



SENATE JUDICIARY COMMITTEE

February 12, 2019

SB 316-FN - relative to the protection of personal information

Testimony

Good morning, Madam Chair and members of the Committee. My name is Paula Minnehan and I am the VP, State Government Relations at the New Hampshire Hospital Association, representing all of our state's 26 community hospitals as well as all of our specialty hospitals.

The New Hampshire Hospital Association has concerns with SB 316-FN, as introduced. As you know, hospitals and health care providers must follow the Health Insurance Portability and Accountability Act (HIPAA) as well as 42 CFR Part 2. HIPAA has strict requirements regarding the safeguarding of protected health information. HIPAA established a set of national privacy standards for the protection of certain health information; addresses standards for the use and disclosure of individuals' health information; outlines standards for individuals' privacy rights, as well as individuals' rights to understand and control how their health information is used. 42 CFR Part 2 is a federal regulation that implements statutory provisions of a federal law relative to individuals seeking treatment for substance use disorders.

It is unclear to us how SB 316-FN would impact the federal requirements under HIPAA or 42 CFR Part 2. Furthermore, it is unclear if hospitals are intended to be affected by the proposed legislation. However, the definition of "Information and service providers" states: "including but not limited to:" so this could in fact, mean that hospitals are impacted by the bill.

For these reasons, we are concerned with SB 316-FN as introduced and ask the committee, if you choose to move forward with the bill, consider making it clear that HIPAA and 42 CFR Part 2 protected health information is not included in the personal information contemplated in the bill. One suggestion is to include this exception under 359-Q:2, II.

Thank you for your consideration. I am happy to answer any questions you may have.