

JAN 24 2007

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 453-2, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) Except as otherwise provided by law, no person shall
4 practice medicine or surgery in the State, either gratuitously
5 or for pay, or ~~[shall]~~ offer to ~~[se]~~ practice~~[r]~~ medicine or
6 surgery in the State, or ~~[shall]~~ advertise or announce one's
7 self, either publicly or privately, as prepared or qualified to
8 ~~[se]~~ practice medicine or surgery in the State, or ~~[shall]~~
9 append the letters "Dr." or "M.D." to one's name~~[r]~~ with the
10 intent ~~[thereby]~~ to imply that the ~~[individual]~~ person is a
11 practitioner of medicine or surgery, without having a valid
12 unrevoked license or a limited and temporary license~~[r]~~ obtained
13 from the board of medical examiners~~[r, in form and manner~~
14 ~~substantially as hereinafter set forth]~~.
15 (b) Nothing herein shall:
16 (1) Apply to so-called Christian Scientists ~~[so long as~~
17 ~~they merely]~~; provided that the Christian Scientists



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1 practice the religious tenets of their church without
2 pretending a knowledge of medicine or surgery;

3 (2) Prohibit service in the case of emergency or the
4 domestic administration of family remedies;

5 (3) Apply to any commissioned medical officer in the
6 United States armed forces or public health service
7 engaged in the discharge of one's official duty, nor
8 to any practitioner of medicine and surgery from
9 another state when in actual consultation, including
10 [~~but not limited to,~~] in-person, mail, electronic,
11 telephonic, fiber-optic, or other telemedicine
12 consultation with a licensed physician of this State,
13 if the physician from another state at the time of
14 such consultation is licensed to practice in the state
15 in which the physician resides; provided that:

16 (A) The physician from another state shall not open
17 an office, or appoint a place to meet patients[~~]~~
18 in this State, or receive calls within the limits
19 of the State[+] for the provision of care for a
20 patient who is located in this State; and

21 (B) The licensed physician of this State retains
22 control and remains responsible for the provision

1 of care for the patient[+] who is located in this
2 State; and

3 [~~provided further that the~~]

4 (C) The laws and regulations relating to contagious
5 diseases are not violated;

- 6 (4) Prohibit services rendered by any person certified
7 under part II of this chapter to provide emergency
8 medical services, or any physician assistant, when the
9 services are rendered under the direction and control
10 of a physician licensed in this State except for final
11 refraction resulting in a prescription for spectacles,
12 contact lenses, or visual training as performed by an
13 oculist or optometrist duly licensed by the State.
14 The direction and control shall not be construed in
15 every case to require the personal presence of the
16 supervising and controlling physician. Any physician
17 who employs or directs a person certified under part
18 II of this chapter to provide emergency medical
19 services, or physician assistant, shall retain full
20 professional and personal responsibility for any act
21 which constitutes the practice of medicine when
22 performed by such person or physician assistant; [ø]



- 1 (5) Prohibit automatic external defibrillation by:
- 2 (A) Any first responder personnel certified by the
- 3 department of health to provide automatic
- 4 external defibrillation when it is rendered under
- 5 the medical oversight of a physician licensed in
- 6 this State; [~~o~~]
- 7 (B) Any person who successfully completes training
- 8 under an automatic external defibrillator program
- 9 administered by a physician. An "automatic
- 10 external defibrillator program" means an
- 11 appropriate training course that includes
- 12 cardiopulmonary resuscitation and proficiency in
- 13 the use of an automatic external
- 14 defibrillator[-]; or

15 (6) Prohibit a medical practitioner in radiology duly

16 licensed to practice radiology in another state from

17 utilizing telemedicine while located in this State to

18 provide radiology services to a patient who is located

19 in the state by which the medical practitioner in

20 radiology is duly licensed to practice radiology. For

21 purposes of this paragraph, "telemedicine" means the

22 use of telecommunications services, as that term is



1 defined in section 269-1, including real-time video
2 conferencing-based communication, secure interactive
3 and non-interactive web-based communication, and
4 secure asynchronous information exchange, to transmit
5 patient medical information, such as diagnostic-
6 quality digital images and laboratory results for
7 medical interpretation and diagnosis, for the purpose
8 of delivering enhanced health care services and
9 information to parties separated by distance."

10 SECTION 2. Section 466J-6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§466J-6 Persons exempted.** (a) Any provision in this
13 chapter to the contrary notwithstanding, a license shall not be
14 required for [~~licensed~~]:

15 (1) A licensed medical [~~practitioners~~ practitioner in
16 radiology[~~]~~];

17 (2) A licensed practitioner of nuclear medicine[~~, licensed~~
18 doctors];

19 (3) A licensed doctor of dentistry[~~]~~;

20 (4) A licensed dental [~~technicians,~~ technician;

21 (5) A licensed dental [~~hygienists, and students]~~

22 hygienist;



- 1 (6) A student in an approved school for radiographers,
2 radiation therapists, or nuclear medicine
3 technologists, ~~[and]~~ or in ~~[schools]~~ a school of
4 medicine, podiatry, dentistry, or a chiropractic~~[~~
5 ~~when the persons are]~~ school; provided that the
6 student is operating x-ray machines under the direct
7 supervision of a licensed radiographer, licensed
8 radiation therapist, licensed nuclear medicine
9 technologist, or a qualified person pursuant to this
10 chapter~~[~~]; and
- 11 (7) A medical practitioner in radiology duly licensed to
12 practice radiology in another state who utilizes
13 telemedicine while located in this State to provide
14 radiology services to a patient who is located in the
15 state by which the medical practitioner in radiology
16 is duly licensed to practice radiology.
- 17 (b) The board may issue special temporary permits upon
18 request to unlicensed radiographers working in shortage areas.
19 ~~[After February 10, 1995, new special temporary permits shall~~
20 ~~not be issued by the board. After June 30, 1998, special~~
21 ~~temporary permits issued before February 10, 1995, shall not be~~
22 ~~renewed.]~~



1 (c) As used in this section, "telemedicine" means the use
2 of telecommunications services, as that term is defined in
3 section 269-1, including real-time video conferencing-based
4 communication, secure interactive and non-interactive web-based
5 communication, and secure asynchronous information exchange, to
6 transmit patient medical information, such as diagnostic-quality
7 digital images and laboratory results for medical interpretation
8 and diagnosis, for the purpose of delivering enhanced health
9 care services and information to parties separated by distance."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: David Ydef



Report Title:

Telemedicine; Radiology

Description:

Permits a radiologist licensed to practice in another state to provide radiology services by telemedicine while in Hawaii to a patient who is located in the state by which the radiologist is licensed to practice radiology.

