

JAN 18 2013

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that sick and vulnerable
2 patients and their family members can easily become overwhelmed
3 within the medical system, especially when emergency medical
4 attention is necessary. Patients may be unaware of their rights
5 regarding the treatment and care they receive from their
6 emergency room physicians. There may be times when patients or
7 their family members disagree with the diagnosis or treatment
8 plan provided by the emergency room physicians, but feel forced
9 to accept the treatment plan despite their reservations or
10 concerns because they are unaware of how to effectively exercise
11 their rights to secure appropriate and available emergency
12 medical care. Thus, the legislature finds that a patient
13 advocate is needed to assist in effective case management and
14 intervene for the purpose of better communication among
15 patients, their family members, and health care providers in
16 emergency situations.

17 The purpose of this Act is to establish an emergency
18 services patient advocate program to provide assistance to and



1 advocate on behalf of patients receiving emergency medical care
2 to enable patients and their family members to recognize and
3 exercise their rights to secure appropriate and available
4 emergency medical care.

5 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
6 amended by adding a new part to be appropriately designated and
7 to read as follows:

8 "PART . EMERGENCY SERVICES PATIENT ADVOCATE

9 §321-A Emergency services patient advocate program;

10 **purpose; established.** The department of health shall establish
11 an emergency services patient advocate program to provide
12 assistance to and advocate on behalf of patients receiving
13 emergency medical care. The purpose of the emergency services
14 patient advocate program is to inform and educate patients and
15 their family members about their rights and responsibilities as
16 patients and to assist in resolving issues relating to the
17 patients' emergency medical care received or adequacy of
18 emergency medical care received at hospitals until the
19 appropriate hospital staff has an opportunity to review their
20 case and render a decision relating to the patients' emergency
21 medical care.



1 **§321-B Emergency services patient advocate.** The emergency
2 services patient advocate program shall be headed by the patient
3 advocate who shall be appointed by the director of health,
4 without regard to chapter 76. The patient advocate shall be
5 licensed under chapter 453 to practice medicine or surgery with:

- 6 (1) At least five years' experience in emergency medicine;
7 or
8 (2) Broad administrative experience in medical care
9 delivery and emergency medical care systems.

10 The director of health may hire personnel, exempt from chapters
11 76 and 89, to provide support to the patient advocate. The
12 director of health may contract with experts when necessary to
13 carry out the functions of the emergency services patient
14 advocate program.

15 **§321-C Program duties.** The emergency services patient
16 advocate program shall:

- 17 (1) Operate a website and call center pursuant to section
18 321-D to provide consultation services to patients in
19 need of emergency care statewide;
20 (2) Collaborate with hospitals that provide emergency
21 medical care within the State regarding emergency



- 1 medical care and the rights and responsibilities of
2 the patients the hospitals serve;
- 3 (3) Develop, in collaboration with the department of
4 health and hospitals that provide emergency medical
5 care within the State, and adopt standards relating to
6 patients' rights and responsibilities; and
- 7 (4) Develop, in consultation with the department of
8 health, educational and informational guides for
9 patients describing their rights and responsibilities,
10 and inform patients on effective ways to exercise
11 their rights to secure appropriate and available
12 emergency medical care;
- 13 (5) Render assistance to patients regarding procedures,
14 rights, and responsibilities relating to the filing of
15 emergency care service complaints;
- 16 (6) Assist in resolving issues between the emergency
17 medicine physicians and staff, and patients or their
18 family members regarding emergency medical treatment;
- 19 (7) Develop procedures to assist in resolving issues
20 regarding emergency medical treatment and care;
- 21 (8) Track and analyze patients' complaints regarding the
22 responsiveness and effectiveness of the emergency



1 medical care received, including the disposition of
2 the complaints;

3 (9) Make referrals to the appropriate state agency
4 regarding studies, investigations, or enforcement that
5 may be appropriate to protect the interests of
6 patients and their families; and

7 (10) Compile and publish an annual quality of care report
8 regarding the availability and utilization of
9 emergency medical care services statewide.

10 **§321-D Website and call center.** The emergency services
11 patient advocate program, in cooperation with the department of
12 health, shall include a website and call center, which shall be
13 operated by the patient advocate or patient advocate's delegate
14 and support staff. The website and call center shall:

15 (1) Operate twenty-four hours a day and seven days a week;

16 (2) Provide information, including the nearest hospital
17 available to deliver appropriate medical services, and
18 consultation services to patients requiring emergency
19 medical care and their family members;

20 (3) Inform patients requiring emergency medical care and
21 their family members of the patients' rights and



1 responsibilities relating to their emergency treatment
2 and care; and
3 (4) Assist in resolving issues between emergency medicine
4 physicians and patients or their family members
5 regarding emergency medical treatment until
6 appropriate hospital staff has an opportunity to
7 review the case; provided that any decisions or advice
8 rendered by the patient advocate shall be treated as
9 an additional medical opinion and documented under the
10 hospital staff's case review and final decision.

11 **§321-E Immunity from liability.** The patient advocate or
12 patient advocate's delegate and support staff who comply with
13 this part shall not be held civilly liable or criminally liable
14 for providing consultation or support services or information
15 required under this part.

16 **§321-F Rules.** The director of health shall adopt rules
17 necessary for the purposes of this part pursuant to chapter 91."

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2013-2014 and
21 the same sum or so much thereof as may be necessary for fiscal
22 year 2014-2015 for the administrative costs related to



1 establishing and carrying out the duties of the emergency
2 services patient advocate program.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 4. In codifying the new sections added by section
6 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 5. This Act shall take effect upon its approval;
10 provided that section 3 of this Act shall take effect on July 1,
11 2013.

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INTRODUCED BY:

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Report Title:

Patient Advocate; Emergency Medical Care; Department of Health; Appropriation

Description:

Establishes an emergency services patient advocate program to provide assistance to and advocate on behalf of individuals receiving emergency medical care. Makes an appropriation for the administrative costs related to establishing and carrying out the duties of the program.

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

