

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
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**Testimony in SUPPORT of SB025
(RELATING TO MEDICAL CARE FOR MINORS)**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: 2/12/2021

Room Number:

1 **Fiscal Implications:** None

2 **Department Testimony:** Thank you for the opportunity to testify in STRONG SUPPORT of
3 S.B. 25 which would permit minors, as currently defined in §577A-1, HRS, “from the age of
4 fourteen to seventeen inclusive,” to consent to medical care related to the diagnosis, treatment, or
5 prevention of HIV. Parents or legal guardians would not be able to abrogate consent. The minor
6 would not be liable for payment. This measure would also update archaic terminology in §577A,
7 HRS, by replacing “venereal disease” with “sexually transmitted infection.”

8 The department strongly supports S.B. 25 as it can help prevent HIV acquisition in
9 minors and supports critical treatment of minors diagnosed with HIV. Safe, highly effective
10 medications for the treatment and prevention of HIV need to be accessible for all individuals
11 diagnosed with HIV or at high risk of acquiring HIV. Medications taken by an HIV-uninfected
12 individual to prevent acquisition of HIV are highly effective and were approved for use in
13 minors in 2018.

14 Current statutes do not appear to permit a minor to consent to medical care related to the
15 prevention of HIV. This is a critical gap in access to medical care. This measure would resolve
16 this gap. Permitting minors who cannot or will not seek the consent of their parents or guardians
17 to consent to HIV medical care is essential to the health of the minor and a valuable step in
18 ending the HIV epidemic in Hawaii.

- 1 **Offered Amendments:** None
- 2 Thank you for the opportunity to testify on this measure.

Testimony of
Jonathan Ching
Government Relations Manager

Before:
Senate Committee on Health
The Honorable Jarrett Keohokalole, Chair
The Honorable Rosalyn H. Baker, Vice Chair

February 12, 2021
1:00 p.m.
Via Videoconference

Re: SB 25, Relating to the Medical Care for Minors

Chair Keohokalole, Vice Chair Baker, and committee members, thank you for this opportunity to provide testimony on SB 25, which permits minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV.

Kaiser Permanente Hawai‘i SUPPORTS SB 25 and requests an AMENDMENT.

Kaiser Permanente Hawai‘i is Hawai‘i’s largest integrated health system that provides care and coverage for approximately 260,000 members. Each day, more than 4,400 dedicated employees and more than 600 Hawai‘i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai‘i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Kaiser Permanente Hawai‘i supports SB 25 because it would ensure and promote access to care for this significantly vulnerable population of our state. Adolescents and young adults (aged 13-29) accounted for 41% of new HIV diagnoses in 2017.¹ Those aged 13 to 24 accounted for 21%; roughly one in every five new diagnoses.² Of these, 44% were unaware of their status. This age group is the least likely to test for HIV, receive HIV treatment or be virally suppressed, or be offered HIV prevention treatment. Data from 2012 to 2016 shows HIV diagnoses have either stabilized or fallen among the majority of adult population groups, however they increased by 6% among those aged 13 to 29.³

¹ Centers for Disease Control and Prevention(2018) ‘Diagnoses of HIV Infection in the United States and Dependent Areas, 2017’.

² Centers for Disease Control and Prevention(2019) ‘HIV and youth’.

³ Guilamo-Ramos, V et al. (1 May 2019) ‘Comment: Youth at risk of HIV: the overlooked US HIV prevention crisis’, *The Lancet HIV*, Volume 6, Issue 5, Pe275-e278.

We support SB 25 because it would further enable and encourage minors age fourteen to seventeen to obtain such services without involvement of a parent or guardian.

We note that it appears the intent of SB25 is to clarify a “health care provider” as “an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of the individual's business or profession.” This includes, physicians, osteopathic physicians, physician assistants (PAs), and advanced practice registered nurses (APRNs). Hawai‘i has already seen the benefit of allowing qualified licensed providers perform a wide range of health care services, with both APRNs’ and PAs’ roles expanding dramatically in Hawai‘i. Similarly, in 2019, the legislature recognized that PAs can safely and effectively perform their extensive duties with reduced supervision. PAs perform physical examinations, diagnose, and treat illnesses, order and interpret lab tests, perform medical procedures, assist in surgery, and enhance health care coordination. In Hawai‘i, PAs practice in primary care and in every medical and surgical subspecialty. Both APRNs and PAs may function as Primary Care Providers (PCP), managing chronic conditions like hypertension and diabetes and providing gynecologic care and family planning services.

However, other parts of Section 577A limit the ability to treat these minors to a “physician licensed to practice medicine, or advanced practice registered nurse”. Therefore, we request the committee consider the following amendments to include PAs where physicians and APRNs are already included:

SECTION 3. Section 577A-2, Hawaii Revised Statutes, is amended to read as follows:

"§577A-2 Consent valid. The consent to the provision of medical care and services by public and private hospitals or public and private clinics, or the performance of medical care and services by a physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7, when executed by a female minor who is or professes to be pregnant, or by a minor who is or professes to be ~~[afflicted with a venereal disease,]~~ infected with, or to have been exposed to, a sexually transmitted infection, or a minor seeking family planning services shall be valid and binding as if the minor had achieved his or her majority as the case may be; that is, a female minor who is, or professes to be pregnant, or a minor who is, or professes to be ~~[afflicted with a venereal disease,]~~ infected with, or to have been exposed to, a sexually transmitted infection, or a minor seeking family planning services shall be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of such consent to such hospitals and such clinics or medical care and services to be

provided by a physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7, as a person of full legal age and capacity, the infancy of the minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person or persons (including, but not limited to a spouse, parent, custodian, or guardian) shall be necessary in order to authorize such hospitals or such clinics or medical care and services provided by a physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7, to such a minor."

SECTION 4. Section 577A-3, Hawaii Revised Statutes, is amended to read as follows:

"§577A-3 Providing information. Public and private hospitals, or public and private clinics or physicians or physician assistants licensed to practice medicine, or advanced practice registered nurses as defined in section 457-2.7 may, at the discretion of the treating physician, physician assistant, or advanced practice registered nurse, inform the spouse, parent, custodian, or guardian of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to such care and services after consulting with the minor patient to whom such medical care and services have been provided under this chapter.

If the minor patient is not diagnosed as being pregnant or ~~[afflicted with [a] venereal disease,]~~ having a sexually transmitted infection, such information as well as the application for diagnosis may be disclosed, at the discretion of the treating physician, physician assistant, or advanced practice registered nurse after consulting with the minor patient."

SECTION 5. Section 577A-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If a minor consents to receive medical care and services, the spouse, parent, custodian, or guardian of the minor patient shall not be liable for the legal obligations resulting from the furnishing of medical care and services provided by the public and private hospital, public and private clinic or physician or physician assistant licensed to practice

medicine, or advanced practice registered nurse as defined in section 457-2.7. A minor who consents to the provision of medical care and services under this section shall assume financial responsibility for the costs of such medical care and services[-]; provided that a minor who consents to receive medical care and services related to the treatment or prevention of HIV pursuant to this section, shall not be liable for payment. Any other law to the contrary notwithstanding, no spouse, parent, custodian, or guardian whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of such medical care and services shall be liable for the costs incurred by virtue of the minor's consent."

We ask the committee to adopt these amendments. Mahalo for the opportunity to testify on this important measure.



February 9, 2021

Senate's Committee on Health
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Friday, February 12, 2021 – 1:00 p.m.

RE: **STRONG SUPPORT for Senate Bill 25**

Aloha Chair Keohokalole, Vice Chair Baker and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 25 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. SB 25 Permits minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV. Provides that a minor, under certain circumstances, shall not be liable for payment for treatment or prevention of HIV.

Coming out is personal decision and no minor should have to come out to get access to life saving HIV treatment or HIV prevention drugs.

For these reasons the LGBT Caucus fully supports SB 25.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawai'i

TESTIMONY IN SUPPORT OF SB 25

TO: Chair Keohokalole, Vice-Chair Baker, & Health Committee Members

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: February 12, 2021 (1:00 PM)

Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** SB 25, which will increase access to HIV medical care for minors. HIV prevention and care have transformed over the past decade and it is essential that young people also have access to these emerging medical interventions so that they can either prevent acquiring HIV or if they are living with it, get the care they need to live well and not transmit the virus to others.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawai'i and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities. We foster health, wellness, and systemic change in Hawai'i and the Pacific through care services, advocacy, training, prevention, education, and capacity building.

HHHRC's roots are working with people living with and at-risk for HIV and has been at the forefront of "Hawai'i to Zero." [Hawai'i to Zero](#) is a coalition of members who are committed to getting to zero new HIV infections, zero HIV-related deaths, and zero stigma. SB 25 addresses all three components.

Specifically, HHHRC launched Hawai'i's first PrEP program which provides HIV antiviral to HIV negative people to prevent infection. HHHRC has had to turn away several young people who did not have parental consent for this important drug. This legislation is needed to help younger persons access this medication that can, with safer sex practices, prevent the transmission of HIV from their partners.

Thank you for the opportunity to testify on this measure.



Re: SB 25

Feb 10th 2021

I write in **STRONG SUPPORT** of SB25, to ensure the ability of minors to consent and therefore have access to medical care for the treatment and prevention of HIV.

Ability to access such care is a crucial piece of HIV prevention. In my practice, I have seen many young adults with new HIV diagnoses that were entirely preventable from both better education and biomedical interventions such as PrEP (pre-exposure prophylaxis). In 2018, youth aged 13-24 years accounted for nearly one-quarter (21%) of new HIV diagnoses in the United States. Youth with HIV are the least likely of any age group to be retained in care and have a suppressed HIV viral load. The ability of youth to be able to consent for their own access to care around HIV prevention would be a key in preventing new HIV diagnoses. Confidentiality issues, including concerns that parents might find out, pose significant barriers and stigma among minors regarding STD (sexually transmitted disease) treatment and prevention (including HIV). Leichter et al (2017) found that 22.6% of youth aged 15-17 reported that they would not seek STD services, because of confidentiality concerns.

In 2018, the FDA approved the use of a fixed dose combination tablet of tenofovir disoproxil fumarate (TDF)/emtricitabine (FTC) in adolescents to prevent HIV. In 2019, it expanded this approval to include tenofovir alafenamide (TAF)/emtricitabine (FTC) in adolescents meeting certain medical criteria and assessments. In brief, these medications have been approved with an efficacy of nearly 99% of preventing HIV transmission through sex and would be a powerful tool in preventing new HIV infections in our youth.

SB25 would address the current gap in the existing statute that does not permit a minor to consent to the potentially life-saving biomedical intervention of PrEP, and so I would strongly and humbly urge that you please **PASS SB25**.

Mahalo,

A handwritten signature in black ink, appearing to read "John Vaz", written in a cursive style.

John Vaz MD,
Infectious Diseases Physician,
Chief Medical Officer,
Mālama I Ke Ola Health Center,
Wailuku, HI 96793

HIV and Youth. <https://www.cdc.gov/hiv/group/age/youth/index.html> CDC 2018.

Leichter et al., Confidentiality Issues and Use of Sexually Transmitted Disease Services Among Sexually Experienced Persons Aged 15-25 – United States, 2013-2015. CDC MMWR March 10, 2017. 66(9); 237-249

Tanner et al., Preexposure Prophylaxis for Prevention of HIV Acquisition Among Adolescents: Clinical Considerations, 2020. CDC MMWR April 24, 2020. 69 (3); 1-12.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Friends of the Children's Justice Center of Maui

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 9, 2021

To: Senator Jarret Keohokalole, Chair
And members of the Committee on Health

Testimony in Support of SB 25 Relating to Medical Care for Minors

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 25 Relating to Medical Care for Minors

Allowing minors to consent for HIV testing and treatment will reduce risks of HIV transmission and increase likelihood that minors will receive testing and treatment.

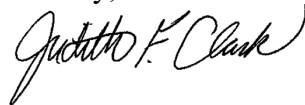
We are not sure that this bill is necessary, however, as minors ages 14 and older already have the right to consent to primary and preventive medical care when parental/guardian consent cannot reasonably be obtained (Citation from the capitol.hawaii.gov website below).

SLH2007_Act35.pdf

in 2007 • ... 528 A Bill for an Act Relating to **Minors**. Be It Enacted by the Legislature of the State of ... The purpose of this Act is to allow a **minor** who is not under the care, supervision, ...or control of a parent, custodian, or legal guardian, to **consent** to the provision of primary medical care and services....and to read as follows: "CHAPTER PRIMARY MEDICAL CARE FOR **MINORS** WITHOUT SUPPORT §-1 Definitions. For the purposes ... "**Minor** without support" means a person who is at least fourteen years of age but less than eighteen years ...

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

SB-25

Submitted on: 2/9/2021 4:42:47 PM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

Aloha Senators,

Pride at Work - Hawai'i, the state-wide chapter of Pride At Work (a constituency group of the national AFL-CIO) and an affiliate of the Hawai'i State AFL-CIO, fully supports SB 25.

Mahalo nui loa,

Pride at Work - Hawai'i

SB-25

Submitted on: 2/11/2021 9:39:06 AM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

Aloha Senators,

Pride at Work - Hawai'i, the state-wide chapter of Pride At Work (a constituency group of the national AFL-CIO) and an affiliate of the Hawai'i State AFL-CIO, fully supports SB 679.

Mahalo nui loa,

Pride at Work - Hawai'i

SB-25

Submitted on: 2/9/2021 4:30:54 PM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Yulia Muzychenko	Individual	Oppose	No

Comments:

Minors are not old enough to make such decisions. It's important for parents to know what is going with their children so they can make a better decision for their care as a family and can be aware of life threatening problems in their lives in order to better help them.

SB-25

Submitted on: 2/9/2021 6:40:23 PM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I strongly support the passage of SB25.

Mike Golojuch, Sr.

Representative Jarrett Keohokalole, Chair
Representative Rosalyn H. Baker, Vice Chair
Committee on Health

From: Nataliya Panova
Date: Tuesday, February 9, 2021
Subject: Support for S.B. No. 25, Relating to Medical Care for Minors

My name is Nataliya Panova and I am a first-year medical student at the University of Hawaii. I strongly support S.B. No. 25, Relating to Medical Care for Minors, which would allow minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV.

Minors should have a right to consent to the treatment of HIV. Research has shown that consent is associated with a higher percentage of adolescents seeking HIV testing. Early intervention and management of HIV are essential for prolonging health outcomes. Furthermore, knowing HIV status is crucial for the prevention of virus transmission. Lastly, minors' consent would not only encourage adolescents to seek testing but introduce an opportunity for patient education and counseling.

By expanding minor consent rights to HIV-related medical care, we are providing a safe environment for adolescents not only to get treatment but receive education on disease management. This bill will facilitate the improvement of health outcomes for Hawaii youth. I urge the committee to pass S.B. No. 25. Thank you for this opportunity to testify.

SB-25

Submitted on: 2/9/2021 11:30:33 PM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I submit testimony in strong support for SB25. As the sister of an HIV/Aids survivor and a comprehensive advocate of the LGBTQIA community, I offer that, so many of our young people are not supported by their families, and are in need of safe, supportive care . I ask you humbly, vote in favor of access to health care for some of our most vulnerable.

Lynn Robinson-Onderko, Ewa Beach

SB-25

Submitted on: 2/10/2021 8:03:01 AM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

Aloha HTH Committee,

As a concerned community member and public health professional, I support SB25, which would allow minors to consent to medical care related to the diagnosis or the prevention of HIV.

A minor's ability to consent to Pre Exposure Prophylaxis (PrEP) is important for a variety of factors. Many adolescents are unwilling to receive sensitive healthcare services if they need to involve their parent or guardian. This can be an impediment to a minor's willingness to get tested for HIV or accept a prescription for a medication such as PrEP. Given continued stigma surrounding the behaviors that transmit HIV, as well as HIV itself, minors may not want to include their parents and/or guardians in their HIV-related decisions for this reason. Furthermore, minors that come from unsafe homes may fear violence if discovered to be taking an HIV preventive pill.

For these reasons, I urge you to pass SB25.

Mahalo,

Thaddeus Pham (he/him)

SB-25

Submitted on: 2/10/2021 8:30:52 AM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tami Whitney	Individual	Support	No

Comments:

Aloha,

I am a single parent and public health profession and STRONGLY SUPPORT SB25, which would allow minors to consent to medical care related to the diagnosis or the prevention of HIV. A minor's ability to consent to PrEP is important for a variety of factors. Many adolescents are unwilling to receive sensitive healthcare services if they need to involve their parent or guardian. This can be an impediment to a minor's willingness to get tested for HIV or accept a prescription for a medication such as PrEP. Given continued stigma surrounding the behaviors that transmit HIV, as well as HIV itself, minors may not want to include their parents and/or guardians in their HIV-related decisions for this reason. Furthermore, minors that come from unsafe homes may fear violence if discovered to be taking an HIV preventive pill.

Thank you so much,

Tami Whitney

SB-25

Submitted on: 2/10/2021 5:38:54 PM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Mark Hideaki Salisbury	Individual	Support	No

Comments:

Support

SB-25

Submitted on: 2/10/2021 8:55:14 PM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikki-Ann Yee	Individual	Support	No

Comments:

I support SB25, which would allow minors to consent to medical care related to the diagnosis or the prevention of HIV. A minor's ability to consent to PrEP is important for a variety of factors. Many adolescents are unwilling to receive sensitive healthcare services if they need to involve their parent or guardian. This can be an impediment to a minor's willingness to get tested for HIV or accept a prescription for a medication such as PrEP. Given continued stigma surrounding the behaviors that transmit HIV, as well as HIV itself, minors may not want to include their parents and/or guardians in their HIV-related decisions for this reason. Furthermore, minors that come from unsafe homes may fear violence if discovered to be taking an HIV preventive pill.

SB-25

Submitted on: 2/11/2021 8:50:44 AM

Testimony for HTH on 2/12/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Kim	Individual	Support	No

Comments:

Dear Senators,

I support SB25, which would allow minors to consent to medical care related to the diagnosis or the prevention of HIV. A minor's ability to consent to PrEP is important for a variety of factors. Many adolescents are unwilling to receive sensitive healthcare services if they need to involve their parent or guardian. This can be an impediment to a minor's willingness to get tested for HIV or accept a prescription for a medication such as PrEP. Given continued stigma surrounding the behaviors that transmit HIV, as well as HIV itself, minors may not want to include their parents and/or guardians in their HIV-related decisions for this reason. Furthermore, minors that come from unsafe homes may fear violence if discovered to be taking an HIV preventive pill. I see adolescents everyday in my work. STIs are very prevalent in this population and the rates are ever increasing. Prevention is the key - especially with HIV as there is currently no vaccine and no cure for it.. I would vastly prefer a child of mine to be able to ask for PrEP and practice safe sex than to have my child infected with HIV. Thank you.

Linda Kim, APRN



To: Senate Committee on Health
Hearing Date/Time: Friday, Feb. 12, 2021, 1:00 p.m.
Place: Via Videoconference
Re: SB25, Relating to the Medical Care for Minors

LATE

Dear Chair Keohokalole, Vice Chair Baker and Members of the Committee,

Thank you for this opportunity to provide testimony on SB 25, which permits minors to consent to medical care related to the diagnosis or treatment of HIV or the prevention of HIV.

Hawai'i Academy of Physician Assistants SUPPORTS SB 25 and requests an AMENDMENT.

The Hawai'i Academy of Physician Assistants supports SB 25 because it would ensure and promote access to care for this significantly vulnerable population of our state. Adolescents and young adults (aged 13-29) accounted for 41% of new HIV diagnoses in 2017.¹ Those aged 13 to 24 accounted for 21%; roughly one in every five new diagnoses.² Of these, 44% were unaware of their status. This age group is the least likely to test for HIV, receive HIV treatment or be virally suppressed, or be offered HIV prevention treatment. Data from 2012 to 2016 shows HIV diagnoses have either stabilized or fallen among the majority of adult population groups, however they increased by 6% among those aged 13 to 29.³

We support SB 25 because it would further enable and encourage minors age fourteen to seventeen to obtain such services without involvement of a parent or guardian.

We note that it appears the intent of SB25 is to clarify a "health care provider" as "an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of the individual's business or profession." This includes, physicians, osteopathic physicians, physician assistants (PAs), and advanced practice register nurses (APRNs). Hawai'i has already seen the benefit of allowing qualified licensed providers to perform a wide range of health care services, with both APRNs' and PAs' roles expanding dramatically in Hawai'i. Similarly, in 2019, the legislature recognized that PAs can safely and effectively perform their extensive duties with reduced supervision. PAs perform physical examinations, diagnose, and treat illnesses, order and interpret lab tests, perform medical procedures, assist in surgery, and enhance health care coordination. In Hawai'i, PAs practice in primary care and in every medical and surgical subspecialty. Both APRNs and PAs may function as Primary Care Providers (PCP), managing chronic conditions like hypertension and diabetes and provide gynecologic care and family planning services.

However, other parts of Section 577A limit the ability to treat these minors to a "physician licensed to practice medicine, or advanced practice registered nurse". Therefore, we request the committee consider the following amendments to include PAs where physicians and APRNs are already included:

1 Centers for Disease Control and Prevention (2018) 'Diagnoses of HIV Infection in the United States and Dependent Areas, 2017'.

2 Centers for Disease Control and Prevention (2019) 'HIV and youth'.

3 Guilamo-Ramos, V, et al. (1 May 2019) 'Comment: Youth at risk of HIV: the overlooked US HIV prevention crisis', The Lancet HIV, Volume 6, Issue 5, pp e275-e278.



SECTION 3. Section 577A-2, Hawaii Revised Statutes, is amended to read as follows:

"§577A-2 Consent valid. The consent to the provision of medical care and services by public and private hospitals or public and private clinics, or the performance of medical care and services by a physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7, when executed by a female minor who is or professes to be pregnant, or by a minor who is or professes to be [afflicted with a venereal disease,] infected with, or to have been exposed to, a sexually transmitted infection, or a minor seeking family planning services shall be valid and binding as if the minor had achieved his or her majority as the case may be; that is, a female minor who is, or professes to be pregnant, or a minor who is, or professes to be [afflicted with a venereal disease,] infected with, or to have been exposed to, a sexually transmitted infection, or a minor seeking family planning services shall be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of such consent to such hospitals and such clinics or medical care and services to be provided by a physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7, as a person of full legal age and capacity, the infancy of the minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority; and the consent of no other person or persons (including, but not limited to a spouse, parent, custodian, or guardian) shall be necessary in order to authorize such hospitals or such clinics or medical care and services provided by a physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7, to such a minor."

SECTION 4. Section 577A-3, Hawaii Revised Statutes, is amended to read as follows:

"§577A-3 Providing information. Public and private hospitals, or public and private clinics or physicians or physician assistants licensed to practice medicine, or advanced practice registered nurses as defined in section 457-2.7 may, at the discretion of the treating physician, physician assistant, or advanced practice registered nurse, inform the spouse, parent, custodian, or guardian of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to such care and services after consulting with the minor patient to whom such medical care and services have been provided under this chapter.



Hawai'i Academy of Physician Assistants

If the minor patient is not diagnosed as being pregnant or ~~{afflicted with [a] venereal disease,}~~ having a sexually transmitted infection, such information as well as the application for diagnosis may be disclosed, at the discretion of the treating physician, physician assistant, or advanced practice registered nurse after consulting with the minor patient."

SECTION 5. Section 577A-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If a minor consents to receive medical care and services, the spouse, parent, custodian, or guardian of the minor patient shall not be liable for the legal obligations resulting from the furnishing of medical care and services provided by the public and private hospital, public and private clinic or physician or physician assistant licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7. A minor who consents to the provision of medical care and services under this section shall assume financial responsibility for the costs of such medical care and services[.]; provided that a minor who consents to receive medical care and services related to the treatment or prevention of HIV pursuant to this section, shall not be liable for payment. Any other law to the contrary notwithstanding, no spouse, parent, custodian, or guardian whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of such medical care and services shall be liable for the costs incurred by virtue of the minor's consent."

We ask the committee to adopt these amendments. Thank you for the opportunity to testify on this important measure.

Sincerely,

Hawai'i Academy of Physician Assistants