
A BILL FOR AN ACT

RELATING TO MEDICAL CARE FOR MINORS.

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

1 SECTION 1. Section 577A-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding three new definitions to be appropriately
4 inserted and to read:

5 "Covered entity" has the same meaning as in title 45 Code
6 of Federal Regulations section 160.103.

7 "Licensed health care provider" means a physician or an
8 osteopathic physician licensed under chapter 453, a physician
9 assistant licensed under chapter 453, or an advanced practice
10 registered nurse licensed under chapter 457.

11 "Sexually transmitted infection" means an infection that is
12 commonly transmitted through sexual contact, including but not
13 limited to human immunodeficiency virus infection."

14 2. By amending the definitions of "medical care and
15 services" and "minor" to read:

16 "Medical care and services" means the diagnosis,
17 examination, and administration of medication in the prevention



1 or treatment of [veneral diseases,] sexually transmitted
2 infections, pregnancy, and family planning services.

3 "Minor" [~~shall be~~] means any person from the age of
4 fourteen to seventeen inclusive."

5 SECTION 2. Section 577A-2, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§577A-2 Consent valid.** (a) The consent to the provision
8 of medical care and services by public [~~and~~] or private
9 hospitals [~~or~~], public [~~and~~] or private clinics, or [~~the~~
10 ~~performance of medical care and services by a physician licensed~~
11 ~~to practice medicine or advanced practice registered nurse as~~
12 ~~defined in section 457-2.7,] a licensed health care provider,
13 when executed by a [~~female~~] minor who is or professes to be
14 pregnant, or by a minor who is or professes to be [~~afflicted~~
15 ~~with a venereal disease,] infected with, at risk of exposure to,
16 or to have been exposed to, a sexually transmitted infection, or
17 by a minor seeking family planning services shall be valid and
18 binding as if the minor had achieved [~~his or her~~] the age of
19 majority [~~as the case may be; that is~~], and a [~~female~~] minor who
20 is, or professes to be pregnant, or a minor who is, or professes
21 to be [~~afflicted with a venereal disease,] infected with, at~~~~~~



1 risk of exposure to, or to have been exposed to, a sexually
 2 transmitted infection, or a minor seeking family planning
 3 services shall be deemed to have, and shall have the same legal
 4 capacity to act, and the same legal obligations with regard to
 5 the giving of [~~such~~] consent to [~~such~~] hospitals [~~and such~~],
 6 clinics, or licensed health care providers for the provision of
 7 medical care and services [~~to be provided by a physician~~
 8 ~~licensed to practice medicine or advanced practice registered~~
 9 ~~nurse as defined in section 457-2.7,~~] as a person of full legal
 10 age and capacity, the infancy of the minor and any contrary
 11 provisions of law notwithstanding [~~and such consent~~].

12 (b) The consent given under this section shall not be
 13 subject to later disaffirmance by reason of [~~such~~] the minor
 14 patient's minority [~~and the~~].

15 (c) No consent of [~~no~~] any other person or persons
 16 [~~(including,~~] including but not limited to a spouse, parent,
 17 custodian, or guardian [~~),~~] shall be necessary [~~in order~~] to
 18 authorize [~~such~~] the provision of medical care and services by
 19 hospitals [~~or such~~], clinics, or [~~medical care and services~~
 20 ~~provided by a physician licensed to practice medicine or~~



1 ~~advanced practice registered nurse as defined in section~~
2 ~~457-2.7,]~~ licensed health care providers to ~~[such a]~~ the minor.

3 (d) The licensed health care provider who provided medical
4 care and services to a minor under this section shall ensure
5 that an applicable covered entity has been notified that the
6 information pertaining to the minor-initiated medical care and
7 services should not be disclosed."

8 SECTION 3. Section 577A-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§577A-3 Providing information.** (a) Public ~~[and]~~ or
11 private hospitals, ~~[or]~~ public ~~[and]~~ or private clinics, or
12 ~~[physicians licensed to practice medicine or advanced practice~~
13 ~~registered nurses as defined in section 457-2.7]~~ licensed health
14 care providers may, at the discretion of the treating ~~[physician~~
15 ~~or advanced practice registered nurse,]~~ licensed health care
16 provider, inform the spouse, parent, custodian, or guardian of
17 any minor patient of the provision of medical care and services
18 to the minor or disclose any information pertaining to ~~[such]~~
19 the medical care and services after consulting with the minor
20 patient to whom ~~[such]~~ the medical care and services have been
21 provided under this chapter.



1 (b) If the minor patient is not diagnosed as being
2 pregnant or [~~afflicted with [a] venereal disease, such~~] having a
3 sexually transmitted infection, the information as well as the
4 application for diagnosis may be disclosed, at the discretion of
5 the treating [~~physician or advanced practice registered nurse~~]
6 licensed health care provider after consulting with the minor
7 patient."

8 SECTION 4. Section 577A-4, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§577A-4 Financial responsibility; counseling.** (a) If a
11 minor consents to receive medical care and services, the spouse,
12 parent, custodian, or guardian of the minor patient shall not be
13 liable for the legal obligations resulting from the furnishing
14 of medical care and services provided by the public [~~and~~] or
15 private hospital, public [~~and~~] or private clinic, or [~~physician~~
16 ~~licensed to practice medicine, or advanced practice registered~~
17 ~~nurse as defined in section 457-2.7.]~~ licensed health care
18 provider. A minor who consents to the provision of medical care
19 and services under [~~this~~] section 577A-2 shall assume financial
20 responsibility for the costs of [~~such~~] the medical care and
21 services. Any other law to the contrary notwithstanding, no



1 spouse, parent, custodian, or guardian whose consent has not
2 been obtained or who has no prior knowledge that the minor has
3 consented to the provision of [~~such~~] the medical care and
4 services shall be liable for the costs incurred by virtue of the
5 minor's consent.

6 (b) Medical care and services shall include individual
7 counseling for each minor patient by a [~~physician licensed to~~
8 ~~practice medicine or advanced practice registered nurse as~~
9 ~~defined in section 457-2.7. — Such~~] licensed health care
10 provider. The counseling shall seek to open the lines of
11 communication between parent and child.

12 (c) A covered entity shall establish policies and
13 procedures to ensure that minor-initiated medical care and
14 services provided under section 577A-2 are not disclosed to the
15 parent, spouse, custodian, or guardian in accordance with
16 federal regulations, including title 45 Code of Federal
17 Regulations part 164, subpart E. The licensed health care
18 provider shall be entitled to submit a claim to the covered
19 entity for payment for the costs of minor-initiated medical care
20 and services to the minor provided pursuant to section 577A-2.



1 (d) If a claim for medical care or services obtained under
2 this chapter is submitted to a covered entity under which a
3 minor is enrolled, and the minor does not want the covered
4 entity to disclose information regarding the claim to a spouse,
5 parent, custodian, or guardian, the minor or the licensed health
6 care provider shall so notify the covered entity when the claim
7 is submitted; provided that the licensed health care provider
8 who provided the medical care and services to the minor may
9 notify the covered entity on behalf of the minor. The covered
10 entity may require that the request for confidential
11 communication be made in writing and that it contains a
12 statement that disclosure of all or part of the information to
13 which the request pertains could harm the minor. The covered
14 entity may accommodate requests by the minor or the licensed
15 health care provider to receive communications related to the
16 medical care and services by alternative means or at alternative
17 locations."

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Minor Consent; Medical Care and Services; Sexually Transmitted Infections; Preventive Care

Description:

Authorizes minors who are fourteen years of age or older to consent to medical care and services for sexually transmitted infections, pregnancy, and family planning services, including the prevention of sexually transmitted infections. Requires health insurance plans and health care providers to maintain confidentiality policies and practices. Effective 7/1/3000.
(HD1)

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