

Honolulu, Hawaii

Ag: 17, 2006

RE: S.B. No. 2166
S.D. 2
H.D. 3

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2166, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this bill is to allow minors who are living on their own to obtain primary or preventive medical care or services. Specifically, this bill:

- (1) Allows a minor to consent to the provision of medical services if a health care practitioner reasonably believes that:
 - (A) The minor understands the benefits and risks of the services and can communicate a decision;
 - (B) The services are for the minor's benefit; and
 - (C) The minor is not under the care, custody, or control of a parent, custodian, or legal guardian, or obtaining appropriate legal consent is not practical;
- (2) Provides immunity from civil and criminal liability for the health care practitioner who in good faith renders medical services after determining the minor may give



consent, except for damages caused by the practitioner's gross negligence or willful or wanton acts of omissions; and

- (3) Provides for confidentiality of a claim for medical services filed with a managed care or health insurance plan upon request of the minor.

Kaiser Permanente Hawaii, Hale Kipa, Inc., Hawaii Family Forum, Hawaii Catholic Conference, Hawaii Primary Care Association, Hawaii Youth Services Network, The Queen's Medical Center, Waikiki Health Center, and concerned individuals supported this bill. Planned Parenthood of Hawaii supported the intent of this measure. Hawaii Right to Life opposed this measure.

Your Committee considers it important for minors, under certain circumstances, to be able to consent to primary or preventive medical care and services, in addition to the medical care and services currently allowed for by law in Hawaii. Your Committee was able to confirm with medical professionals that the term "primary and preventive medical care" is well understood by the medical services community to mean basic health care as generally provided in an outpatient setting.

Your Committee also determined that care or services by nurse aides were not necessary in the context of this measure, and therefore, that the licensed health care practitioners specified in Chapters 453 and 457, Hawaii Revised Statutes (HRS), acting within the scope of their respective licenses, will be sufficient to address the needs envisioned by this measure.

Your Committee was also concerned that requiring a minor not be under "custody," given that term's important and well-recognized legal meaning, could substantially impede this measure's effectiveness.

Accordingly, your Committee has amended this bill by, among other things:

- (1) Reinstating the definition of "medical care and services" used in S.B. No. 2166, S.D. 2;



