



Kansas Hospital
ASSOCIATION

TO: House Health and Human Services

FROM: Tara Mays, Vice President State Legislative Relations

DATE: February 12, 2024

RE: Proponent House Bill 2777

Thank you for the opportunity to provide comments in support of House Bill 2777. KHA represents 122 community hospitals throughout the state.

Our hospitals support this bill as it helps us ensure compliance with HIPAA Privacy Rules and patient privacy. The HIPAA Privacy Rule (45 C F R §§16 4.501 *et seq.*) and patient privacy is something our hospitals take very seriously.

While the Kansas State Fire Marshal's office is not subject to HIPAA federal laws, hospitals are, and have a very real liability in a situation where body cameras are recording video and or audio.

We support House Bill 2777 as we believe it protects our medical care facilities from possible violations. Civil and criminal penalties can be severe depending on the level of neglect and level of corrective action required. HIPAA permits certain incidental uses and disclosures when a hospital has applied reasonable safeguards. However, incidental use or disclosure of protected patient information (such as an image, patient name on a white board or from a computer screen) may not be consider "incidental" when hospital staff are aware of, and allow, an individual to enter the facility using a body camera.

To our knowledge the KSFM has failed to provide hospitals notice of this potential policy change, the policies and procedures governing the use of the cameras and recordings, or the inspectors training/ knowledge of HIPAA regulations for which hospitals are subjected.

We would never want our hospitals to be forced to decide between accommodating the needs of the state fire marshal inspectors and meeting the federal laws related to patient privacy compliance.

We hope that the committee will recommend House Bill xxx favorably for passage.