

A Bill for an Act Relating to a Community-Based Teenage Health Clinic Demonstration Project.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that "street youth" are underserved by existing health services in our communities. There is a great need to provide a range of health care services, particularly primary and preventive health care, to these teenagers in a supportive and accessible environment.

The purpose of this Act is to establish a demonstration community-based teenage health clinic, with an outreach program, in Waikiki on the island of Oahu to improve health care for "street youth".

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$150,000, or 0.0059 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. As used in this Act, unless the context otherwise requires: "Parent" means a parent, custodian, or guardian.

"Professional" means a professional health care provider such as a physician, physician's assistant, counselor, social worker, nurse, or nurse-practitioner.

"Records" includes the results of laboratory screenings and tests.

"Street youth" means a teenager who has no responsible adult supervision.

"Teenager" means a person not less than thirteen years of age but not more than nineteen years of age.

SECTION 4. The director of health, with the assistance of the director of human services, shall establish, operate, and administer a community-based teenage health clinic in Waikiki on the island of Oahu. In connection therewith, the director shall determine the types of health services and pharmaceutical products that may be provided by the clinic, provided that the performance of abortions at the clinic shall be expressly prohibited. The director shall also develop outreach strategies that increase the accessibility of clinic services to street youth.

Where feasible, the director of health may enter into agreements, including purchase of service agreements, as may be necessary to carry out the purposes of this section.

SECTION 5. (a) Except as provided by section 577A-2, Hawaii Revised Statutes, a teenager shall not be required to obtain the permission of a parent to be eligible to receive services at the clinic if in the judgment of a clinic professional, the teenager is capable of giving informed consent, the services or pharmaceutical products are clearly for the teenager's benefit, and the teenager is a street youth.

Any clinic professional who in good faith makes the determination that:

- (1) A teenager is capable of giving informed consent;
- (2) The services or pharmaceutical products are clearly for the teenager's benefit; and
- (3) The teenager is a street youth,

shall have immunity from any civil or criminal liability based exclusively on that determination.

This subsection shall not be construed to confer on the clinic professional immunity from liability arising from negligence or malpractice on the part of the professional in rendering professional service to the street youth.

(b) The clinic shall not be required to notify the street youth's parents of the medical care and services provided to that youth. However, the clinic, at the discretion of the clinic professional, may inform the street youth's parents of the provision of medical care and services to the youth and may disclose any information pertaining to the provision of medical care and services, after consulting with the youth to whom the medical care and services have been provided.

**SECTION 6.** Except as otherwise provided by law, all medical records maintained by the community-based health clinic shall be considered confidential information.

**SECTION 7.** The director of health shall appoint and remove physicians, pharmacists, nurse-practitioners, nurses, counselors, social workers, and any other persons as the department of health may employ to implement this Act. The personnel shall be exempt from chapters 76 and 77.

**SECTION 8.** The director of health shall appoint an advisory council for the teenage health clinic demonstration project composed of fifteen or more members, including pediatricians and other members of the medical profession; community members, businesses, and organizations; and representatives from the departments of health and human services, the pediatrics department of the University of Hawaii School of Medicine, and the family court. The members of the council shall designate its chairperson. The council shall be advisory to the director of health and shall assist the director in collecting project data; monitoring, assessing, and evaluating the effectiveness of the project; and developing program and policy needs in order to effectively carry out the purposes of this Act.

**SECTION 9.** The director of health with assistance and input from the advisory council shall report to the legislature on the experience of the community-based teenage health clinic demonstration project, including the outreach program for street youth, at least thirty days prior to the convening of each regular session. The report shall include, but not be limited to:

- (1) The number of street youth served and the types of health services and pharmaceutical products provided by the clinic;
- (2) The operating costs of the clinic and outreach program;
- (3) Any quantifiable changes in high-risk behaviors among street youth receiving services and pharmaceutical products at the clinics;
- (4) The number of street youth served and the types of services provided by the outreach program;
- (5) Recommended changes to improve the demonstration project, including recommendations on the advisability of continuing the project; and

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- (6) Any other information that the department of health may determine to be necessary to assist the legislature in evaluating the efficacy, cost-effectiveness, and intangible merits of the demonstration project.

**SECTION 10.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the department of health to establish, operate, and administer the community-based teenage health clinic demonstration project for street youth, including the hiring of necessary personnel. The sum appropriated shall be expended by the department of health for the purposes of this Act.

**SECTION 11.** This Act shall take effect upon its approval; provided that section 10 shall take effect on July 1, 1990; and provided further that this Act shall be repealed on June 30, 1993.

(Approved June 19, 1990.)