
A BILL FOR AN ACT

RELATING TO PATIENTS' RIGHTS.

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

1 SECTION 1. Section 327H-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The pain patient's bill of rights includes the
4 following:

5 (1) A patient who suffers from severe acute pain or severe
6 chronic pain has the option to request or reject the
7 use of any or all modalities to relieve the pain;

8 (2) A patient who suffers from severe acute pain or severe
9 chronic pain has the option to choose from appropriate
10 pharmacologic treatment options to relieve severe
11 acute pain or severe chronic pain, including opiate
12 medications, without first having to submit to an
13 invasive medical procedure.

14 For purposes of this paragraph, "invasive medical
15 procedure" means surgery, destruction of a nerve or
16 other body tissue by manipulation, or the implantation
17 of a drug delivery system or device;



- 1 (3) A patient's physician may refuse to prescribe opiate
2 medication for a patient who requests a treatment for
3 severe acute pain or severe chronic pain. However,
4 that physician may inform the patient of physicians
5 who are qualified to treat severe acute pain and
6 severe chronic pain employing methods that include the
7 use of opiates;
- 8 (4) A physician who uses opiate therapy to relieve severe
9 acute pain or severe chronic pain may prescribe a
10 dosage deemed medically necessary to relieve the pain;
- 11 (5) A patient may voluntarily request that the patient's
12 physician provide an identifying notice of the
13 prescription for purposes of emergency treatment or
14 law enforcement identification; ~~and~~
- 15 (6) With regard to pain patients, the application of this
16 section shall be guided by the medical principle that
17 physical tolerance and dependence are normal
18 consequences of sustained use of opiate medication,
19 distinguishable from psychological dependency or
20 addiction that bears no relationship to pain
21 experienced by a patient. For the purposes of this



1 section, psychological dependency shall be
2 characterized by a patient's compulsion to take a drug
3 notwithstanding the fact that the patient knows the
4 harmful and destructive effect of the drug on the
5 patient. The distinction is one of treatment of pain
6 as opposed to feeding a psychological need. A patient
7 who suffers severe acute pain or severe chronic pain
8 secondary to a diagnosis in any form of disease and
9 chronic conditions may be entitled to receive a
10 prescription of opiate medication for the treatment of
11 the pain, if requested by that patient; provided that:

12 (A) The particular opiate is appropriate to the
13 treatment of that pain; and

14 (B) The patient is not addicted to the opiate. For
15 the purposes of this subparagraph, the term
16 "addicted" refers to a psychological dependence,
17 rather than a progressive physical tolerance for
18 the opiate to relieve the pain; provided that the
19 term does not include a narcotic-dependent person
20 as defined in section 329-40[-]; and



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1 (7) A patient who submits to a medical procedure that is
2 to be performed while the patient is under the effects
3 of anesthesia has the option of having the procedure
4 videotaped; provided that the patient shall bear the
5 expenses of the videotaping."

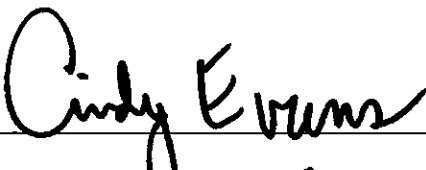

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY:

JAN 23 2015



H.B. NO. 526

Report Title:

Pain Patient's Bill of Rights; Videotaping

Description:

Authorizes patients undergoing a medical procedure under anesthesia to have the procedure videotaped at the patients' expense.

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