstanding section 338-18, the department of health, within  
10 six weeks after the end of each quarter or other agreed upon  
11 period, shall deliver to a state agency a list of the names of  
12 all persons whose deaths have been recorded by the department  
13 during that period; provided that this section shall only apply  
14 to a state agency that:

15 (1) Maintains official lists of persons in the ordinary  
16 course of the agency's activities and is prohibited by  
17 federal law from sharing information from the lists;  
18 and

19 (2) Has requested the information from the department  
20 pursuant to a written agreement.

21 The list shall set forth the full name of the decedent [and],  
22 the dates of the decedent's birth and death, and the last four

S.B. NO. 2840

1 digits of the decedent's social security number, if known. The  
2 department and the requesting agency shall determine by  
3 agreement the form and format of providing the information to  
4 the agency.

5 (b) In response to an agency's first request pursuant to  
6 subsection (a), the department of health may provide a list of  
7 the persons whose deaths were recorded by the department during  
8 an agreed upon period in the past. The department may charge a  
9 reasonable fee to cover its cost of providing the list. If a  
10 state agency requires further information, the department may  
11 provide a certified copy of the death certificate to that state  
12 agency, subject to the fees required under section 338-14.5.

13 (c) Any state agency that obtains, pursuant to this  
14 section, a list of the names of persons whose deaths have been  
15 recorded by the department of health shall use the list only for  
16 the purposes for which it was obtained and shall not further  
17 disclose any information on the list.

18 (d) The department of health may develop and implement or  
19 assist with the development and implementation of a systems  
20 interface to electronically provide the information required  
21 pursuant to subsection (a) to a state agency." "

S.B. NO. 2840

1 SECTION 3. Act 27, Session Laws of Hawaii 2014, is amended  
2 by amending section 4 to read as follows:

3 "SECTION 4. This Act shall take effect upon its approval  
4 and shall be repealed on July 1, [~~2016.~~] 2018."

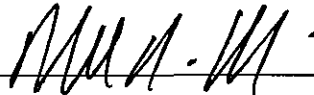
5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

  
\_\_\_\_\_

BY REQUEST

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# S . B . N O . 2840

**Report Title:**

Vital Records; Reporting Deaths to State Agencies

**Description:**

Authorizes the Department of Health to continue to disclose, including through electronic means, lists of names of persons whose deaths have been recorded by DOH, to state agencies that maintain official lists of persons and are prohibited by federal law from sharing information for the lists.

*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: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO REPORTING DEATHS TO STATE AGENCIES.

PURPOSE: To allow the Department of Health to include the last four digits of the decedent's social security number in the death information it shares with state agencies that are barred by federal law from sharing information with the Department of Health to request verification of the agencies' official lists and to amend the repeal date of Act 27, Sessions Laws of Hawaii 2014.

MEANS: Amend sections 2 and 4 of Act 27, Sessions Laws of Hawaii 2014.

JUSTIFICATION: Pursuant to Act 27 and to an Interagency Memorandum of Agreement, the Department of Health has been providing information to the Hawaii Employer-Union Health Benefits Trust Fund ("EUTF") on deaths in the State of Hawaii. The EUTF uses this information to terminate health benefit coverage for deceased EUTF members and dependents enrolled in health benefit plans and to terminate Medicare Part B quarterly reimbursements for deceased EUTF retirees and spouses enrolled in Medicare Part B. For the period January 1, 2000 to June 30, 2015, the EUTF terminated health benefit plans for 466 deceased members and discontinued Medicare Part B reimbursements for 224 deceased retirees and spouses based on information provided by the Department of Health. Amending Act 27 to allow the Department of Health to share the last 4 digits of a decedent's social security number would improve the EUTF's ability to identify decedents from its lists. Other agencies, such as the Department of Human Services Med-QUEST Division would be able to benefit from this amendment.

Impact on the public: Medicare Part B reimbursements will be discontinued in a timely manner to deceased EUTF retirees and spouses. This bill will save taxpayer money and avoid overpaying benefits and wasting public funds by informing agencies that could not otherwise get the information of deaths so that they can timely terminate payments.

Impact on the department and other agencies: The EUTF currently receives death information from other sources but the death information from the Department of Health has been vital in timely removing deceased EUTF members and beneficiaries from health benefit plans and Medicare Part B reimbursements. The Department of Health and the EUTF would like to continue the process that the enactment of Act 27 made possible and enhance it by allowing the disclosure of the last 4 digits of decedent's social security numbers.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Department of Health.

EFFECTIVE DATE: Upon approval.