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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that two hundred thousand  
2 accidental deaths occur each year in hospitals in the United  
3 States. According to The Honolulu Advertiser, March 3, 2007,  
4 Hawaii hospitals ranked in the bottom twenty per cent when  
5 compared to other states in an analysis that included risk-  
6 adjusted mortality, patient safety, and risk-adjusted  
7 complications.

8           Hawaii is experiencing an extreme shortage of professional  
9 health care workers, particularly nurses. Patient safety is  
10 often linked to nursing care. The medical-surgical units and  
11 nursing stations of a typical acute care hospital are where most  
12 patients receive non-critical care, generally involving  
13 regularly scheduled nursing rounds every four to five hours.  
14 Nevertheless, acute or unexpected clinical events can go  
15 unnoticed for critical minutes or hours, until the next visit by  
16 a physician or nurse. The lack of more frequent observation may



1 result in negative patient outcomes, higher health care costs,  
2 and possible medical malpractice claims.

3 The purpose of this Act is to minimize accidental patient  
4 injuries and deaths in hospitals and to ensure that patients in  
5 Hawaii receive quality health care by requiring health insurance  
6 providers to include in their policies medical vigilance  
7 services for covered patients who are receiving in-patient  
8 health care services at an acute care hospital.

9 SECTION 2. Chapter 431, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12 "§431:10A- Medical vigilance services coverage. (a)

13 All individual and group accident and health or sickness  
14 insurance policies shall include medical vigilance services for  
15 the subscriber or any dependent of the subscriber who is covered  
16 by the policy; provided that:

17 (1) The patient is receiving in-patient health care  
18 services at an acute care hospital; and

19 (2) The patient's treating physician recommends the  
20 application of medical vigilance services as a  
21 precautionary measure due to the nature of the  
22 patient's illness or treatment.



1        (b) For the purposes of this section, "medical vigilance  
2 services" means the use of an automated, wireless, early alert  
3 system that is authorized by the Federal Food and Drug  
4 Administration and provides accurate and continuous observation  
5 of heart and respiratory rates and patient mobility."

6        SECTION 3. Chapter 432, Hawaii Revised Statutes, is  
7 amended by adding a new section to article 1 to be appropriately  
8 designated and to read as follows:

9        "§432:1-        **Medical vigilance services coverage.** (a) Each  
10 policy, contract, plan, or agreement shall provide coverage for  
11 medical vigilance services for the subscriber or any dependent  
12 of the subscriber who is covered by the policy, provided that:

13        (1) The patient is receiving in-patient health care  
14 services at an acute care hospital; and

15        (2) The patient's treating physician recommends the  
16 application of medical vigilance services as a  
17 precautionary measure due to the nature of the  
18 patient's illness or treatment.

19        (b) For the purposes of this section, "medical vigilance  
20 services" means the use of an automated, wireless, early alert  
21 system that is authorized by the Federal Food and Drug



1 Administration and provides accurate and continuous observation  
2 of heart and respiratory rates and patient mobility."

3 SECTION 4. Section 432D-23, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§432D-23 Required provisions and benefits.

6 Notwithstanding any provision of law to the contrary, each  
7 policy, contract, plan, or agreement issued in the State after  
8 January 1, 1995, by health maintenance organizations pursuant to  
9 this chapter, shall include benefits provided in sections  
10 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,  
11 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120, [and]  
12 431:10A-121, 431:10A-\_\_\_\_\_, and chapter 431M."

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on January 1, 2050.



**Report Title:**

Health Care Insurance Coverage; Medical Vigilance Services

**Description:**

Requires health insurance policies to cover medical vigilance services for subscribers who are receiving in-patient health care services at an acute care hospital. (SD2)

