
A BILL FOR AN ACT

RELATING TO OSTEOPATHY.

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

1 SECTION 1. Section 453-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§453-1 Practice of medicine defined.** For the purposes of
4 this chapter the practice of medicine by a physician or an
5 osteopathic physician includes the use of drugs and medicines,
6 water, electricity, hypnotism, osteopathic medicine, or any
7 means or method, or any agent, either tangible or intangible,
8 for the treatment of disease in the human subject; provided that
9 when a duly licensed physician or osteopathic physician
10 pronounces a person affected with any disease hopeless and
11 beyond recovery and gives a written certificate to that effect
12 to the person affected or the person's attendant nothing herein
13 shall forbid any person from giving or furnishing any remedial
14 agent or measure when so requested by or on behalf of the
15 affected person.

16 This section shall not amend or repeal the law respecting
17 the treatment of those affected with Hansen's disease."



1 SECTION 2. Section 453-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]**S453-1.5**[~~+~~] **Pain management guidelines.** The board of
4 medical examiners may establish guidelines for physicians or
5 osteopathic physicians with respect to patients' pain
6 management. The guidelines shall apply to all patients with
7 severe acute pain or severe chronic pain, regardless of the
8 patient's prior or current chemical dependency or addiction, and
9 may include standards and procedures for chemically dependent
10 individuals."

11 SECTION 3. Section 453-2, Hawaii Revised Statutes, is
12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) Except as otherwise provided by law, no person shall
14 practice medicine or surgery in the State, either gratuitously
15 or for pay, or offer to practice medicine or surgery in the
16 State, or advertise or announce one's self, either publicly or
17 privately, as prepared or qualified to practice medicine or
18 surgery in the State, or append the letters "Dr." [~~e~~], "M.D." [~~l~~]
19 or "D.O." to one's name with the intent to imply that the person
20 is a practitioner of medicine or surgery, without having a valid
21 unrevoked license or a limited and temporary license obtained
22 from the board of medical examiners.

- 1 (b) Nothing herein shall:
- 2 (1) Apply to so called Christian Scientists; provided that
- 3 the Christian Scientists practice the religious tenets
- 4 of their church without pretending a knowledge of
- 5 medicine or surgery;
- 6 (2) Prohibit service in the case of emergency or the
- 7 domestic administration of family remedies;
- 8 (3) Apply to any commissioned medical officer in the
- 9 United States armed forces or public health service
- 10 engaged in the discharge of one's official duty, nor
- 11 to any practitioner of medicine and surgery from
- 12 another state when in actual consultation, including
- 13 in-person, mail, electronic, telephonic, fiber-optic,
- 14 or other telemedicine consultation with a licensed
- 15 physician or osteopathic physician of this State, if
- 16 the physician or osteopathic physician from another
- 17 state at the time of such consultation is licensed to
- 18 practice in the state in which the physician or
- 19 osteopathic physician resides; provided that:
- 20 (A) The physician or osteopathic physician from
- 21 another state shall not open an office, or
- 22 appoint a place to meet patients in this State,



1 or receive calls within the limits of the State
2 for the provision of care for a patient who is
3 located in this State;

4 (B) The licensed physician or osteopathic physician
5 of this State retains control and remains
6 responsible for the provision of care for the
7 patient who is located in this State; and

8 (C) The laws and [~~regulations~~] rules relating to
9 contagious diseases are not violated;

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



1 person certified under part II of this chapter to
2 provide emergency medical services, or a physician
3 assistant, shall retain full professional and personal
4 responsibility for any act which constitutes the
5 practice of medicine when performed by such person or
6 physician assistant;

7 (5) Prohibit automated external defibrillation by:

8 (A) Any first responder personnel certified by the
9 department of health to provide automated
10 external defibrillation when it is rendered under
11 the medical oversight of a physician or
12 osteopathic physician licensed in this State; or

13 (B) Any person acting in accordance with section 663-
14 1.5(e); or

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

21 "Radiologist" means a doctor of medicine or a
22 doctor of osteopathy certified in radiology by the



1 American Board of Radiology or the American Board of
2 Osteopathy.

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

14 SECTION 4. Section 453-3, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§453-3 Limited and temporary licenses.** The board of
17 medical examiners shall issue a limited and temporary license to
18 an applicant who has not been examined as required by section
19 453-4, and against whom no disciplinary proceedings are pending
20 in any state or territory, if the applicant is otherwise
21 qualified to be examined, and upon determination that:



1 (1) There is an absence or a shortage of licensed
2 physicians or osteopathic physicians in a particular
3 locality, and that the applicant has been duly
4 licensed as a physician or osteopathic physician by
5 written examination under the laws of another state or
6 territory of the United States. A limited and
7 temporary license issued hereunder shall permit the
8 practice of medicine and surgery by the applicant only
9 in the particular locality, and no other, as shall be
10 set forth in the license issued to the applicant. The
11 license shall be valid only for a period of eighteen
12 months from the date of issuance. The board shall
13 establish guidelines to determine a locality with an
14 absence or shortage of physicians[-] or osteopathic
15 physicians. For this purpose, the board may consider
16 a locality to have an absence or shortage of
17 physicians or osteopathic physicians if the absence or
18 shortage results from the temporary loss of a
19 physician[-] or osteopathic physician. In designating
20 a locality with an absence or shortage of
21 physicians[-] or osteopathic physicians, the board



1 shall not delegate its authority to a private
2 organization;

3 (2) The applicant is to be employed by an agency or
4 department of the state or county government, and that
5 the applicant has been duly licensed as a physician or
6 osteopathic physician by written examination under the
7 laws of another state or territory of the United
8 States. A limited and temporary license issued
9 hereunder shall only be valid for the practice of
10 medicine and surgery while the applicant is in the
11 employ of such governmental agency or department and
12 in no case shall be used to provide private patient
13 care for a fee. A license issued under this paragraph
14 may be renewed from year to year;

15 (3) The applicant would practice medicine and surgery only
16 while under the direction of a physician or
17 osteopathic physician regularly licensed in the State
18 other than as permitted by this section, and that the
19 applicant intends to take the regular licensing
20 examination conducted by the board within the next
21 eighteen months. A limited and temporary license
22 issued under this paragraph shall be valid for no more



1 than eighteen months from the date of issuance, unless
2 otherwise extended at the discretion of the board of
3 medical examiners; provided that this discretionary
4 extension shall not exceed a period of six months
5 beyond the original expiration date of the limited and
6 temporary license;

7 (4) The applicant has been appointed as a resident or
8 accepted for specialty training in a health care
9 facility or organized ambulatory health care facility
10 as defined in section 323D-2 or a hospital approved by
11 the board, and that the applicant shall be limited in
12 the practice of medicine and surgery to the extent
13 required by the duties of the applicant's position or
14 by the program of training while at the health care
15 facility, organized ambulatory health care facility,
16 or hospital. The license shall be valid during the
17 period in which the applicant remains as a resident in
18 training, and may be renewed from year to year during
19 the period; or

20 (5) A public emergency exists, and that the applicant has
21 been duly licensed as a physician or osteopathic
22 physician by written examination under the laws of



1 another state or territory of the United States. A
2 limited and temporary license issued hereunder shall
3 only be valid for the period of such public emergency.

4 Nothing herein requires the registration or licensing
5 hereunder of nurses, or other similar persons, acting under the
6 direction and control of a licensed physician[-] or osteopathic
7 physician."

8 SECTION 5. Section 453-3.2, Hawaii Revised Statutes, is
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) The board may issue an educational teaching license
11 to a physician or osteopathic physician who is not licensed in
12 this State and who is invited by the chief of service of a
13 clinical department of a hospital to provide and promote
14 professional education for students, interns, residents,
15 fellows, [~~and~~] doctors of medicine, and doctors of osteopathic
16 medicine in this State. In no case shall an educational
17 teaching license issued hereunder be valid for more than a
18 period of twelve months from the date of issuance of the
19 license.

20 (b) To receive an educational teaching license, the
21 applicant shall:



- 1 (1) Complete an application as prescribed by the board
2 which shall include a summary of the applicant's
3 medical, educational, and professional background;
- 4 (2) Provide proof that the applicant is licensed as a
5 physician or osteopathic physician in another state or
6 country and the license is current and in good
7 standing;
- 8 (3) Submit a letter with the application signed by the
9 chief of service of a clinical department of a
10 hospital attesting that the chief of service is a
11 licensed physician or osteopathic physician of this
12 State and is requesting to sponsor and monitor the
13 applicant while the person is engaged in educational
14 or teaching activities for the hospital under an
15 educational teaching license; and
- 16 (4) Pay all applicable fees."

17 SECTION 6. Section 453-3.5, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "(a) The board may issue a limited and temporary license
20 to a physician or osteopathic physician to maintain patient
21 services for the purpose of substituting for another physician
22 or osteopathic physician licensed in this State to enable



1 specialized training at an out-of-state fully accredited medical
2 teaching institution; provided that the out-of-state
3 physician[+] or osteopathic physician:

4 (1) Is board certified by the American Board of Medical
5 Specialties or Bureau of Osteopathic Specialties in
6 the subspecialty in which the Hawaii physician or
7 osteopathic physician is seeking training;

8 (2) Is a member of the teaching faculty of the accredited
9 medical teaching institution;

10 (3) Has an unrestricted license in another state;

11 (4) Has been invited by the chief of a clinical department
12 of a hospital; and

13 (5) Has been examined and approved by the hospital's
14 credential process.

15 The limited and temporary license issued under this section
16 shall expire upon notification of the board by the Hawaii-
17 licensed physician or osteopathic physician that the physician
18 or osteopathic physician has resumed the physician's or
19 osteopathic physician's practice in this State. Licenses and
20 extensions of licenses issued under this section to an
21 individual shall not be valid for more than nine months during
22 any consecutive twenty-four month period.



1 (b) The chief of the clinical department in which the out-
2 of-state physician or osteopathic physician will practice shall
3 submit a letter to the board which shall include, without
4 limitation, the following:

5 (1) Identification and documentation of unrestricted
6 license for the applicant for the specialty training
7 license;

8 (2) A statement that the hospital is sponsoring the
9 applicant, and shall be responsible for monitoring the
10 individual physician or osteopathic physician during
11 the period of the temporary license;

12 (3) Verification of the start and end dates for the
13 requested temporary license; and

14 (4) Verification that the chief of the clinical department
15 is a licensed physician or osteopathic physician of
16 this State."

17 SECTION 7. Section 453-4, Hawaii Revised Statutes, is
18 amended by amending subsections (b), (c), and (d) to read as
19 follows:

20 "(b) Before any applicant shall be eligible for licensure,
21 the applicant shall furnish proof satisfactory to the board
22 that:



- 1 (1) The applicant is of demonstrated competence and
2 professional knowledge; and
- 3 (2) The applicant is a graduate of:
- 4 (A) A medical school or college whose program leading
5 to the M.D. degree is accredited by the Liaison
6 Committee on Medical Education[7] or whose
7 program leading to the D.O. degree is approved by
8 the American Osteopathic Association Commission
9 on Osteopathic College Accreditation, and has
10 served a residency of at least one year in a
11 program which has been accredited for the
12 training of resident physicians or osteopathic
13 physicians by the Accreditation Council for
14 Graduate Medical Education[7] or the American
15 Osteopathic Association, or a residency of at
16 least one year in a program in Canada which has
17 been accredited for the training of resident
18 physicians by the Royal College of Physicians and
19 Surgeons of Canada, or the College of Family
20 Physicians of Canada; or
- 21 (B) A foreign medical school and has had at least two
22 years of residency in a program accredited by the



1 Accreditation Council for Graduate Medical
2 Education[7] or the American Osteopathic
3 Association, or has had at least two years of
4 residency in a program in Canada that has been
5 accredited for the training of resident
6 physicians by the Royal College of Physicians and
7 Surgeons of Canada, or by the College of Family
8 Physicians of Canada; and:

9 (i) Holds the national certificate of the
10 Educational Commission for Foreign Medical
11 Graduates, or its successor, or for
12 applicants with residency training in
13 Canada, has passed with scores deemed
14 satisfactory by the board, the Medical
15 Council of Canada Evaluating Examination, or
16 its successor; or

17 (ii) Holds the certificate of the Fifth Pathway
18 Program of the American Medical Association;
19 provided that for a period of two years after
20 June 26, 2004, the requirements of subsection
21 (b) (2) (B) (i) and (ii) shall not apply to any
22 applicant who has had four years of residency in



1 a program accredited by the Accreditation Council
2 for Graduate Medical Education or the American
3 Osteopathic Association and who has passed, with
4 scores deemed satisfactory by the board, the
5 Special Purpose Examination (SPEX).

6 (c) Applicants who have passed, with scores deemed
7 satisfactory by the board, the National Board of Medical
8 Examiners examination (NBME), the Federation Licensing
9 Examination (FLEX), the United States Medical Licensing
10 Examination (USMLE), or a combination of these examinations as
11 approved by the board, or the National Board of Osteopathic
12 Medical Examiners examination (NBOME), the Comprehensive
13 Osteopathic Medical Licensing Examination (COMLEX-USA), or the
14 Medical Council of Canada Qualifying Examination (MCCQE), and
15 who meet the requirements of subsection (b) shall be licensed
16 without the necessity of any further examination; provided that
17 with respect to any applicant, the board may require letters of
18 evaluation, professional evaluation forms, and interviews with
19 chiefs of service or attending physicians or osteopathic
20 physicians who have been associated with an applicant, or chief
21 residents on a service who have been associated with an
22 applicant during the applicant's training or practice, to be



1 used by the board in assessing the applicant's qualifications to
2 practice medicine.

3 (d) Applicants who are licensed in another state by virtue
4 of having passed a state-produced examination may qualify for
5 licensure if they have passed the Special Purpose Examination
6 (SPEX) or the Comprehensive Osteopathic Medical Variable-Purpose
7 Examination - USA (COMVEX-USA) and meet the requirements of
8 subsection (b); provided that the board may require letters of
9 evaluation, professional evaluation forms, and interviews with
10 chiefs of service [~~or~~], attending physicians, or osteopathic
11 physicians who have been associated with an applicant, or chief
12 residents on a service who have been associated with an
13 applicant during the applicant's training or practice, to be
14 used by the board in assessing the applicant's qualifications to
15 practice medicine."

16 SECTION 8. Section 453-5.3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§453-5.3 Physician assistant; licensure required.** (a)
19 The board of medical examiners shall require each person
20 practicing medicine under the supervision of a physician[~~r~~] or
21 osteopathic physician, other than a person licensed under
22 section 453-3, to be licensed as a physician assistant. A



1 person who is trained to do only a very limited number of
2 diagnostic or therapeutic procedures under the direction of a
3 physician or osteopathic physician shall not be deemed a
4 practitioner of medicine and therefore does not require
5 licensure under this section.

6 (b) The board shall establish medical educational and
7 training standards with which a person applying for licensure as
8 a physician assistant shall comply. The standards shall be at
9 least equal to recognized national education and training
10 standards for physician assistants.

11 (c) Upon satisfactory proof of compliance with the
12 required medical educational and training standards, the board
13 may grant state licensure to a person who has been granted
14 certification based upon passage of a national certifying
15 examination and who holds a current certificate from the
16 national certifying entity approved by the board.

17 (d) The board shall approve temporary licensure of an
18 applicant under this section. The applicant shall have graduated
19 from a board approved training program within twelve months of
20 the date of application and never taken a national certifying
21 examination approved by the board but otherwise [~~meet~~] meets the
22 requirements of this section. The applicant shall file a



1 complete application with the board and pay all required fees.
2 If the applicant fails to apply for, or to take, the first
3 examination scheduled by the board following the issuance of the
4 temporary license, fails to pass the examination, or fails to
5 receive licensure, all privileges under this section shall
6 automatically cease upon written notification sent to the
7 applicant by the board. A temporary license shall be issued
8 only once to each person.

9 (e) Prior to practicing under temporary licensure, holders
10 of temporary licenses shall notify the board in writing of any
11 and all supervising physicians or osteopathic physicians under
12 whom they will be performing services.

13 (f) The board shall establish the degree of supervision
14 required by the supervising physician or osteopathic physician
15 when a physician assistant performs a service within the
16 practice of medicine. A physician or osteopathic physician who
17 does not supervise a physician assistant's services at the
18 degree required by the board shall be deemed to have engaged in
19 professional misconduct.

20 (g) Any license of a physician assistant may be denied,
21 not renewed, revoked, limited, or suspended under section 453-8.



1 (h) The board shall establish the application procedure,
2 medical educational and training standards, examination
3 requirement, if any, and degrees of supervision by rule.

4 (i) Every person holding a license under this section
5 shall apply for renewal with the board no later than January 31
6 of each even numbered year and pay a renewal fee. Failure to
7 apply for renewal shall constitute a forfeiture of the license
8 that may only be restored upon written application for
9 restoration and payment to the board of a restoration fee.

10 (j) A license that has been forfeited for one renewal term
11 shall be automatically terminated and cannot be restored. A new
12 application for licensure shall be required."

13 SECTION 9. Section 453-6, Hawaii Revised Statutes, is
14 amended by amending subsections (b), (c), and (d) to read as
15 follows:

16 "(b) Every physician or surgeon holding a license under
17 this chapter shall renew the license with the board no later
18 than January 31[7] of each even numbered year[7]. Every
19 osteopathic physician or surgeon holding a license previously
20 issued under chapter 460 and this chapter shall renew the
21 license with the board no later than June 30 of each even-
22 numbered year. Every physician, osteopathic physician, or



1 surgeon shall pay a renewal fee[7] and comply with the category
2 1 or 1A continuing medical education requirements provided in
3 rules adopted by the board.

4 (c) A physician, osteopathic physician, or surgeon shall
5 meet the category 1 or 1A continuing medical education
6 requirements by obtaining credit hours in a category 1 or 1A
7 continuing medical education program accredited by the American
8 Medical Association or the American Osteopathic Association or
9 in other approved category 1 or 1A continuing medical education
10 as provided in the board's rules. To determine compliance, the
11 board may conduct a random audit. A physician, osteopathic
12 physician, or surgeon selected for audit shall be notified by
13 the board. Within sixty days of notification, the physician,
14 osteopathic physician, or surgeon shall provide to the board
15 documentation to verify compliance with the category 1 or 1A
16 continuing medical education requirements.

17 (d) Failure to renew, pay the renewal fee, and, in the
18 case of audited physicians [~~e~~], osteopathic physicians, or
19 surgeons, provide documentation of compliance shall constitute a
20 forfeiture of license, which may be restored only upon the
21 submission of written application therefor, payment to the board
22 of a restoration fee, and, in the case of audited physicians,



1 osteopathic physicians, and surgeons, documentation of
2 compliance."

3 SECTION 10. Section 453-7.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The department of commerce and consumer affairs shall
6 review each complaint and information received under sections
7 92-17, 329-44, 453-8.7, 663-1.7, 671-5, and 671-15. The
8 department shall investigate the complaint or information if it
9 appears that the physician or osteopathic physician who is the
10 subject of the complaint or information has violated this
11 chapter. If the department determines that the physician or
12 osteopathic physician has violated this chapter, the department
13 shall present the results of its investigation to the board of
14 medical examiners for appropriate disciplinary proceedings."

15 SECTION 11. Section 453-8, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§453-8 Revocation, limitation, suspension, or denial of**
18 **licenses.** (a) In addition to any other actions authorized by
19 law, any license to practice medicine and surgery may be
20 revoked, limited, or suspended by the board at any time in a
21 proceeding before the board, or may be denied, for any cause
22 authorized by law, including but not limited to the following:



- 1 (1) Procuring, or aiding or abetting in procuring, a
2 criminal abortion;
- 3 (2) Employing any person to solicit patients for one's
4 self;
- 5 (3) Engaging in false, fraudulent, or deceptive
6 advertising, including but not limited to:
- 7 (A) Making excessive claims of expertise in one or
8 more medical specialty fields;
- 9 (B) Assuring a permanent cure for an incurable
10 disease; or
- 11 (C) Making any untruthful and improbable statement in
12 advertising one's medical or surgical practice or
13 business;
- 14 (4) Being habituated to the excessive use of drugs or
15 alcohol; or being addicted to, dependent on, or a
16 habitual user of a narcotic, barbiturate, amphetamine,
17 hallucinogen, or other drug having similar effects;
- 18 (5) Practicing medicine while the ability to practice is
19 impaired by alcohol, drugs, physical disability, or
20 mental instability;



- 1 (6) Procuring a license through fraud, misrepresentation,
2 or deceit, or knowingly permitting an unlicensed
3 person to perform activities requiring a license;
- 4 (7) Professional misconduct, hazardous negligence causing
5 bodily injury to another, or manifest incapacity in
6 the practice of medicine or surgery;
- 7 (8) Incompetence or multiple instances of negligence,
8 including but not limited to the consistent use of
9 medical service which is inappropriate or unnecessary;
- 10 (9) Conduct or practice contrary to recognized standards
11 of ethics of the medical profession as adopted by the
12 Hawaii Medical Association [øæ], the American Medical
13 Association[+], the Hawaii Association of Osteopathic
14 Physicians and Surgeons, or the American Osteopathic
15 Association;
- 16 (10) Violation of the conditions or limitations upon which
17 a limited or temporary license is issued;
- 18 (11) Revocation, suspension, or other disciplinary action
19 by another state or federal agency of a license,
20 certificate, or medical privilege for reasons as
21 provided in this section;



- 1 (12) Conviction, whether by nolo contendere or otherwise,
2 of a penal offense substantially related to the
3 qualifications, functions, or duties of a physician[7]
4 or osteopathic physician, notwithstanding any
5 statutory provision to the contrary;
- 6 (13) Violation of chapter 329, the uniform controlled
7 substances act, or any rule adopted thereunder except
8 as provided in section 329-122;
- 9 (14) Failure to report to the board, in writing, any
10 disciplinary decision issued against the licensee or
11 the applicant in another jurisdiction within thirty
12 days after the disciplinary decision is issued; or
- 13 (15) Submitting to or filing with the board any notice,
14 statement, or other document required under this
15 chapter, which is false or untrue or contains any
16 material misstatement or omission of fact.
- 17 (b) If disciplinary action related to the practice of
18 medicine has been taken against the applicant in any
19 jurisdiction that would constitute a violation under this
20 section, or if the applicant reveals a physical or mental
21 condition that would constitute a violation under this section,



1 then the board may impose one or more of the following
2 requirements as a condition for licensure:

3 (1) Physical and mental evaluation of the applicant by a
4 licensed physician or osteopathic physician approved
5 by the board;

6 (2) Probation, including such conditions of probation as
7 requiring observation of the licensee by an
8 appropriate group or society of licensed physicians,
9 osteopathic physicians, or surgeons;

10 (3) Limitation of the license by restricting the fields of
11 practice in which the licensee may engage;

12 (4) Further education or training or proof of performance
13 competency; and

14 (5) Limitation of the medical practice of the licensee in
15 any reasonable manner to assure the safety and welfare
16 of the consuming public."

17 SECTION 12. Section 453-8.1, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§453-8.1 **Voluntary limitation of license.** A physician,
20 osteopathic physician, or surgeon may request, in writing, that
21 the board limit the individual's license to practice. The board
22 may grant the request and may impose conditions on the limited



1 license. The board shall determine whether and when such
2 limitation shall be removed."

3 SECTION 13. Section 453-8.2, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) In addition to any other actions authorized by law,
6 in disciplining a licensee in a proceeding held in conformity
7 with chapter 91, the board may impose one or more of the
8 following sanctions:

- 9 (1) Place the licensee on probation, including such
10 conditions of probation as requiring observation of
11 the licensee by an appropriate group or society of
12 licensed physicians, osteopathic physicians, or
13 surgeons;
- 14 (2) Suspend the license;
- 15 (3) Revoke the license;
- 16 (4) Limit the license by restricting the fields of
17 practice in which the licensee may engage;
- 18 (5) Fine the licensee, including assessment against the
19 licensee of the costs of the disciplinary proceedings.
20 Any fine imposed by the board after a hearing in
21 accordance with chapter 91 shall be not less than \$500



1 and not more than \$5,000 for each violation, exclusive
2 of the costs of the disciplinary proceedings;

3 (6) Require further education or training or require proof
4 of performance competency; or

5 (7) Censure or reprimand."

6 SECTION 14. Section 453-8.7, Hawaii Revised Statutes, is
7 amended by amending subsections (a), (b) and (c) to read as
8 follows:

9 "(a) Every physician or osteopathic physician licensed
10 pursuant to this chapter who does not possess professional
11 liability insurance shall report any settlement or arbitration
12 award of a claim or action for damages for death or personal
13 injury caused by negligence, error, or omission in practice, or
14 the unauthorized rendering of professional services. The report
15 shall be submitted to the department of commerce and consumer
16 affairs within thirty days after any written settlement
17 agreement has been reduced to writing and signed by all the
18 parties thereto or thirty days after service of the arbitration
19 award on the parties.

20 (b) Failure of a physician or osteopathic physician to
21 comply with the provisions of this section is an offense
22 punishable by a fine of not less than \$100 for the first



1 offense, \$250 to \$500 for the second offense, and \$500 to \$1,000
2 for subsequent offenses.

3 (c) The clerks of the respective courts of this State
4 shall report to the department any judgment or other
5 determination of the court which adjudges or finds that a
6 physician or osteopathic physician is liable criminally or
7 civilly for any death or personal injury caused by the
8 physician's or osteopathic physician's professional negligence,
9 error, or omission in the practice of the physician's or
10 osteopathic physician's profession, or rendering of unauthorized
11 professional services. The report shall be submitted to the
12 department within ten days after the judgment is entered by the
13 court."

14 SECTION 15. Section 453-10, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§453-10 Witnesses in such proceeding.** In any such
17 proceeding the board may subpoena, administer oaths to, and
18 examine witnesses on any relevant matter in such proceeding.
19 The board may subpoena physicians, osteopathic physicians, or
20 surgeons as specialists, on the recommendation of the
21 appropriate specialist society. The board may order a mental,
22 physical, or medical competency examination to determine the



1 capacity or ability of a licensee to continue to practice
2 medicine or surgery and order appropriate specialist societies
3 to conduct such examinations. The person whose license is
4 sought in such proceeding to be revoked, limited, or suspended
5 shall be entitled to require the board or any member thereof to
6 subpoena and to administer oaths to any witness or witnesses who
7 may be able to present evidence relevant in such proceeding, and
8 shall be entitled to examine any such witness and any other
9 witness in such proceeding. The circuit court of the circuit in
10 which the proceeding is held may enforce by proper proceeding
11 the attendance and testimony of witnesses in such proceeding."

12 SECTION 16. Section 453-14, Hawaii Revised Statutes, is
13 amended by amending the title and subsection (a) to read as
14 follows:

15 **"§453-14 Duty of physician, osteopathic physician,**
16 **surgeon, hospital, clinic, etc., to report wounds.** (a) Every
17 physician, osteopathic physician, and surgeon attending or
18 treating a case of knife wound, bullet wound, gunshot wound,
19 powder burn, or any injury that would seriously maim, produce
20 death, or has rendered the injured person unconscious, caused by
21 the use of violence or sustained in a suspicious or unusual
22 manner or in motor vehicle collisions resulting in serious



1 injury or death, or, whenever the case is treated in a hospital,
2 clinic, or other institution, the manager, superintendent, or
3 person in charge thereof, shall report the case or provide
4 requested information to the chief of police of the county
5 within which the person was attended or treated, giving the name
6 of the injured person, description of the nature, type, and
7 extent of the injury, together with other pertinent information
8 that may be of use to the chief of police. As used herein, the
9 term "chief of police" means the chief of police of each county
10 and any of the chief's authorized subordinates."

11 SECTION 17. Section 453-15, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§453-15 Who shall give consent to a postmortem**
14 **examination.** A pathologist or any licensed physician,
15 osteopathic physician, or surgeon may conduct a postmortem
16 examination when written consent thereto is given by whoever of
17 the following assumes custody of the body for purposes of
18 burial: father, mother, husband, wife, reciprocal beneficiary,
19 child, guardian, next of kin, or, in the absence of any of the
20 foregoing, a friend or person, including a governmental agency,
21 charged by law with the responsibility for the burial. If two
22 or more such persons assume custody of the body, the consent of



1 one of them is sufficient. The consent shall include the
2 consent to the retention by the pathologist or licensed
3 physician, osteopathic physician, or surgeon who conducts the
4 postmortem examination of tissues, including fetal material, of
5 the body removed at the time of the postmortem examination to be
6 used for necessary or advisable scientific investigation,
7 including research, teaching, and therapeutic purposes."

8 SECTION 18. Section 453-16, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) No abortion shall be performed in this State unless:

11 (1) The abortion is performed by a licensed physician or
12 surgeon, or by a licensed osteopathic physician and
13 surgeon; and

14 (2) The abortion is performed in a hospital licensed by
15 the department of health or operated by the federal
16 government or an agency thereof, or in a clinic or
17 physician's or osteopathic physician's office."

18 SECTION 19. Section 453-31, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§453-31 Emergency ambulance service personnel.** The
21 practice of any emergency medical services by any individual
22 employed by an emergency ambulance service who is not licensed



1 under this chapter or under chapter 457 shall be subject to
2 certification under this part. In the event of any conflict
3 between this part and any rules adopted under section 453-2, the
4 provisions of this part shall control with regard to emergency
5 ambulance service personnel.

6 The board of medical examiners shall define the scope of
7 the practice of emergency medical services, different levels of
8 the practice, and degree of supervision required of a
9 supervising physician or osteopathic physician when a person
10 certified under this part provides services within the practice
11 of medicine."

12 SECTION 20. Section 453-32.6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§453-32.6[+] **Delegation to committee of practicing**
15 **emergency physicians or osteopathic physicians and emergency**
16 **ambulance personnel.** The board of medical examiners shall
17 establish a committee consisting of practicing emergency
18 physicians or osteopathic physicians and emergency ambulance
19 personnel to assist the board in the performance of duties under
20 this part.

21 The board, by written order, may delegate to the committee
22 any of its powers and duties for administration of this part,



1 except that the board shall not delegate any authority to adopt,
2 amend, or repeal rules, take disciplinary action against a
3 certificate holder, or restore a certificate which has been
4 revoked."

5 SECTION 21. Chapter 460, Hawaii Revised Statutes, is
6 repealed.

7 SECTION 22. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 23. This Act shall take effect upon its approval,
10 provided that the continuing medical education requirements for
11 osteopathic physicians shall take effect with the June 2010
12 license renewal period.



Report Title:

Osteopathy

Description:

Includes doctors of osteopathy in the medical doctors chapter (chapter 453) so that the board of medical examiners may treat medical doctors and doctors of osteopathy in the same manner; repeals osteopathy chapter (chapter 460, Hawaii Revised Statutes). (SD1)

