

TITLE 11  
DEPARTMENT OF HEALTH  
CHAPTER 168  
HANSEN'S DISEASE

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Historical Note. Chapter 168 of Title 11, Administrative Rules, is based substantially upon Chapter 27, Public Health Regulations, Department of Health. [Eff. 12/31/69 R NOV 05 1981]

§11-168-1 Purpose. The purpose of this chapter is to establish rules governing the care and treatment of persons afflicted with Hansen's Disease. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-168-2 Definitions. Unless otherwise indicated in the context, the following definitions shall apply:

"Communicable form or stage" means that form or stage of Hansen's Disease during which viable acid-fast organisms (mycobacterium leprae) are demonstrable in scrapings of skin or in tissue specimens in transmissible form and number.

"Contact" means an individual who has been exposed to a person afflicted with communicable Hansen's disease, or a child born to a patient under treatment for Hansen's disease in a communicable stage.

"Department" means the department of health of the State of Hawaii.

"Director" means the director of health of the State of Hawaii, and includes any officer, employee or agent of the department authorized by the director to act in his behalf.

"Hansen's disease" means a chronic disease produced by the mycobacterium leprae, and characterized primarily by alterations and destructive changes in the skin and nerve structures of the human body, appearing in either a communicable form or stage or a non-communicable form or stage.

"Physician" means a person duly licensed to practice medicine and surgery in the State of Hawaii. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-168-3 Notification. (a) Any physician having under his care or supervision a person with a disease believed to be Hansen's disease shall report the disease promptly to the department.

(b) The superintendent or management of any hospital in which a diagnosis of Hansen's disease is made after admission shall promptly inform the attending physician and report the diagnosis to the department. This does not relieve the physician of the primary responsibility for notifying the department.

(c) Any person in charge of a laboratory in which the examination of any specimen yields evidence of the possible presence of Hansen's disease shall report such findings to the department. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-168-4 Examination. (a) Any person reported as having Hansen's disease or suspected of having Hansen's disease shall be referred by his physician for examination by a consultant skilled in the examination and diagnosis of Hansen's disease as agreed upon by the patient or his physician and the director.

(b) Any person who does not accept the examination findings and recommendations of the consultant may request an examination by a panel of three physicians, one selected by and representing the person who is requesting the examination, one representing the Hawaii Medical Association and one representing the department. At least two of the three physicians must be known to be skilled in the diagnosis and management of Hansen's disease. The findings and recommendations of the panel will prevail.

(c) Any person who believes he may have Hansen's disease may request the director for an examination by a consultant representing the director to determine whether he has or does not have Hansen's disease.

(d) Contacts will be referred for examination and re-examination as may be required to insure prompt treatment should any evidence of Hansen's disease appear. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-168-5 Treatment. (a) Any person who has Hansen's disease will receive treatment either as an outpatient under the supervision of a physician approved by the director, or, if so recommended, in a hospital or other place established by the department for the care and treatment of persons afflicted with Hansen's disease.

(b) The department shall make arrangements for the care and treatment of Hansen's disease patients in other hospitals, nursing homes or "care" homes as the condition of the patient and the need for special services may indicate.

(c) Prophylactic chemotherapy and other preventive measures may be recommended for contacts who have been exposed to infection. [Eff. NOV 05 1981] (Auth: HRS §§326-1, 326-3, 326-24) (Imp: HRS §§326-1, 326-3, 326-24)

§11-168-6 Hospitalization. (a) The hospitalization of persons having Hansen's disease may be recommended for initiation of chemotherapy, for the treatment of complications of Hansen's disease for the correction of deformities due to Hansen's disease, or for certain rehabilitation measures best carried out within a hospital. The need for hospitalization will be established on the basis of medical condition, home environment, need for special services, and other related medico-social factors.

(b) Whenever the director considers that hospitalization is necessary for the protection of the public health, he may direct that the patient be hospitalized.

(c) Any person who has been hospitalized or is under treatment of Hansen's disease and believes that he no longer needs to be hospitalized or treated, may request an examination by a panel of three physicians, one selected by and representing the patient, one representing the Hawaii Medical Association and one representing the department. At least two of the three physicians must be known to be skilled in the diagnosis and management of Hansen's disease. The examination will take place within 15 days after receiving a written request for such an examination. The decision of a majority of the panel will determine the future status of the patient. A person so examined may not request a second examination until after an interval of at least three months. [Eff. NOV 05 1981] (Auth: HRS §§326-1, 326-3, 326-4) (Imp: HRS §§326-1, 326-3, 326-24)

§11-168-7 Transfers. (a) The transfer of a patient from any hospital for the care and treatment of Hansen's disease to any other hospital for the further care and treatment of Hansen's disease or any other medical or surgical condition may be made upon recommendation of the attending physician and with the consent of the patient. If a medical or surgical emergency arises and the patient is incapable of being consulted, such transfer may be made without his consent.

(b) Any patient upon request may have his residence transferred from Hale Mohalu at Leahi Hospital to Kalaupapa Settlement or from Kalaupapa Settlement to Hale Mohalu at Leahi Hospital, except that patients admitted to Hale Mohalu subsequent to 30 June 1969 must apply to the director and would require his approval for transfer to Kalaupapa Settlement. [Eff. NOV 05 1981] (Auth: HRS §§ 326-1, 326-3, 326-11, 326-13, 326-24) (Imp: HRS §§326-1, 326-3, 326-11, 326-13, 326-24)

§11-168-8 Leave. A patient hospitalized with the communicable form or stage of Hansen's disease may be granted leave for a period up to one week for personal or humanitarian reasons. Leave will be granted on condition that adequate measures are taken to prevent exposure of susceptible persons, especially children under 16 years of age, to infection, and that the person on leave follows the instructions of the health authority having jurisdiction over the area in which he will temporarily reside. [Eff. NOV 05 1981] (Auth: HRS §§326-1, 326-24) (Imp: HRS §§326-1, 326-24)

§11-168-9 Visiting. A permit issued by the director is required for any persons visiting or remaining in any place set apart for the treatment of persons having the communicable form of Hansen's disease. Permits will be issued for valid reason to adults upon request. Permits for escorted minors over 16 years of age will be issued to parents or guardians on request for valid reason. [Eff. NOV 05 1981] (Auth: HRS §326-24, 326-26) (Imp: HRS §326-24, 326-26)

§11-168-10 Employment. There shall be no restriction on the type of employment that may be engaged in by any person with the non-communicable form or stage of Hansen's disease. [Eff. NOV 05 1981] (Auth: HRS §§326-21, 326-22, 326-24) (Imp: HRS §§326-21, 326-22, 326-24)

§11-168-11 Outpatient follow-up care and discharge from the outpatient service. Patients shall continue on outpatient follow-up care until the likelihood of any further complications of Hansen's disease have passed. Contacts may be discharged from the outpatient service after medical

examinations show no evidence of Hansen's disease. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-24)

§11-168-12 Penalty. Any person who violates the provisions of this chapter shall be fined not more than five hundred dollars or imprisoned for not more than one year, or both. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-39)

§11-168-13 Severability. If any provision of this chapter, or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby. [Eff. NOV 05 1981] (Auth: HRS §326-24) (Imp: HRS §326-24)

The Department of Health authorized the repeal of Chapter 27, Public Health Regulations and the adoption of Chapter 168 of Title 11, Administrative Rules on Hansen's Disease following public hearing held on Oahu on August 24, 1981, on Hawaii on August 26, 1981, on Kauai on August 25, 1981, on Maui on August 27, 1981 after public notice was given in the Honolulu Advertiser on July 30, 1981, in the Hawaii Tribune-Herald on July 31, 1981, in the Garden Isle on July 31, 1981, and in the Maui News on July 30, 1981.

Chapter 168 of Title 11, Administrative Rules and the repeal of Chapter 27, Public Health Regulations shall take effect ten days after filing with the Office of the Lieutenant Governor.

GEORGE YUEN  
Director  
Department of Health  
Dated: SEP 23 1981

APPROVED:  
GEORGE R. ARIYOSHI  
GOVERNOR  
STATE OF HAWAII  
Dated: OCT 24 1981

APPROVED AS TO FORM:  
Phillip Moon  
Deputy Attorney General

Filed: OCT 26 1981  
Effective Date: NOV 05 1981