STAND. COM. REP. NO. **290** -06

Honolulu, Hawaii

Fc 414, 2006

RE: H.B. No. 2076 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2076, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

and

The purpose of this bill is to provide minors with access to medical care and services other than elective-cosmetic surgery by:

- (1) Allowing a minor to consent to the provision of care and services if it is determined by a physician that:
 - (A) The minor understands the significant benefits and risks of the care proposed, and is able to communicate a decision; and
 - (B) The care and services are for the minor's benefit;
- (2) Providing immunity from civil or criminal liability for persons who rely on the physician's determination and in good faith render medical care and services, except for grossly negligent or wanton actions or omissions.

Your Committee received testimony from Hale Kipa, Waikiki Health Center, Hawaii Youth Services Network, Hawai'i Primary Care Association, and a concerned individual in support of this bill. The Hawaii Medical Service Association, Hawaii Family Forum and Hawaii Catholic Conference submitted testimony in support of the intent of the measure. Kaiser Permanente commented on this bill.

Your Committee has amended this measure by:

- Allowing a minor enrolled in a managed care or health insurance plan to request the medical care to be kept confidential; and
- (2) Allowing the plan to accommodate these requests, consistent with regulations under the federal Health Insurance Portability and Accountability Act.

This amendment will provide direction to health care providers, health plans, and minors concerning confidential information and avoid misunderstandings concerning the disclosure of this information when treatment claims are submitted to a health care plan.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2076, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Judiciary in the form attached hereto as H.B. No. 2076, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair

HB2076 HD2 HSCR CPC HMS 2006-1928



State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 2076 HD Date: 2/8/06				
Bill/Resolution No.: HB 2076 HD Committee Referral: CPC	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended Pass, with amendments				
☐ Hold ☐ Recommit				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	V/			
2. SCHATZ, Brian (VC)				
3. CALDWELL, Kirk				
4. ITO, Ken				
5. KANOHO, Ezra R.				
6. KARAMATSU, Jon Riki				
7. MORITA, Hermina M.				
8. SONSON, Alex M.	~			
9. SOUKI, Joseph M.				
10. MARUMOTO, Barbara C.				
11. STONEBRAKER, Bud				
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			***************************************	Liganore III
TOTAL	7			4
The recommendation is: Adopted				
☐ Not Adopted				
If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				