

ACT 28

S.B. NO. 2712

A Bill for an Act Relating to Tuberculosis.

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

SECTION 1. Section 325-78, Hawaii Revised Statutes, is amended to read as follows:

“§325-78 Test and treatment for tuberculosis [free, when, where]. (a)

[No means test, payment, or charge of any kind shall be required by the department of health, or, during any fiscal period during which the Leahi Hospital receives any public money, by the Leahi Hospital, or by the Hilo Hospital, or by the Samuel Mahelona Memorial Hospital, or by the Kula Hospital of or from any person for any test, diagnosis, examination, medicine, care, treatment, hospitalization, or rehabilitation for tuberculosis or for any rehabilitation after tuberculosis.] The department of health may establish charges and collect fees for any diagnostic, medical, or treatment services relating to tuberculosis treatment or control; provided that the department shall not refuse to provide diagnostic, medical, or treatment services relating to tuberculosis treatment or control to any patient due to the patient's inability to pay for the service relating to tuberculosis treatment or control. Voluntary payments, contributions, or gifts for such purposes may be received, but shall not be requested or solicited from any patient or any of the patient's relatives, by the department[, the Leahi Hospital, the Hilo Hospital, the Samuel Mahelona Memorial Hospital, or the Kula Hospital. All expenses for any such test, diagnosis, examination, medicine, care, treatment, hospitalization, or rehabilitation shall be paid out of funds appropriated for tuberculosis control, or out of any available funds of the Leahi Hospital, the Hilo Hospital, the Samuel Mahelona Memorial Hospital, or the Kula Hospital].

(b) This section shall not prohibit the department[, the Leahi Hospital, the Hilo Hospital, the Samuel Mahelona Memorial Hospital, or the Kula Hospital] from contracting with one or more other public or private agencies or persons for [the testing, diagnosis, examination, care, treatment, hospitalization, or rehabilitation of veterans or other] tests, diagnostic procedures, medical care, chemotherapy, or hospitalization of persons in reference to tuberculosis for specified fees or charges, or from accepting, holding, expending, or using voluntary payments, assignment of medical insurance payments, contributions, or gifts for purposes [not inconsistent] consistent with the terms or conditions of the [voluntary] payments, contributions, or gifts.

[(c) Anything to the contrary in this section notwithstanding, the department by rule may establish, impose, and enforce special conditions for any test, diagnosis, examination, medicine, care, treatment, hospitalization, or rehabilitation for or after tuberculosis for any person who has not resided in the State for at least one year.]”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 22, 1992.)