
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 For purposes of this chapter, "osteopathic medicine" means
2 the utilization of full methods of diagnosis and treatment in
3 physical and mental health and disease, including the
4 prescribing and administration of drugs and biologicals of all
5 kinds, operative surgery, obstetrics, radiological, and other
6 electromagnetic emissions, and placing special emphasis on the
7 interrelation of the neuro-musculoskeletal system to all other
8 body systems, and the amelioration of disturbed structure-
9 function relationships by the clinical application of the
10 osteopathic diagnosis and therapeutic skills for the maintenance
11 of health and treatment of disease."

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

14 "[+]§453-1.5[+] **Pain management guidelines.** The board of
15 medical examiners may establish guidelines for physicians or
16 osteopathic physicians with respect to patients' pain
17 management. The guidelines shall apply to all patients with
18 severe acute pain or severe chronic pain, regardless of the
19 patient's prior or current chemical dependency or addiction, and
20 may include standards and procedures for chemically dependent
21 individuals."



1 SECTION 3. 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 offer to practice medicine or surgery in the
6 State, or advertise or announce one's self, either publicly or
7 privately, as prepared or qualified to practice medicine or
8 surgery in the State, or append the letters "Dr." [~~or~~], "M.D.",
9 or "D.O." to one's name with the intent to imply that the person
10 is a practitioner of medicine or surgery, without having a valid
11 unrevoked license or a limited and temporary license obtained
12 from the board of medical examiners.

13 (b) Nothing herein shall:

14 (1) Apply to so-called Christian Scientists; provided that
15 the Christian Scientists practice the religious tenets
16 of their church without pretending a knowledge of
17 medicine or surgery;

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

20 (3) Apply to any commissioned medical officer in the
21 United States armed forces or public health service
22 engaged in the discharge of one's official duty, nor



1 to any practitioner of medicine and surgery from
2 another state when in actual consultation, including
3 in-person, mail, electronic, telephonic, fiber-optic,
4 or other telemedicine consultation with a licensed
5 physician or osteopathic physician of this State, if
6 the physician or osteopathic physician from another
7 state at the time of [~~such~~] consultation is licensed
8 to practice in the state in which the physician or
9 osteopathic physician resides; provided that:

10 (A) The physician or osteopathic physician from
11 another state shall not open an office, or
12 appoint a place to meet patients in this State,
13 or receive calls within the limits of the State
14 for the provision of care for a patient who is
15 located in this State;

16 (B) The licensed physician or osteopathic physician
17 of this State retains control and remains
18 responsible for the provision of care for the
19 patient who is located in this State; and

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



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

20 (5) Prohibit automated external defibrillation by:

21 (A) Any first responder personnel certified by the
22 department of health to provide automated



1 external defibrillation when it is rendered under
2 the medical oversight of a physician or
3 osteopathic physician licensed in this State; or

4 (B) Any person acting in accordance with section
5 663-1.5(e); or

6 (6) Prohibit a radiologist duly licensed to practice
7 medicine and provide radiology services in another
8 state from using telemedicine while located in this
9 State to provide radiology services to a patient who
10 is located in the state in which the radiologist is
11 licensed. For the purposes of this paragraph:

12 "Radiologist" means a doctor of medicine or a
13 doctor of osteopathy certified in radiology by the
14 American Board of Radiology or the American Board of
15 Osteopathy.

16 "Telemedicine" means the use of
17 telecommunications services, as that term is defined
18 in section 269-1, including real-time video
19 conferencing-based communication, secure interactive
20 and non-interactive web-based communication, and
21 secure asynchronous information exchange, to transmit
22 patient medical information, such as diagnostic-



1 quality digital images and laboratory results for
2 medical interpretation and diagnosis, and deliver
3 health care services and information to parties
4 separated by distance."

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

7 "**§453-3 Limited and temporary licenses.** The board of
8 medical examiners shall issue a limited and temporary license to
9 an applicant who has not been examined as required by section
10 453-4, and against whom no disciplinary proceedings are pending
11 in any state or territory, if the applicant is otherwise
12 qualified to be examined, and upon determination that:

13 (1) There is an absence or a shortage of licensed
14 physicians or osteopathic physicians in a particular
15 locality, and that the applicant has been duly
16 licensed as a physician or osteopathic physician by
17 written examination under the laws of another state or
18 territory of the United States. A limited and
19 temporary license issued hereunder shall permit the
20 practice of medicine and surgery by the applicant only
21 in the particular locality, and no other, as shall be
22 set forth in the license issued to the applicant. The



1 license shall be valid only for a period of eighteen
2 months from the date of issuance. The board shall
3 establish guidelines to determine a locality with an
4 absence or shortage of physicians[-] or osteopathic
5 physicians. For this purpose, the board may consider
6 a locality to have an absence or shortage of
7 physicians or osteopathic physicians if the absence or
8 shortage results from the temporary loss of a
9 physician[-] or osteopathic physician. In designating
10 a locality with an absence or shortage of
11 physicians[-] or osteopathic physicians, the board
12 shall not delegate its authority to a private
13 organization;

- 14 (2) The applicant is to be employed by an agency or
15 department of the state or county government, and that
16 the applicant has been duly licensed as a physician or
17 osteopathic physician by written examination under the
18 laws of another state or territory of the United
19 States. A limited and temporary license issued
20 hereunder shall only be valid for the practice of
21 medicine and surgery while the applicant is in the
22 employ of [~~such~~] the governmental agency or department



1 and in no case shall be used to provide private
2 patient care for a fee. A license issued under this
3 paragraph may be renewed from year to year;

4 (3) The applicant would practice medicine and surgery only
5 while under the direction of a physician or
6 osteopathic physician regularly licensed in the State
7 other than as permitted by this section, and that the
8 applicant intends to take the regular licensing
9 examination conducted by the board within the next
10 eighteen months. A limited and temporary license
11 issued under this paragraph shall be valid for no more
12 than eighteen months from the date of issuance, unless
13 otherwise extended at the discretion of the board of
14 medical examiners; provided that this discretionary
15 extension shall not exceed a period of six months
16 beyond the original expiration date of the limited and
17 temporary license;

18 (4) The applicant has been appointed as a resident or
19 accepted for specialty training in a health care
20 facility or organized ambulatory health care facility
21 as defined in section 323D-2 or a hospital approved by
22 the board, and that the applicant shall be limited in



1 the practice of medicine and surgery to the extent
 2 required by the duties of the applicant's position or
 3 by the program of training while at the health care
 4 facility, organized ambulatory health care facility,
 5 or hospital. The license shall be valid during the
 6 period in which the applicant remains as a resident in
 7 training, and may be renewed from year to year during
 8 the period; or

9 (5) A public emergency exists, and that the applicant has
 10 been duly licensed as a physician or osteopathic
 11 physician by written examination under the laws of
 12 another state or territory of the United States. A
 13 limited and temporary license issued hereunder shall
 14 only be valid for the period of [~~sueh~~] the public
 15 emergency.

16 Nothing herein requires the registration or licensing
 17 hereunder of nurses, or other similar persons, acting under the
 18 direction and control of a licensed physician[-] or osteopathic
 19 physician."

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



1 "(a) The board may issue an educational teaching license
2 to a physician or osteopathic physician who is not licensed in
3 this State and who is invited by the chief of service of a
4 clinical department of a hospital to provide and promote
5 professional education for students, interns, residents,
6 fellows, [~~and~~] doctors of medicine, and doctors of osteopathic
7 medicine in this State. In no case shall an educational
8 teaching license issued hereunder be valid for more than a
9 period of twelve months from the date of issuance of the
10 license.

11 (b) To receive an educational teaching license, the
12 applicant shall:

13 (1) Complete an application as prescribed by the board,
14 which shall include a summary of the applicant's
15 medical, educational, and professional background;

16 (2) Provide proof that the applicant is licensed as a
17 physician or osteopathic physician in another state or
18 country and the license is current and in good
19 standing;

20 (3) Submit a letter with the application signed by the
21 chief of service of a clinical department of a
22 hospital attesting that the chief of service is a



1 licensed physician or osteopathic physician of this
2 State and is requesting to sponsor and monitor the
3 applicant while the person is engaged in educational
4 or teaching activities for the hospital under an
5 educational teaching license; and

6 (4) Pay all applicable fees."

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

9 "(a) The board may issue a limited and temporary license
10 to a physician or osteopathic physician to maintain patient
11 services for the purpose of substituting for another physician
12 or osteopathic physician licensed in this State to enable
13 specialized training at an out-of-state fully accredited medical
14 teaching institution; provided that the out-of-state
15 physician[+] or osteopathic physician:

16 (1) Is board certified by the American Board of Medical
17 Specialties or Bureau of Osteopathic Specialties in
18 the subspecialty in which the Hawaii physician or
19 osteopathic physician is seeking training;

20 (2) Is a member of the teaching faculty of the accredited
21 medical teaching institution;

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



- 1 (4) Has been invited by the chief of a clinical department
2 of a hospital; and
- 3 (5) Has been examined and approved by the hospital's
4 credential process.

5 The limited and temporary license issued under this section
6 shall expire upon notification of the board by the Hawaii-
7 licensed physician or osteopathic physician that the physician
8 or osteopathic physician has resumed the physician's or
9 osteopathic physician's practice in this State. Licenses and
10 extensions of licenses issued under this section to an
11 individual shall not be valid for more than nine months during
12 any consecutive twenty-four month period.

13 (b) The chief of the clinical department in which the out-
14 of-state physician or osteopathic physician will practice shall
15 submit a letter to the board [~~which~~] that shall include, without
16 limitation, the following:

- 17 (1) Identification and documentation of unrestricted
18 license for the applicant for the specialty training
19 license;
- 20 (2) A statement that the hospital is sponsoring the
21 applicant, and shall be responsible for monitoring the



1 individual physician or osteopathic physician during
2 the period of the temporary license;

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

5 (4) Verification that the chief of the clinical department
6 is a licensed physician or osteopathic physician of
7 this State."

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

11 "(b) Before any applicant shall be eligible for licensure,
12 the applicant shall furnish proof satisfactory to the board
13 that:

14 (1) The applicant is of demonstrated competence and
15 professional knowledge; and

16 (2) The applicant is a graduate of:

17 (A) A medical school or college whose program leading
18 to the M.D. degree is accredited by the Liaison
19 Committee on Medical Education[7] or whose
20 program leading to the D.O. degree is approved by
21 the American Osteopathic Association Commission
22 on Osteopathic College Accreditation, and has



1 served a residency of at least one year in a
2 program [~~which~~] that has been accredited for the
3 training of resident physicians or osteopathic
4 physicians by the Accreditation Council for
5 Graduate Medical Education[7] or the American
6 Osteopathic Association, respectively, or a
7 residency of at least one year in a program in
8 Canada [~~which~~] that has been accredited for the
9 training of resident physicians by the Royal
10 College of Physicians and Surgeons of Canada, or
11 the College of Family Physicians of Canada; or
12 (B) A foreign medical school and has had at least two
13 years of residency in a program accredited by the
14 Accreditation Council for Graduate Medical
15 Education[7] or the American Osteopathic
16 Association, or has had at least two years of
17 residency in a program in Canada that has been
18 accredited for the training of resident
19 physicians by the Royal College of Physicians and
20 Surgeons of Canada, or by the College of Family
21 Physicians of Canada; and:



1 (i) Holds the national certificate of the
2 Educational Commission for Foreign Medical
3 Graduates, or its successor, or for
4 applicants with residency training in
5 Canada, has passed with scores deemed
6 satisfactory by the board, the Medical
7 Council of Canada Evaluating Examination, or
8 its successor; or

9 (ii) Holds the certificate of the Fifth Pathway
10 Program of the American Medical Association;
11 provided that for a period of two years after
12 June 26, 2004, the requirements of subsection
13 (b) (2) (B) (i) and (ii) shall not apply to any
14 applicant who has had four years of residency in
15 a program accredited by the Accreditation Council
16 for Graduate Medical Education or the American
17 Osteopathic Association and who has passed, with
18 scores deemed satisfactory by the board, the
19 Special Purpose Examination (SPEX).

20 (c) Applicants who have passed, with scores deemed
21 satisfactory by the board, the National Board of Medical
22 Examiners examination (NBME), the Federation Licensing



1 Examination (FLEX), the United States Medical Licensing
2 Examination (USMLE), or a combination of these examinations as
3 approved by the board, or the National Board of Osteopathic
4 Medical Examiners examination (NBOME), the Comprehensive
5 Osteopathic Medical Licensing Examination (COMLEX-USA), or the
6 Medical Council of Canada Qualifying Examination (MCCQE), and
7 who meet the requirements of subsection (b) shall be licensed
8 without the necessity of any further examination; provided that
9 with respect to any applicant, the board may require letters of
10 evaluation, professional evaluation forms, and interviews with
11 chiefs of service or attending physicians or osteopathic
12 physicians who have been associated with an applicant, or chief
13 residents on a service who have been associated with an
14 applicant during the applicant's training or practice, to be
15 used by the board in assessing the applicant's qualifications to
16 practice medicine.

17 (d) Applicants who are licensed in another state by virtue
18 of having passed a state-produced examination may qualify for
19 licensure if they have passed the Special Purpose Examination
20 (SPEX) or the Comprehensive Osteopathic Medical Variable-Purpose
21 Examination - USA (COMVEX-USA) and meet the requirements of
22 subsection (b); provided that the board may require letters of



1 evaluation, professional evaluation forms, and interviews with
2 chiefs of service [~~or~~], attending physicians, or osteopathic
3 physicians who have been associated with an applicant, or chief
4 residents on a service who have been associated with an
5 applicant during the applicant's training or practice, to be
6 used by the board in assessing the applicant's qualifications to
7 practice medicine."

8 SECTION 8. Section 453-5.3, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) The board of medical examiners shall require each
12 person practicing medicine under the supervision of a
13 physician[~~]~~ or osteopathic physician, other than a person
14 licensed under section 453-3, to be licensed as a physician
15 assistant. A person who is trained to do only a very limited
16 number of diagnostic or therapeutic procedures under the
17 direction of a physician or osteopathic physician shall not be
18 deemed a practitioner of medicine or osteopathy and therefore
19 does not require licensure under this section."

20 2. By amending subsections (d), (e), and (f) to read:

21 "(d) The board shall approve temporary licensure of an
22 applicant under this section. The applicant shall have graduated



1 from a board approved training program within twelve months of
2 the date of application and never taken a national certifying
3 examination approved by the board but otherwise [~~meet~~] meets the
4 requirements of this section. The applicant shall file a
5 complete application with the board and pay all required fees.
6 If the applicant fails to apply for, or to take, the first
7 examination scheduled by the board following the issuance of the
8 temporary license, fails to pass the examination, or fails to
9 receive licensure, all privileges under this section shall
10 automatically cease upon written notification sent to the
11 applicant by the board. A temporary license shall be issued
12 only once to each person.

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

17 (f) The board shall establish the degree of supervision
18 required by the supervising physician or osteopathic physician
19 when a physician assistant performs a service within the
20 practice of medicine. A physician or osteopathic physician who
21 does not supervise a physician assistant's services at the



1 degree required by the board shall be deemed to have engaged in
2 professional misconduct."

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

6 "(b) Every physician or surgeon holding a license under
7 this chapter shall renew the license with the board no later
8 than January 31[7] of each even numbered year[7]. Every
9 osteopathic physician or surgeon holding a license previously
10 issued under chapter 460 and this chapter shall renew the
11 license with the board no later than June 30 of each even-
12 numbered year. Every physician, osteopathic physician, or
13 surgeon shall pay a renewal fee[7] and comply with the category
14 1 or 1A continuing medical education requirements provided in
15 rules adopted by the board.

16 (c) A physician, osteopathic physician, or surgeon shall
17 meet the category 1 or 1A continuing medical education
18 requirements by obtaining credit hours in a category 1 or 1A
19 continuing medical education program accredited by the American
20 Medical Association or the American Osteopathic Association or
21 in other approved category 1 or 1A continuing medical education
22 as provided in the board's rules. To determine compliance, the



1 board may conduct a random audit. A physician, osteopathic
2 physician, or surgeon selected for audit shall be notified by
3 the board. Within sixty days of notification, the physician,
4 osteopathic physician, or surgeon shall provide to the board
5 documentation to verify compliance with the category 1 or 1A
6 continuing medical education requirements.

7 (d) Failure to renew, pay the renewal fee, and, in the
8 case of audited physicians [~~or~~], osteopathic physicians, or
9 surgeons, provide documentation of compliance shall constitute a
10 forfeiture of license, which may be restored only upon the
11 submission of written application therefor, payment to the board
12 of a restoration fee, and, in the case of audited physicians,
13 osteopathic physicians, and surgeons, documentation of
14 compliance."

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

17 "(a) The department of commerce and consumer affairs shall
18 review each complaint and information received under sections
19 92-17, 329-44, 453-8.7, 663-1.7, 671-5, and 671-15. The
20 department shall investigate the complaint or information if it
21 appears that the physician or osteopathic physician who is the
22 subject of the complaint or information has violated this



1 chapter. If the department determines that the physician or
2 osteopathic physician has violated this chapter, the department
3 shall present the results of its investigation to the board of
4 medical examiners for appropriate disciplinary proceedings."

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

7 **"§453-8 Revocation, limitation, suspension, or denial of**
8 **licenses.** (a) In addition to any other actions authorized by
9 law, any license to practice medicine and surgery may be
10 revoked, limited, or suspended by the board at any time in a
11 proceeding before the board, or may be denied, for any cause
12 authorized by law, including but not limited to the following:

- 13 (1) Procuring, or aiding or abetting in procuring, a
14 criminal abortion;
- 15 (2) Employing any person to solicit patients for one's
16 self;
- 17 (3) Engaging in false, fraudulent, or deceptive
18 advertising, including but not limited to:
- 19 (A) Making excessive claims of expertise in one or
20 more medical specialty fields;
- 21 (B) Assuring a permanent cure for an incurable
22 disease; or



- 1 (C) Making any untruthful and improbable statement in
2 advertising one's medical or surgical practice or
3 business;
- 4 (4) Being habituated to the excessive use of drugs or
5 alcohol; or being addicted to, dependent on, or a
6 habitual user of a narcotic, barbiturate, amphetamine,
7 hallucinogen, or other drug having similar effects;
- 8 (5) Practicing medicine while the ability to practice is
9 impaired by alcohol, drugs, physical disability, or
10 mental instability;
- 11 (6) Procuring a license through fraud, misrepresentation,
12 or deceit, or knowingly permitting an unlicensed
13 person to perform activities requiring a license;
- 14 (7) Professional misconduct, hazardous negligence causing
15 bodily injury to another, or manifest incapacity in
16 the practice of medicine, osteopathy, or surgery;
- 17 (8) Incompetence or multiple instances of negligence,
18 including but not limited to the consistent use of
19 medical service, which is inappropriate or
20 unnecessary;
- 21 (9) Conduct or practice contrary to recognized standards
22 of ethics of the medical profession as adopted by the



1 Hawaii Medical Association [~~or~~], the American Medical
2 Association[+], the Hawaii Association of Osteopathic
3 Physicians and Surgeons, or the American Osteopathic
4 Association;

5 (10) Violation of the conditions or limitations upon which
6 a limited or temporary license is issued;

7 (11) Revocation, suspension, or other disciplinary action
8 by another state or federal agency of a license,
9 certificate, or medical privilege for reasons as
10 provided in this section;

11 (12) Conviction, whether by nolo contendere or otherwise,
12 of a penal offense substantially related to the
13 qualifications, functions, or duties of a physician[+] or
14 osteopathic physician, notwithstanding any
15 statutory provision to the contrary;

16 (13) Violation of chapter 329, the uniform controlled
17 substances act, or any rule adopted thereunder except
18 as provided in section 329-122;

19 (14) Failure to report to the board, in writing, any
20 disciplinary decision issued against the licensee or
21 the applicant in another jurisdiction within thirty
22 days after the disciplinary decision is issued; or



1 (15) Submitting to or filing with the board any notice,
2 statement, or other document required under this
3 chapter, which is false or untrue or contains any
4 material misstatement or omission of fact.

5 (b) If disciplinary action related to the practice of
6 medicine has been taken against the applicant in any
7 jurisdiction that would constitute a violation under this
8 section, or if the applicant reveals a physical or mental
9 condition that would constitute a violation under this section,
10 then the board may impose one or more of the following
11 requirements as a condition for licensure:

12 (1) Physical and mental evaluation of the applicant by a
13 licensed physician or osteopathic physician approved
14 by the board;

15 (2) Probation, including [~~such~~] conditions of probation as
16 requiring observation of the licensee by an
17 appropriate group or society of licensed physicians,
18 osteopathic physicians, or surgeons;

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

21 (4) Further education or training or proof of performance
22 competency; and



1 (5) Limitation of the medical practice of the licensee in
2 any reasonable manner to assure the safety and welfare
3 of the consuming public."

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

6 "**§453-8.1 Voluntary limitation of license.** A physician,
7 osteopathic physician, or surgeon may request, in writing, that
8 the board limit the individual's license to practice. The board
9 may grant the request and may impose conditions on the limited
10 license. The board shall determine whether and when [~~such~~] the
11 limitation shall be removed."

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

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

18 (1) Place the licensee on probation, including [~~such~~]
19 conditions of probation as requiring observation of
20 the licensee by an appropriate group or society of
21 licensed physicians, osteopathic physicians, or
22 surgeons;



- 1 (2) Suspend the license;
- 2 (3) Revoke the license;
- 3 (4) Limit the license by restricting the fields of
- 4 practice in which the licensee may engage;
- 5 (5) Fine the licensee, including assessment against the
- 6 licensee of the costs of the disciplinary proceedings.
- 7 Any fine imposed by the board after a hearing in
- 8 accordance with chapter 91 shall be not less than \$500
- 9 and not more than \$5,000 for each violation, exclusive
- 10 of the costs of the disciplinary proceedings;
- 11 (6) Require further education or training, or require
- 12 proof of performance competency; or
- 13 (7) Censure or reprimand."

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

17 "(a) Every physician or osteopathic physician licensed
 18 pursuant to this chapter who does not possess professional
 19 liability insurance shall report any settlement or arbitration
 20 award of a claim or action for damages for death or personal
 21 injury caused by negligence, error, or omission in practice, or
 22 the unauthorized rendering of professional services. The report



1 shall be submitted to the department of commerce and consumer
2 affairs within thirty days after any written settlement
3 agreement has been reduced to writing and signed by all the
4 parties thereto or thirty days after service of the arbitration
5 award on the parties.

6 (b) Failure of a physician or osteopathic physician to
7 comply with the provisions of this section is an offense
8 punishable by a fine of not less than \$100 for the first
9 offense, \$250 to \$500 for the second offense, and \$500 to \$1,000
10 for subsequent offenses.

11 (c) The clerks of the respective courts of this State
12 shall report to the department any judgment or other
13 determination of the court, which adjudges or finds that a
14 physician or osteopathic physician is liable criminally or
15 civilly for any death or personal injury caused by the
16 physician's or osteopathic physician's professional negligence,
17 error, or omission in the practice of the physician's or
18 osteopathic physician's profession, or rendering of unauthorized
19 professional services. The report shall be submitted to the
20 department within ten days after the judgment is entered by the
21 court."



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

3 **"§453-10 Witnesses in such proceeding.** In any [~~sueh~~]
4 proceeding the board may subpoena, administer oaths to, and
5 examine witnesses on any relevant matter in [~~sueh~~] the
6 proceeding. The board may subpoena physicians, osteopathic
7 physicians, or surgeons as specialists, on the recommendation of
8 the appropriate specialist society. The board may order a
9 mental, physical, or medical competency examination to determine
10 the capacity or ability of a licensee to continue to practice
11 medicine or surgery and order appropriate specialist societies
12 to conduct [~~sueh~~] examinations. The person whose license is
13 sought in [~~sueh~~] the proceeding to be revoked, limited, or
14 suspended shall be entitled to require the board or any member
15 thereof to subpoena and to administer oaths to any witness [~~er~~
16 ~~witnesses~~] who may be able to present evidence relevant in
17 [~~sueh~~] the proceeding, and shall be entitled to examine any
18 [~~sueh~~] witness [~~and any other witness~~] in [~~sueh~~] the proceeding.
19 The circuit court of the circuit in which the proceeding is held
20 may enforce by proper proceeding the attendance and testimony of
21 witnesses in [~~sueh~~] the proceeding."



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

4 "§453-14 Duty of physician, osteopathic physician,
5 surgeon, hospital, clinic, etc., to report wounds. (a) Every
6 physician, osteopathic physician, and surgeon attending or
7 treating a case of knife wound, bullet wound, gunshot wound,
8 powder burn, or any injury that would seriously maim, produce
9 death, or has rendered the injured person unconscious, caused by
10 the use of violence or sustained in a suspicious or unusual
11 manner or in motor vehicle collisions resulting in serious
12 injury or death, or, whenever the case is treated in a hospital,
13 clinic, or other institution, the manager, superintendent, or
14 person in charge thereof, shall report the case or provide
15 requested information to the chief of police of the county
16 within which the person was attended or treated, giving the name
17 of the injured person, description of the nature, type, and
18 extent of the injury, together with other pertinent information
19 that may be of use to the chief of police. As used herein, the
20 term "chief of police" means the chief of police of each county
21 and any of the chief's authorized subordinates."



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

3 "§453-15 Who shall give consent to a postmortem
4 examination. A pathologist or any licensed physician,
5 osteopathic physician, or surgeon may conduct a postmortem
6 examination when written consent thereto is given by whoever of
7 the following assumes custody of the body for purposes of
8 burial: father, mother, husband, wife, reciprocal beneficiary,
9 child, guardian, next of kin, or, in the absence of any of the
10 foregoing, a friend or person, including a governmental agency,
11 charged by law with the responsibility for the burial. If two
12 or more [~~such~~] persons assume custody of the body, the consent
13 of one of them is sufficient. The consent shall include the
14 consent to the retention by the pathologist or licensed
15 physician, osteopathic physician, or surgeon who conducts the
16 postmortem examination of tissues, including fetal material, of
17 the body removed at the time of the postmortem examination to be
18 used for necessary or advisable scientific investigation,
19 including research, teaching, and therapeutic purposes."

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

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



1 (1) The abortion is performed by a licensed physician or
2 surgeon, or by a licensed osteopathic physician and
3 surgeon; and

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

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

10 **"§453-31 Emergency ambulance service personnel.** The
11 practice of any emergency medical services by any individual
12 employed by an emergency ambulance service who is not licensed
13 under this chapter or under chapter 457 shall be subject to
14 certification under this part. In the event of any conflict
15 between this part and any rules adopted under section 453-2,
16 [~~the provisions of~~] this part shall control with regard to
17 emergency ambulance service personnel.

18 The board of medical examiners shall define the scope of
19 the practice of emergency medical services, different levels of
20 the practice, and degree of supervision required of a
21 supervising physician or osteopathic physician when a person



1 certified under this part provides services within the practice
2 of medicine."

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

5 " [†] §453-32.6 [†] Delegation to committee of practicing
6 emergency physicians or osteopathic physicians and emergency
7 ambulance personnel. The board of medical examiners shall
8 establish a committee consisting of practicing emergency
9 physicians or osteopathic physicians and emergency ambulance
10 personnel to assist the board in the performance of duties under
11 this part.

12 The board, by written order, may delegate to the committee
13 any of its powers and duties for administration of this part,
14 except that the board shall not delegate any authority to adopt,
15 amend, or repeal rules, take disciplinary action against a
16 certificate holder, or restore a certificate which has been
17 revoked."

18 SECTION 21. Chapter 460, Hawaii Revised Statutes, is
19 repealed.

20 SECTION 22. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 23. This Act shall take effect upon its approval;
2 provided that the continuing medical education requirements for
3 osteopathic physicians shall take effect with the June 2010
4 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). (SD2)

