

JAN 20 2023

A BILL FOR AN ACT

RELATING TO MEDICAL CARE FOR MINORS.

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

1 SECTION 1. Section 577A-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding three new definitions to be appropriately
4 inserted and to read:

5 "Covered entity" has the same meaning as in title 45 Code
6 of Federal Regulations section 160.103.

7 "Licensed health care provider" means a physician,
8 osteopathic physician, or physician assistant licensed under
9 chapter 453; or an advanced practice registered nurse licensed
10 under chapter 457.

11 "Sexually transmitted infection" means an infection that is
12 commonly transmitted through sexual contact, including but not
13 limited to human immunodeficiency virus infection."

14 2. By amending the definition of "medical care and
15 services" to read:

16 "Medical care and services" means the diagnosis,
17 examination, and administration of medication in the prevention



1 or treatment of [~~venerereal diseases,~~] sexually transmitted
2 infections, pregnancy, and family planning services. It shall
3 not include surgery or any treatment to induce abortion."

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

6 "**§577A-2 Consent valid.** (a) The consent to the provision
7 of medical care and services by public and private hospitals or
8 public and private clinics, or the performance of medical care
9 and services by a [~~physician licensed to practice medicine or~~
10 ~~advanced practice registered nurse as defined in section~~
11 ~~457-2.7,~~] licensed health care provider, when executed by a
12 female minor who is or professes to be pregnant, or by a minor
13 who is or professes to be [~~afflicted with a venerereal disease,~~]
14 infected with, or to have been exposed to, a sexually
15 transmitted infection, or a minor seeking family planning
16 services shall be valid and binding as if the minor had achieved
17 [~~his or her~~] the age of majority as the case may be; that is, a
18 female minor who is, or professes to be pregnant, or a minor who
19 is, or professes to be [~~afflicted with a venerereal disease,~~]
20 infected with, or to have been exposed to, a sexually
21 transmitted infection, or a minor seeking family planning



1 services shall be deemed to have, and shall have the same legal
2 capacity to act, and the same legal obligations with regard to
3 the giving of [~~such~~] consent to [~~such~~] hospitals and [~~such~~]
4 clinics or consent to the performance of medical care and
5 services [~~to be provided~~] by a [~~physician licensed to practice~~
6 ~~medicine or advanced practice registered nurse as defined in~~
7 ~~section 457-2.7,~~] licensed health care provider, as a person of
8 full legal age and capacity, the infancy of the minor and any
9 contrary provisions of law notwithstanding [~~, and such~~]; provided
10 that the consent shall not be subject to later disaffirmance by
11 reason of [~~such~~] minority; [~~and~~] provided further that the
12 consent of no other person or persons [~~(including)~~, including
13 but not limited to a spouse, parent, custodian, or guardian(+) ,
14 shall be necessary in order to authorize [~~such~~] the hospitals or
15 [~~such~~] clinics or the performance of medical care and services
16 [~~provided~~] by a [~~physician licensed to practice medicine or~~
17 ~~advanced practice registered nurse as defined in section~~
18 457-2.7,] licensed health care provider to [~~such a~~] the minor.

19 (b) The licensed health care provider shall ensure that
20 the covered entity has been notified that minor-initiated
21 medical care and services should not be disclosed."



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

3 "**§577A-3 Providing information.** (a) Public and private
4 hospitals, ~~[or]~~ public and private clinics, or ~~[physicians~~
5 ~~licensed to practice medicine or advanced practice registered~~
6 ~~nurses as defined in section 457-2.7]~~ licensed health care
7 providers may, at the discretion of the treating ~~[physician or~~
8 ~~advanced practice registered nurse,]~~ licensed health care
9 provider, inform the spouse, parent, custodian, or guardian of
10 any minor patient of the provision of medical care and services
11 to the minor or disclose any information pertaining to ~~[such]~~
12 the medical care and services after consulting with the minor
13 patient to whom ~~[such]~~ the medical care and services have been
14 provided under this chapter.

15 (b) If the minor patient is not diagnosed as being
16 pregnant or ~~[afflicted with [a] venereal disease, such]~~ having a
17 sexually transmitted infection, this information as well as the
18 application for diagnosis may be disclosed, at the discretion of
19 the treating ~~[physician or advanced practice registered nurse]~~
20 licensed health care provider after consulting with the minor
21 patient."



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

3 **"§577A-4 Financial responsibility; counseling.** (a) If a
4 minor consents to receive medical care and services, the spouse,
5 parent, custodian, or guardian of the minor patient shall not be
6 liable for the legal obligations resulting from the furnishing
7 of medical care and services provided by the public [~~and~~] or
8 private hospital, public [~~and~~] or private clinic, or [~~physician~~
9 ~~licensed to practice medicine, or advanced practice registered~~
10 ~~nurse as defined in section 457-2.7.] licensed health care
11 provider. A minor who consents to the provision of medical care
12 and services under this section shall assume financial
13 responsibility for the costs of such medical care and services.
14 Any other law to the contrary notwithstanding, no spouse,
15 parent, custodian, or guardian whose consent has not been
16 obtained or who has no prior knowledge that the minor has
17 consented to the provision of such medical care and services
18 shall be liable for the costs incurred by virtue of the minor's
19 consent.~~

20 (b) Medical care and services shall include individual
21 counseling for each minor patient by a [~~physician licensed to~~



1 ~~practice medicine or advanced practice registered nurse as~~
2 ~~defined in section 457-2.7. Such counseling]~~ licensed health
3 care provider. Counseling shall seek to open the lines of
4 communication between parent and child.

5 (c) A covered entity shall have policies and procedures
6 established to maintain nondisclosure of the minor-initiated
7 medical care and services to the parent or legal guardian in
8 accordance with federal regulations, including title 45 Code of
9 Federal Regulations part 164, subpart E. The licensed health
10 care provider shall be entitled to submit a claim to the covered
11 entity for the provision of minor-initiated medical care and
12 services to the minor pursuant to this section, but shall not
13 bill for out-of-pocket payments, copayments, coinsurance, or
14 deductibles.

15 (d) Upon notification from the licensed health care
16 provider that minor-initiated medical care and services should
17 not be disclosed, a covered entity shall not disclose to the
18 minor's parent or legal guardian who is a policyholder or other
19 covered person, any billing information, including payments made
20 by the covered entity for minor-initiated medical care and
21 services."



S.B. NO. 955

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2023.

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INTRODUCED BY: *Clu*



S.B. NO. 955

Report Title:

Medical Care; Minors; Covered Entity; Licensed Health Care Provider; Consent; Information; Financial Responsibility

Description:

Authorizes licensed osteopathic physicians and physician assistants, in addition to physicians and advance practice registered nurses, to provide minor-initiated medical care and services. Requires the licensed health care provider to ensure that the covered entity has been notified that minor-initiated medical care and services should not be disclosed. Requires the covered entity to have policies and procedures established to maintain nondisclosure of the minor-initiated medical care and services to the minor's parent or legal guardian. Authorizes the licensed health care provider to submit a claim to the covered entity for the provision of minor-initiated medical care and services.

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