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# 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 the emergency  
2 medical system can easily overwhelm many patients, some of whom  
3 may be unaware of their treatment and care rights. For example,  
4 sometimes patients and their family members disagree with the  
5 diagnosis or treatment plan provided by an emergency room  
6 physician, but feel compelled to accept the prescribed treatment  
7 plan because they are unaware of how to request an opinion from  
8 a different physician.

9           The legislature also finds that establishment of a failsafe  
10 program to ensure that patient and family member concerns are  
11 addressed in a proactive manner can minimize incidents and  
12 decisions that negatively affect patient health.

13           The purpose of this Act is to assist in the effective case  
14 management of, and to enhance communication among patients,  
15 family members, and health care providers in emergency  
16 situations by:



- 1           (1) Establishing a twenty-four hour, on-call, two-year  
2           pilot emergency services failsafe program to assist  
3           physicians and patients in obtaining the opinion of  
4           another physician on high-risk cases, in situations  
5           when a consultation is warranted, and when a patient,  
6           a patient's family member, or hospital patient  
7           advocate disagrees with a diagnosis or treatment plan;
- 8           (2) Requesting the department of health to convene a  
9           committee to create a forum to facilitate the sharing  
10          of best practices and benchmarking data for patient  
11          advocacy in the emergency department setting; and
- 12          (3) Appropriating funds for the implementation and  
13          operation of the two-year pilot emergency services  
14          failsafe program.

15          SECTION 2. (a) The department of health shall establish a  
16          twenty-four hour, on-call, two-year emergency services failsafe  
17          program to provide:

- 18          (1) Convenient and expeditious consultation services to  
19          treating emergency room physicians and nursing staff,  
20          to ensure that emergency room patients are provided



1 with appropriate medical care, including obtaining the  
2 opinion of another physician; and

3 (2) Patients and their family members with a convenient  
4 and expeditious method to request the opinion of  
5 another physician, including a senior emergency room  
6 physician, regarding the diagnosis or treatment plan  
7 prescribed by an emergency room physician.

8 (b) The director of health may identify no more than two  
9 hospitals to participate in the pilot program; provided that at  
10 least one of the hospitals shall be affiliated with the Hawaii  
11 health systems corporation.

12 (c) The department of health shall submit the following  
13 reports, including findings and recommendations, to the  
14 legislature on the implementation of the two-year pilot  
15 emergency services failsafe program:

16 (1) An initial report no later than twenty days prior to  
17 the convening of the regular session of 2016; and

18 (2) A final report no later than twenty days prior to the  
19 convening of the regular session of 2017.

20 SECTION 3. The department of health may convene a  
21 committee to create a forum, as recommended in the report of the



1 task force pursuant to H.C.R. No. 122 (2014), "Urging the  
2 Director of Health to Convene a Task Force to Assess the Scope  
3 and Feasibility of Establishing an Emergency Services Patient  
4 Advocate Program," December 2014. The task force recommendation  
5 requests the Healthcare Association of Hawaii to develop an  
6 appropriate, ongoing forum to facilitate the sharing of best  
7 practices and benchmarking data for patient advocacy in the  
8 emergency department setting.

9 The department shall submit a report to the legislature no  
10 later than twenty days prior to the convening of the regular  
11 session of 2016 on any actions it has taken to convene the  
12 committee as described in this section.

13 SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$ or so much  
15 thereof as may be necessary for fiscal year 2015-2016 and the  
16 same sum or so much thereof as may be necessary for fiscal year  
17 2015-2016 for implementation and operation of the two-year pilot  
18 emergency services failsafe program.

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



1 SECTION 5. This Act shall take effect on July 1, 2050, and  
2 shall be repealed on July 1, 2017.



**Report Title:**

Emergency Services Failsafe Program; Medical Services; Emergency Room; Forum for Patient Advocacy

**Description:**

Establishes a two-year pilot emergency services failsafe program to assist physicians and patients in obtaining a second medical opinion regarding diagnosis and treatment. Authorizes the Department of Health to convene a committee to create a forum related to patient advocacy in the emergency department setting. Appropriates funds for the pilot program. (HB1147 HD1)

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