

Honolulu, Hawaii

FEB 14, 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:

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;and
- (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:

- (1) 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,

  
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ROBERT N. HERKES, Chair



