

# Bill as Introduced

HB 1158 - AS INTRODUCED

2010 SESSION

10-2277  
01/10

HOUSE BILL            **1158**

AN ACT                changing the name of the institutional review board to the vital records privacy board for health-related research.

SPONSORS:            Rep. Pilotte, Hills 16; Rep. Schulze, Hills 26; Rep. Flurey, Hills 16

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill changes the name of the institutional review board which conducts health-related research to the vital records privacy board for health-related research.

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Explanation:          Matter added to current law appears in **bold italics**.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT changing the name of the institutional review board to the vital records privacy board for health-related research.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Vital Records. Amend RSA 5-C:108 to read as follows:

2 5-C:108 Procedures for Requesting Vital Records Data for Health-Related Research. Vital  
3 records data or copies of vital records that directly or indirectly identify individuals shall be made  
4 available for health-related research purposes upon receipt of a written application and approval of  
5 the state's ~~[institutional review board]~~ **vital records privacy board for health-related research**  
6 pursuant to RSA 126:24-d.

7 2 Subdivision Heading; Changing the Name of the Institutional Review Board to the Vital  
8 Records Privacy Board for Health-Related Research. Amend the subdivision heading preceding  
9 RSA 126:24-a to read as follows:

10 Bureau of Health Statistics and Data Management and ~~[Institutional Review Board]~~ **Vital**  
11 **Records Privacy Board for Health-Related Research**

12 3 Name Change; Definitions. Amend RSA 126:24-a, I to read as follows:

13 I. "Board" means the ~~[institutional review board]~~ **vital records privacy board for health-**  
14 **related research**, established in RSA 126:24-e.

15 4 Name Change; Disclosure of Information From Vital Records. Amend RSA 126:24-d to read as  
16 follows:

17 126:24-d Disclosure of Information From Vital Records. All protected health information  
18 possessed by the department shall be considered confidential, except that the commissioner shall be  
19 authorized to provide vital record information to institutions and individuals both within and outside  
20 of the department who demonstrate a need for such information for the purpose of conducting  
21 health-related research. Any such release shall be conditioned upon the understanding that once the  
22 health-related research is complete that all information provided will be returned to the department  
23 or destroyed. All releases of information shall be consistent with the federal Health Insurance  
24 Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA) and regulations  
25 promulgated thereunder by the United States Department of Health and Human Services (45 C.F.R.  
26 Part 160 and Part 164). This shall include the requirement that all proposed releases of vital records  
27 information to institutions and individuals both within and outside the department for the purposes  
28 of health-related research be reviewed and approved by the ~~[institutional review]~~ board, under  
29 RSA 126:24-e, before the requested information is released.

30 5 Name Change. Amend RSA 126:24-e, I to read as follows:

1 I. There is hereby established an independent (~~institutional review~~) board administratively  
2 attached, pursuant to RSA 21-G:10, to the department to review requests for vital records  
3 information for the purposes of conducting health-related research. No vital records information  
4 requested for the purposes of conducting health-related research shall be released until the request  
5 has first been reviewed and approved by the board.

6 6 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1158

**BILL TITLE:** changing the name of the institutional review board to the vital records privacy board for health-related research.

**DATE:** January 7, 2010

**LOB ROOM:** 205      **Time Public Hearing Called to Order:** 9:37 AM

**Time Adjourned:** 10:05AM

(please circle if present)

**Committee Members:** Reps. Rosenwald, Donovan, French, Schulze, Tilton, Butcher, Bridgham, E. Merrick, T. Russell, O'Pentima, Miller, Batula, C. McMahon, Pilliod, Emerson, Case, Millham, Wells, Cebrowski and Kotowski:

**Bill Sponsors:** Reps. Pilotte, Hills 16; Schulze, Hills 26; Flurey, Hills 16

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Pilotte, prime sponsor – supports.** The 2003 records were transferred to the Secretary of State. Secretary of State and Secretary of HHS control the records. The bill changes the name of the State's institutional review board to vital records privacy board of health-related research.

Records include:

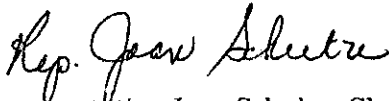
- Asbestos
- Air quality and other health related information, etc.

They want to ensure privacy of information. There is no change in the process. The family has a say in release of information. This bill only makes a name change.

**Stephen Wurtz, Security of State, Division of Vital Records - supports.** No change in the scope of the work is made with the name change. Many researchers have releases from the person being investigated. An MOU is in place between DHHS and Vital Records. Once a document is produced it is kept electronically by Vital Records. A double entry is made of each record to assure correction information is kept. Old records are being computerized. Records go back to 1640.

**\*Lisabritt Solsky, DHHS – supports.** See written testimony. The department requested the bill. It requests a technical correction, it is HIPPA required.

Respectfully submitted,



Representative Joan Schulze, Clerk



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 1158

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**Bill Sponsors:** Reps. Pilotte, Hills 16; Schulze, Hills 26; Flurey, Hills 16

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep. Pilliod, prime sponsor 2003 Records were transferred to Sec. of State. Sec of State + Sec of DHS control the records. Bill changes the name of State's institutional review board to vital records privacy board for health-related research. Records include <sup>ashes</sup> air quality & other health related information. Want to ensure privacy of information. There is no change in process. Family has a say in release of information. This bill only makes a name change.
- ② Stephen Hurty, acting Director Division of Vital Records. No change in scope of work is made with name change. Many researchers have releases from person being investigated. A MOU is in place between DHS & Vital Records. Once document is produced it is kept electronically by vital records. Double entry is made of each record to assure correct info. is kept. Old records are being computerized. Records go back to 1640.

③ Lisabritt Nolsky DHS

→ The Dept requested the bill. It requests a technical correction. it is HIPPA required.

# Testimony

*File*

**HB 1158**  
**January 7, 2009 Talking Points**

**Lisabritt Solsky, Esq.**  
**DHHS**

- This is a DHHS requested bill made in order to achieve a technical correction to name of New Hampshire's board for the release of Vital Records data for health related research that is attached to DHHS.
- HIPAA privacy regulations created a responsibility for states to create a privacy board that would determine if and when requests for personal health information may be released for health research. RSA 126:24-e established such a board for Vital Records information.
- Presently the New Hampshire Vital Records HIPAA privacy board is titled as an "Institutional Review Board" or IRB. However this moniker is misleading and over time has created unnecessary and avoidable confusion.
- The Board reviews requests for vital records information relating to individuals both living and dead, and data that is both identified and de-identified. The standards employed by the Board in determining if information is released for health related purposes are outlined by HIPAA Privacy Regulations. As such, this board has a larger and distinguishable purview than that of a traditional IRB.
- Traditional IRBs only exercise authority over information regarding living, identified persons.
- Due to the present nomenclature employed for the Board it has been reported repeatedly by requestors of data that it was not clear that the Board has the authority and duty to deny access to data regarding deceased individuals or de-identified data if the request does not conform with HIPAA.
- By renaming the Board the "Vital Records Privacy Board" this confusion borne of the limited breadth of an IRB can be remedied.

# Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1158

**BILL TITLE:** changing the name of the institutional review board to the vital records privacy board for health-related research.

**DATE:** January 12, 2010

**LOB ROOM:** 205

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. A. Millham

Seconded by Rep. J. Pilliod

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Joan H. Schulze, Clerk

*Rep. Joan H. Schulze*

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 1158

BILL TITLE: changing the name of the institutional review board to the vital records privacy board for health-related research.

DATE: January 19, 2010

LOB ROOM: 205

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Milham*

Seconded by Rep. *Pellish*

Vote: *16-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

*Consent*

Respectfully submitted,

Rep. Joan H. Schulze, Clerk

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: NB 1158 Title: Changing the name of the institutional review board to the bill records privacy board for health related research

PH Date: 1 1 7 1 2010

Exec Session Date: 1 1 12 1 10

Motion: OTP

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Rosenwald, Cindy, Chairman	16	
Donovan, Thomas E, V Chairman	1	
French, Barbara C	2	
Schulze, Joan H, Clerk	3	
Tilton, Joy K	4	
Butcher, Suzanne S	-	
Bridgham, Robert G	5	
Merrick, Evalyn S	-	
Russell, Trinkia T	-	
DiPentima, Rich T	6	
Miller, Kate W	7	
Batula, Peter L	8	
McMahon, Charles E	9	
Pilliod, James P	10	
Emerson, Susan	11	
Case, Frank G	12	
Millham, Alida I	13	
Wells, Roger G	-	
Cebrowski, John W	14	
Kotowski, Frank R	15	
		16 0

TOTAL VOTE:  
Printed: 1/12/2009



# Committee Report

**CONSENT CALENDAR**

**January 27, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on HEALTH, HUMAN SERVICES &  
ELDERLY AFFAIRS to which was referred HB1158,**

**AN ACT changing the name of the institutional review board to the vital records privacy board for health-related research. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Alida I Millham**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>HEALTH, HUMAN SERVICES &amp; ELDERLY AFFAIRS</b>
Bill Number:	<b>HB1158</b>
Title:	<b>changing the name of the institutional review board to the vital records privacy board for health-related research.</b>
Date:	<b>January 12, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

The Department of Health and Human Services requests that the Institutional Review board be renamed the Vital Records Privacy Board. This name change reflects the actual work of the board regarding the release of Vital Records data for health related research. The board reviews requests for vital records information relating to individuals both living and dead and data that is both identified and de-identified. The traditional Institutional Review Board only exercises authority over information regarding living, identified persons. The standards employed by the board are set forth by HIPPA Privacy Regulations.

Vote 16-0.

Rep. Alida I Millham  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

**HB1158**, changing the name of the institutional review board to the vital records privacy board for health-related research. **OUGHT TO PASS.**

Rep. Alida I Millham for HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS. The Department of Health and Human Services requests that the Institutional Review board be renamed the Vital Records Privacy Board. This name change reflects the actual work of the board regarding the release of Vital Records data for health related research. The board reviews requests for vital records information relating to individuals both living and dead and data that is both identified and de-identified. The traditional Institutional Review Board only exercises authority over information regarding living, identified persons. The standards employed by the board are set forth by HIPPA Privacy Regulations. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

The Department of Health and Human Services requests that the Institutional Review board be renamed the Vital Records Privacy Board. This name change reflects the actual work of the board regarding the release of Vital Records data for health related research. The board reviews requests for vital records information relating to individuals both living and dead and data that is both identified and de-identified. The traditional Institutional Review Board only exercises authority over information regarding living, identified persons. The standards employed by the board are set forth by HIPPA Privacy Regulations.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal stroke extending to the right.

COMMITTEE REPORT

Rep Millham

COMMITTEE: 445 - 2

BILL NUMBER: HB 1158

TITLE: changing name of the institutional review board to the vital records privacy board for health related research

DATE: 1-12-10 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.                     

STATEMENT OF INTENT:

Attached

COMMITTEE VOTE: 16-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Alida Millham  
For the Committee



Cindy Rosenwald <cindy.rosenwald@gmail.com>

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## blurb HB 1158

1 message

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**A Millham <amillham@metrocast.net>**

**Tue, Jan 12, 2010 at 9:35 PM**

To: Lucinda Rosenwald <cindy.rosenwald@leg.state.nh.us>

Blurb: HB 1158

The Department of Health and Human Services requests that the Institutional Review Board be renamed the Vital Records Privacy Board. This name change reflects the actual work of the Board regarding the release of Vital Records data for health related research.

The Board reviews requests for vital records information relating to individuals both living and dead and data that is both identified and de-identified. (The traditional Institutional Review Board only exercises authority over information regarding living, identified persons.)

The standards employed by the Board are set forth by HIPAA Privacy Regulations.

16-0

Alida Millham