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## A BILL FOR AN ACT

RELATING TO INFORMED CONSENT.

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

1           SECTION 1. Section 671-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) The following information shall be supplied to the  
4 patient or the patient's guardian or legal surrogate prior to  
5 obtaining consent to a proposed medical or surgical treatment or  
6 a diagnostic or therapeutic procedure:

7           (1) The condition to be treated;

8           (2) A description of the proposed treatment or procedure;

9           (3) The intended and anticipated results of the proposed  
10 treatment or procedure;

11           (4) The recognized alternative treatments or procedures,  
12 including the option of not providing these treatments  
13 or procedures;

14           (5) The recognized material risks of serious complications  
15 or mortality associated with:

16           (A) The proposed treatment or procedure;

17           (B) The recognized alternative treatments or  
18 procedures; and



1 (C) Not undergoing any treatment or procedure; and  
 2 (6) The recognized benefits of the recognized alternative  
 3 treatments or procedures[-];  
 4 provided that in addition to the items in paragraphs (1) to (6),  
 5 a health care provider who is a physician or surgeon licensed  
 6 under chapter 453 shall provide the patient with a cost-estimate  
 7 of the proposed treatment or procedure.

8 For the purposes of this subsection, a "cost-estimate" is  
 9 an estimate of the total cost of the proposed treatment or  
 10 procedure comprised of the portion of the total cost to be  
 11 covered by any third-party payor, including an insurer, and the  
 12 co-payment or out-of-pocket cost to be incurred by the patient."

13 SECTION 2. This Act does not affect rights and duties that  
 14 matured, penalties that were incurred, and proceedings that were  
 15 begun before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19 INTRODUCED BY: Paul Abrah

JAN 11 2012



# H.B. NO. 1702

**Report Title:**

Medical Torts; Informed Consent

**Description:**

Requires physicians to provide a cost-estimate of any proposed treatment or procedure when obtaining the patient's informed consent.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

