

JAN 28 2009

S.B. NO. 1262

A BILL FOR AN ACT

RELATING TO MEDICAL TREATMENT.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§321- Duty to notify patients of adverse events;
5 definitions; penalty; rules. (a) An appropriately trained
6 designee of a health care provider shall notify in person each
7 patient, or the patient's relative or representative, regarding
8 any adverse event that results in serious harm or death to the
9 patient within seventy-two hours of the adverse event or
10 discovery of the adverse event.

11 (b) The notification under subsection (a) shall not be
12 admissible as evidence of an admission of liability pursuant to
13 rule 409.5, Hawaii rules of evidence, under section 626-1.

14 (c) For purposes of this section, unless the context
15 otherwise requires:

16 "Adverse event" means an event that is a negative
17 consequence of care resulting in unintended injury or illness
18 that may or may not have been preventable.



1 "Health care provider" means a physician or surgeon or
2 osteopathic physician or surgeon licensed under chapter 453, a
3 podiatrist licensed under chapter 463E, and a health care
4 facility as defined in section 323D-2.

5 "Notify" means a forthright and empathetic discussion of
6 clinically significant facts about the occurrence of an adverse
7 event that resulted in patient harm, or could result in patient
8 harm in the foreseeable future.

9 "Relative" means the patient's spouse, parent, grandparent,
10 adult children, adult siblings or any other adult person who has
11 a family type relationship with the patient.

12 "Representative" means a legal guardian, attorney, person
13 designated to have medical power of attorney, executor of the
14 patient's estate, or any other person recognized in law as a
15 patient's agent.

16 (d) Failure to comply with this section may subject a
17 health care provider to license revocation and any other civil
18 or criminal penalties permitted by law.

19 (e) The Hawaii medical board shall adopt rules in
20 accordance with chapter 91 to carry out the effect of this
21 section."

22 SECTION 2. New statutory material is underscored.



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

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Report Title:

Mandatory Disclosure of Adverse Events

Description:

Requires a health care provider to disclose to patients adverse events relating to their medical treatment.

