
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. "Sexually
13 transmitted infection" includes human immunodeficiency virus
14 infection."

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



1 ""Medical care and services" means the diagnosis,
2 examination, and administration of medication in the prevention
3 or treatment of [venereal diseases,] sexually transmitted
4 infections, pregnancy, and family planning services.

5 "Minor" [~~shall be~~] means any person from the age of
6 fourteen years to seventeen years inclusive."

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

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



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

14 (b) No consent given under this section shall ~~[not]~~ be
15 subject to later disaffirmance by reason of ~~[such]~~ the minor
16 patient's minority~~[, and the]~~.

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



1 ~~provided by a physician licensed to practice medicine or~~
2 ~~advanced practice registered nurse as defined in section~~
3 ~~457-2.7,]~~ licensed health care providers to ~~[such a]~~ the minor.

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

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

11 "**S577A-3 Providing information.** (a) Public ~~[and]~~ or
12 private hospitals, ~~[or]~~ public ~~[and]~~ or private clinics, or
13 ~~[physicians licensed to practice medicine or advanced practice~~
14 ~~registered nurses as defined in section 457-2.7]~~ licensed health
15 care providers may, at the discretion of the treating ~~[physician~~
16 ~~or advanced practice registered nurse,]~~ licensed health care
17 provider, inform the spouse, parent, custodian, or guardian of
18 any minor patient of the provision of medical care and services
19 to the minor or disclose any information pertaining to ~~[such]~~
20 the medical care and services after consulting with the minor



1 patient to whom [~~such~~] the medical care and services have been
2 provided under this chapter.

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

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

12 "**§577A-4 Financial responsibility; counseling.** (a) If a
13 minor consents to receive medical care and services, the spouse,
14 parent, custodian, or guardian of the minor patient shall not be
15 liable for the legal obligations resulting from the furnishing
16 of medical care and services provided by the public [~~and~~] or
17 private hospital, public [~~and~~] or private clinic, or [~~physician~~
18 ~~licensed to practice medicine, or advanced practice registered~~
19 ~~nurse as defined in section 457-2.7.]~~ licensed health care
20 provider. A minor who consents to the provision of medical care
21 and services under [~~this~~] section 577A-2 shall assume financial



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

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

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



1 for the costs of minor-initiated medical care and services to
2 the minor provided pursuant to section 577A-2.

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

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



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



Report Title:

Minor Consent; Medical Care and Services; Sexually Transmitted Infections; Covered Entity; Confidentiality

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 confidentiality policies and practices for insurers and health care providers. Effective 7/1/3000. (HD1)

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