

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 1802
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1802, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to allow health care providers to share necessary and relevant information, while preserving patient privacy, by creating an exception to the confidentiality of mental health records. This bill authorizes disclosure of a person's record of diagnosis and prescribed medications when the disclosure is made by the person's most recent health care provider to a subsequent health care provider for the purpose of continued care or treatment.

Upon further consideration, your Committee on Conference has made the following amendments to S.B. No. 1802, H.D. 1:



- (1) Inserted definitions of "health care operations", "health care provider", and "treatment summary" to section 334-1, Hawaii Revised Statutes, to clarify which records of information may be disclosed;
- (2) Deleted language that allowed for the disclosure of records of diagnosis and prescribed medications by the person's most recent health care provider to a subsequent health care provider;
- (3) Inserted language that allows for the disclosure of a person's treatment summary from a previous five-year period from one health care provider to another when deemed necessary for the purpose of continued care and treatment of the person, or for health care operations; provided that the health care provider seeking disclosure makes reasonable efforts to obtain advance consent from the person;
- (4) Changed the effective date to upon approval; and
- (5) Made technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1802, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1802, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JOSHUA B. GREEN, M.D., Co-Chair



DAVID Y. IGE, Chair



BLAKE K. OSHIRO, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 1802, HD 1	Date/Time: 4/24/8 10:47 AM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

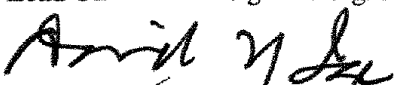

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
IGE, David Y., Chr.	✓				GREEN, Josh, M.D., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				OSHIRO, Blake K., Co-Chr.	✓			
FUKUNAGA, Carol				✓	WARD, Gene, Ph.D.	✓			
WHALEN, Paul	✓								
TOTAL	3	0	0	1	TOTAL	3	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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