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JAN 24 2024

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 or an
8 osteopathic physician licensed under chapter 453, a physician
9 assistant licensed under chapter 453, or an advanced practice
10 registered nurse licensed 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

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1 or treatment of [venereal diseases,] sexually transmitted
2 infections, pregnancy, and family planning services."

3 3. By amending the definition of "minor" to read:

4 "Minor" [~~shall be~~] means any person from the age of
5 fourteen to seventeen inclusive."

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

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

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1 ~~disease,~~ infected with, at risk of exposure to, or to have been
2 exposed to, a sexually transmitted infection, or a minor seeking
3 family planning services shall be deemed to have, and shall have
4 the same legal capacity to act, and the same legal obligations
5 with regard to the giving of [~~such~~] consent to [~~such~~] hospitals
6 [~~and such~~], clinics, or licensed health care providers for the
7 provision of medical care and services [~~to be provided by a~~
8 ~~physician licensed to practice medicine or advanced practice~~
9 ~~registered nurse as defined in section 457-2.7,~~] as a person of
10 full legal age and capacity, the infancy of the minor and any
11 contrary provisions of law notwithstanding [~~and such consent~~].

12 (b) The consent given under this section shall not be
13 subject to later disaffirmance by reason of [~~such~~] the minor
14 patient's minority [~~and the~~].

15 (c) No consent of [~~no~~] any other person or persons
16 [~~(including),~~ including but not limited to a spouse, parent,
17 custodian, or guardian[+], shall be necessary [~~in order~~] to
18 authorize [~~such~~] the provision of medical care and services
19 by hospitals [~~or such~~], clinics, or [~~medical care and services~~
20 ~~provided by a physician licensed to practice medicine or~~
21 ~~advanced practice registered nurse as defined in section~~
22 ~~457-2.7,~~] licensed health care providers to [~~such a~~] the minor.

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1 (d) The licensed health care provider who provided medical
2 care and services to a minor under this section shall ensure
3 that an applicable covered entity has been notified that the
4 information pertaining to the minor-initiated medical care and
5 services should not be disclosed."

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

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

20 (b) If the minor patient is not diagnosed as being
21 pregnant or [afflicted with [a] venereal disease, such] having a
22 sexually transmitted infection, the information as well as the

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1 application for diagnosis may be disclosed, at the discretion of
2 the treating [~~physician or advanced practice registered~~
3 ~~nurse~~] licensed health care provider after consulting with the
4 minor patient."

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

7 "**§577A-4 Financial responsibility; counseling.** (a) If a
8 minor consents to receive medical care and services, the spouse,
9 parent, custodian, or guardian of the minor patient shall not be
10 liable for the legal obligations resulting from the furnishing
11 of medical care and services provided by the public [~~and~~] or
12 private hospital, public [~~and~~] or private clinic, or [~~physician~~
13 ~~licensed to practice medicine, or advanced practice registered~~
14 ~~nurse as defined in section 457-2.7.~~] licensed health care
15 provider. A minor who consents to the provision of medical care
16 and services under [~~this~~] section 577A-2 shall assume financial
17 responsibility for the costs of [~~such~~] the medical care and
18 services. Any other law to the contrary notwithstanding, no
19 spouse, parent, custodian, or guardian whose consent has not
20 been obtained or who has no prior knowledge that the minor has
21 consented to the provision of [~~such~~] the medical care and

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1 services shall be liable for the costs incurred by virtue of the
2 minor's consent.

3 (b) Medical care and services shall include individual
4 counseling for each minor patient by a [~~physician licensed to~~
5 ~~practice medicine or advanced practice registered nurse as~~
6 ~~defined in section 457-2.7.~~] licensed health care
7 provider. [~~Such~~] The counseling shall seek to open the lines of
8 communication between parent and child.

9 (c) A covered entity shall establish policies and
10 procedures to ensure that minor-initiated medical care and
11 services provided under section 577A-2 are not disclosed to the
12 parent, spouse, custodian, or guardian in accordance with
13 federal regulations, including title 45 Code of Federal
14 Regulations part 164, subpart E. The licensed health care
15 provider shall be entitled to submit a claim to the covered
16 entity for payment for the costs of minor-initiated medical care
17 and services to the minor provided pursuant to section 577A-2.

18 (d) If a claim for medical care or services obtained under
19 this chapter is submitted to a covered entity under which a
20 minor is enrolled, and the minor does not want the covered
21 entity to disclose information regarding the claim to a spouse,
22 parent, custodian, or guardian, the minor or the provider shall

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1 so notify the covered entity when the claim is submitted;
 2 provided that the licensed health care provider who provided the
 3 medical care and services to the minor may notify the covered
 4 entity on behalf of the minor. The covered entity may require
 5 that the request for confidential communication be made in
 6 writing and that it contain a statement that disclosure of all
 7 or part of the information to which the request pertains could
 8 harm the minor. The covered entity may accommodate requests by
 9 the minor or the licensed health care provider to receive
 10 communications related to the medical care and services by
 11 alternative means or at alternative locations."

12 SECTION 5. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act, upon its approval, shall take effect
 15 on January 1, 2025.

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INTRODUCED BY: 

18

BY REQUEST

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Report Title:

Minor Consent; Health Care; Sexually Transmitted Infections

Description:

Authorizes minors who are 14 years or older to consent to medical care for sexually transmitted infections, pregnancy, and family planning services, including the prevention of sexually transmitted infections. Requires confidentiality policies and practices for insurers and providers.

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

JUSTIFICATION SHEET

DEPARTMENT: Health.

TITLE: A BILL FOR AN ACT RELATING TO MEDICAL CARE FOR MINORS.

PURPOSE: To authorize minors who are 14 years or older to consent to medical care for sexually transmitted infections, pregnancy, and family planning services, including the prevention of sexually transmitted infections; and to require confidentiality policies and practices for insurers and providers.

MEANS: Amend sections 577A-1, 577A-2, 577A-3, and 577A-4, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Hawaii, as with most U.S. states, has long permitted minors from 14 to 17 years of age to consent, independently and without their parent or guardian's involvement, to medical care and services for screening and treatment of sexually transmitted infections (STIs). Unfortunately, Hawaii law requires that a minor must already be infected or profess infection to be able to consent to services. Preventive treatments are thus unavailable without parent or guardian consent.

A minor who is at risk for human immunodeficiency virus (HIV) should be able to consent to medical care and treatment to take HIV pre-exposure prophylaxis (PrEP) medication and receive related medical care. Medication for HIV PrEP has been FDA approved for use for minors since 2018. In Hawaii, individuals aged 14-17 cannot currently access HIV PrEP without the involvement and consent of their parent or guardian. Minors who are at greatest risk for HIV are often unable or unwilling to disclose information about their sexual behavior that puts them at high risk for HIV to their parent or guardian. As a result,

these minors forgo HIV PrEP rather than seeking parent or guardian consent.

Other types of medical care and treatment for the prevention of STIs include vaccination against human papilloma virus, vaccination against mpox, and use of antibiotics to prevent bacterial STIs.

The requirement for confidentiality policies for health plans would help prevent disclosure of information related to minor-initiated medical care and services to the minor's parent or guardian, who would otherwise routinely receive reports on health insurance utilization.

Impact on the public: Reduced risk for spread of STIs.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 100.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: January 1, 2025.