
A BILL FOR AN ACT

RELATING TO THE HEALTH CARE PRIVACY HARMONIZATION ACT.

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

1 SECTION 1. The purpose of this Act is to identify the
2 circumstances in which the State has a compelling interest in
3 the use and disclosure of de-identified protected health
4 information under the Health Care Privacy Harmonization Act. It
5 is not the intent of the legislature to foreclose other
6 circumstances in which the State may similarly have a compelling
7 interest in the use or disclosure of this information.

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

11 "§323B- Disclosure, use, and production of de-identified
12 protected health information. (a) Provided that individually
13 identifiable protected health information has been de-identified
14 pursuant to title 45 Code of Federal Regulations part 164, as
15 may be amended, the State shall have a compelling interest in
16 the public and private disclosure, use, and production of the
17 de-identified protected health information for the purposes of



1 medical or economic research, protecting patient or public
2 safety, ensuring proper operation of facilities providing
3 medical care, and health care operations as defined in title 45
4 Code of Federal Regulations part 164, as may be amended.

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

8 (1) De-identified protected health information from state
9 agencies, hospitals, medical and health care
10 facilities, health care providers, and providers of
11 health insurance relating to:

12 (A) Medical or economic research; and

13 (B) Public safety;

14 (2) De-identified protected health information from state
15 agencies, pharmacies, hospitals, medical and health
16 care facilities, health care providers, and providers
17 of health insurance relating to patient protection and
18 public safety involving unfair or deceptive acts or
19 practices, restraints of trade, and price-fixing in
20 violation of chapter 480; and



- 1 (3) De-identified protected health information from state
- 2 agencies, hospitals, medical and health care
- 3 facilities, and health care providers relating to the
- 4 proper operation of medical and health care facilities
- 5 that includes:
- 6 (A) Quality assessment and improvement activities;
- 7 (B) Patient protection and safety activities;
- 8 (C) Population based activities relating to improving
- 9 health or reducing health care costs;
- 10 (D) Fraud and abuse detection and compliance; and
- 11 (E) Employment actions."

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

15 "De-identified protected health information" has the same
16 meaning as in title 45 Code of Federal Regulations section
17 164.514(a), as may be amended."

18 SECTION 4. New statutory material is underscored.

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

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Report Title:

Health Care Privacy Harmonization Act; De-identified Protected Health Information; Disclosures, Uses, and Production

Description:

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. (SD1)

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