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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. 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~~] state, either  
5 gratuitously or for pay, or [~~shall~~] offer to [~~se~~] practice[~~7~~]  
6 medicine or surgery in the state, or [~~shall~~] advertise or  
7 announce one's self, either publicly or privately, as prepared  
8 or qualified to [~~se~~] practice[~~7~~] medicine or surgery in the  
9 state, or [~~shall~~] append the letters "Dr." or "M.D." to one's  
10 name[~~7~~] with the intent [~~thereby~~] to imply that the [~~individual~~]  
11 person is a practitioner of medicine or surgery, without having  
12 a valid unrevoked license or a limited and temporary license[~~7~~]  
13 obtained from the board of medical examiners[~~7, in form and~~  
14 ~~manner 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



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[~~7~~]  
18 in this State, or receive calls within the limits  
19 of the State[~~7~~] 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; [~~or~~]



- 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; or
- 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[-];
- 15 or
- 16 (6) Prohibit a radiologist duly licensed to practice
- 17 medicine and provide radiology services in another
- 18 state from using telemedicine while located in this
- 19 State to provide radiology services to a patient who
- 20 is located in the state in which the radiologist is
- 21 licensed. For the purposes of this paragraph:



1           "Radiologist" means a doctor of medicine or a  
2           doctor of osteopathy certified in radiology by the  
3           American Board of Radiology or the American Board of  
4           Osteopathy.

5           "Telemedicine" means the use of  
6           telecommunications services, as that term is defined  
7           in section 269-1, including real-time video  
8           conferencing-based communication, secure interactive  
9           and non-interactive web-based communication, and  
10          secure asynchronous information exchange, to transmit  
11          patient medical information, such as diagnostic-  
12          quality digital images and laboratory results for  
13          medical interpretation and diagnosis, and deliver  
14          health care services and information to parties  
15          separated by distance."

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

18          "**§466J-6 Persons exempted.** (a) Any provision in this  
19          chapter to the contrary notwithstanding, a license shall not be  
20          required for [~~licensed~~]:

21          (1) A licensed medical [~~practitioners~~] practitioner in  
22          radiology[~~7~~];



- 1        (2) A licensed practitioner of nuclear medicine~~[, licensed~~  
2                    ~~doctors]~~;
- 3        (3) A licensed doctor of dentistry~~[, ]~~;
- 4        (4) A licensed dental [technicians,] technician;
- 5        (5) A licensed dental [hygienists, and students]  
6                    hygienist;
- 7        (6) A student in an approved school for radiographers,  
8                    radiation therapists, or nuclear medicine  
9                    technologists, ~~[and]~~ or in [schools] a school of  
10                   medicine, podiatry, dentistry, or a chiropractic~~[,~~  
11                   ~~when the persons are]~~ school; provided that the  
12                   student is operating x-ray machines under the direct  
13                   supervision of a licensed radiographer, licensed  
14                   radiation therapist, licensed nuclear medicine  
15                   technologist, or a qualified person pursuant to this  
16                   chapter~~[, ]~~; and
- 17        (7) A radiologist duly licensed to practice medicine and  
18                   radiology services in another state who uses  
19                   telemedicine while located in this State to provide  
20                   radiology services to a patient who is located in the  
21                   state in which the radiologist is licensed. For the  
22                   purposes of this paragraph:



1           "Radiologist" means a doctor of medicine or a  
2           doctor of osteopathy certified in radiology by the  
3           American Board of Radiology or the American Board of  
4           Osteopathy.

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10          secure asynchronous information exchange, to transmit  
11          patient medical information, such as diagnostic-  
12          quality digital images and laboratory results for  
13          medical interpretation and diagnosis, and deliver  
14          health care services and information to parties  
15          separated by distance.

16          (b) The board may issue special temporary permits upon  
17 request to unlicensed radiographers working in shortage areas.

18 ~~[After February 10, 1995, new special temporary permits shall~~  
19 ~~not be issued by the board. After June 30, 1998, special~~  
20 ~~temporary permits issued before February 10, 1995, shall not be~~  
21 ~~renewed.]"~~



1           SECTION 3. Nothing herein shall be deemed to permit a  
2 radiologist without a license to practice medicine in Hawaii,  
3 wherever located, to provide services to a patient who is  
4 located in Hawaii.

5           SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7           SECTION 5. This Act shall take effect upon its approval.





S.B. NO. 1674  
S.D. 1  
H.D. 2

**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 in which the radiologist is licensed to practice radiology. (SB1674 HD2)

SB1674 HD2 HMS 2007-3666

