



GOV. MSG. NO. 768

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 25, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 25, 2009, the following bill was signed into law:

SB1142 SD1 HD1 CD1

A BILL FOR AN ACT  
RELATING TO PHYSICIAN ASSISTANTS.  
ACT 151 (09)

Sincerely,



LINDA LINGLE

Approved by the Governor  
on JUN 25 2009

**ACT 151**

THE SENATE  
TWENTY-FIFTH LEGISLATURE, 2009  
STATE OF HAWAII

**S.B. NO.** 1142  
S.D. 1  
H.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO PHYSICIAN ASSISTANTS.

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

1           SECTION 1. The legislature finds that certain statutes  
2 regarding physician assistants are outdated or obsolete.  
3 Currently, certain Hawaii statutes omit physician assistants  
4 from the definition of health care professionals who may provide  
5 care, be indemnified, or sign forms. The legislature further  
6 finds that physician assistants provide a wide variety of health  
7 care services to the people in this State. Amending certain  
8 statutes to authorize increased participation by licensed  
9 physician assistants in certain procedures and under certain  
10 circumstances will enable improved access to health care  
11 services, expedite the processing of paperwork, and provide  
12 optimal care at the initial point of access for Hawaii patients,  
13 especially in rural and underserved areas.

14           The purpose of this Act is to improve patient access to  
15 medical care by clarifying the procedure and circumstances under  
16 which licensed physician assistants may provide services, and by



1 allowing them to render emergency care services with limited  
2 liability pursuant to Good Samaritan laws.

3 SECTION 2. Chapter 453, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§453- Physician assistant; authority to sign documents.

7 Any physician assistant who holds a current, valid, and  
8 permanent license to practice medicine pursuant to this chapter,  
9 and who is under the supervision of a licensed physician or  
10 osteopathic physician, shall have the authority to sign the  
11 following documents:

- 12 (1) Certification of psychiatric medical condition of the  
13 parents of a child applicant for aid from the  
14 temporary assistance for needy families program;  
15 (2) Evaluation forms for Hansen's disease patients;  
16 (3) Orders for physical therapy and plans of care;  
17 (4) Pharmacist orders to assist in monitoring and  
18 management of anticoagulation anemia and atrial  
19 fibrillation;  
20 (5) Orders for speech therapy and plans of care;  
21 (6) Applications for bracelets indicating compassionate  
22 care only;



- 1        (7) Admissions applications for foster homes;
- 2        (8) Dietary consultations forms; and
- 3        (9) Medicaid application forms for nursing care facility
- 4                admission."

5            SECTION 3. Section 11-117, Hawaii Revised Statutes, is  
 6 amended by amending subsection (a) to read as follows:

7            "(a) Any candidate may withdraw not later than 4:30 p.m.  
 8 on the day immediately following the close of filing for any  
 9 reason and may withdraw after the close of filing up to  
 10 4:30 p.m. on the twentieth day prior to an election for reasons  
 11 of ill health. When a candidate withdraws for ill health, the  
 12 candidate shall give notice in writing to the chief election  
 13 officer if the candidate was seeking a congressional or state  
 14 office, or the candidate shall give notice in writing to the  
 15 county clerk if the candidate was seeking a county office. The  
 16 notice shall be accompanied by a statement from a licensed  
 17 physician or physician assistant indicating that such ill health  
 18 may endanger the candidate's life."

19            SECTION 4. Section 286-107, Hawaii Revised Statutes, is  
 20 amended by amending subsection (c) to read as follows:

21            "(c) Any person who holds a category (1), (2), or (3)  
 22 license issued under this part who is unable to appear in person



1 before the examiner of drivers to apply for a renewal of the  
2 driver's license, may, if the person is not disqualified from  
3 renewing the license under subsection (a) except as provided  
4 under subsection (h), apply for a renewal by mail. The  
5 applicant's request to have the license renewed by mail must be  
6 received by the examiner of drivers within ninety days after the  
7 expiration of the license or it shall be treated as an  
8 application for reactivation of an expired license under section  
9 286-107.5. The examiner of drivers shall, upon receipt of the  
10 request, furnish the applicant with all necessary forms and  
11 instructions. An application for renewal made pursuant to this  
12 subsection shall be accompanied by a statement from a licensed  
13 physician or physician assistant certifying that the applicant  
14 was examined by the licensed physician or physician assistant  
15 not more than six months prior to the expiration date of the  
16 applicant's license and that the applicant was found by [~~such~~]  
17 the examination to have met the physical requirements  
18 established by the state director of transportation for the  
19 renewal of licenses. The application for renewal shall also be  
20 accompanied by:

- 21 (1) A notarized statement of the applicant certifying that  
22 the applicant does not possess any valid license to



1 operate the same or similar category or categories of  
2 motor vehicles, issued by another licensing authority  
3 (unless [~~such~~] the license is concurrently  
4 surrendered); and

5 (2) Such other information as may be required by the  
6 examiner of drivers that is reasonably necessary to  
7 confirm the identity of the applicant and the  
8 applicant's fitness to continue to operate a motor  
9 vehicle."

10 SECTION 5. Section 291-11.6, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

12 "(c) No person shall be guilty of violating this section  
13 if:

14 (1) The person is in a motor vehicle which is not required  
15 to be equipped with a seat belt assembly under any  
16 federal motor vehicle safety standard unless the  
17 vehicle is in fact equipped with a seat belt assembly;

18 (2) The person not restrained by a seat belt assembly is  
19 in a vehicle in which the number of persons exceeds  
20 the number of seat belt assemblies available in the  
21 vehicle or the number of seat belt assemblies  
22 originally installed in the vehicle, whichever is



greater; provided that all available seat belt assemblies are being used to restrain passengers;

(3) The person not restrained by a seat belt assembly has a condition which prevents appropriate restraint by the seat belt assembly; provided [sueh] the condition is duly certified by a physician or a physician assistant who shall state the nature of the condition, as well as the reason [sueh] the restraint is inappropriate;

(4) The person not restrained by a seat belt assembly is operating a taxicab or other motor vehicle [utilized] used in performing a bona fide metered taxicab service which is regulated under chapter 269 or by county ordinance and is carrying passengers in the vehicle in the course of performing taxicab services; or

(5) Otherwise exempted by rules adopted by the department of transportation pursuant to chapter 91."

SECTION 6. Section 291E-12, Hawaii Revised Statutes, is amended to read as follows:

"[+]§291E-12[+] Persons qualified to take blood specimen.

No person, other than a physician, physician assistant, registered nurse, or phlebotomist deemed qualified by the



1 director of a clinical laboratory that is licensed by the State,  
2 or person licensed in a clinical laboratory occupation under  
3 section 321-13, may withdraw blood for the purpose of  
4 determining the alcohol concentration or drug content therein.  
5 This limitation shall not apply to the taking of a breath or  
6 urine specimen."

7 SECTION 7. Section 291E-13, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+]§291E-13[+] Additional tests. The person tested may  
10 choose any physician, physician assistant, registered nurse, or  
11 person licensed in a clinical laboratory occupation under  
12 section 321-13 to withdraw blood and also may choose any  
13 qualified person to administer a test or tests in addition to  
14 any administered at the direction of a law enforcement officer.  
15 The result of the test or tests may be used as provided in  
16 section 291E-3. The failure or inability to obtain an  
17 additional test by a person shall not preclude the admission of  
18 the test or tests administered at the direction of a law  
19 enforcement officer. Upon the request of the person who is  
20 tested, full information concerning the test or tests  
21 administered shall be made available to that person."





1 SECTION 8. Section 302A-1155, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) A child may enter school provisionally upon  
4 submitting written documentation from a licensed physician,  
5 physician assistant, advanced practice registered nurse, or an  
6 authorized representative of the department of health stating  
7 that the child is in the process of receiving the required  
8 immunizations. Further documentation showing that the required  
9 immunizations have been completed shall be submitted to the  
10 appropriate school official no later than three months after the  
11 child first entered the school. If all of the required  
12 immunizations cannot be completed within three months due to the  
13 length of the minimum intervals between doses of a particular  
14 vaccine required by the department of health, provisional  
15 admission may be extended so long as the child's parent or  
16 guardian provides documentation that appointments for required  
17 immunizations have been made and that progress toward completing  
18 the immunizations continues in accordance with the requirements  
19 of the department of health."

20 SECTION 9. Section 302A-1156, Hawaii Revised Statutes, is  
21 amended to read as follows:



1 "[+]§302A-1156[+] Exemptions. A child may be exempted  
2 from the required immunizations:

- 3 (1) If a licensed physician or physician assistant  
4 certifies that the physical condition of the child is  
5 such that immunizations would endanger the child's  
6 life or health; or  
7 (2) If any parent, custodian, guardian, or any other  
8 person in loco parentis to a child objects to  
9 immunization in writing on the grounds that the  
10 immunization conflicts with that person's bona fide  
11 religious tenets and practices. Upon showing the  
12 appropriate school official satisfactory evidence of  
13 the exemption, no certificate or other evidence of  
14 immunization shall be required for entry into school."

15 SECTION 10. Section 302A-1164, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

17 "(b) The student's parent or guardian shall provide the  
18 department with:

- 19 (1) Written authorization for the self-administration of  
20 medication or the emergency administration of  
21 glucagon;



1 (2) In the case of self-administration of medication,  
2 written certification from the student's physician or  
3 physician assistant stating that the student:

4 (A) Has asthma, anaphylaxis, or another potentially  
5 life-threatening illness; and

6 (B) Is capable of, and has been instructed in, the  
7 proper method of self-administration of  
8 medication; and

9 (3) In the case of emergency administration of glucagon to  
10 a student with diabetes, written certification from  
11 the student's physician or physician assistant stating  
12 that the student has [~~physician's~~] medical orders that  
13 glucagon may be administered by a volunteer."

14 SECTION 11. Section 321-23.3, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[~~§~~321-23.3~~]~~ Volunteer emergency medical disaster  
17 response personnel. (a) All volunteer emergency medical  
18 disaster response personnel including:

- 19 (1) Physicians;
- 20 (2) Psychologists;
- 21 (3) Nurses;
- 22 (4) Emergency medical technicians;



1           (5) Social workers; [and]

2           (6) Mobile intensive care technicians; and

3           (7) Physician assistants

4 licensed in the State, or employed by a health care facility,

5 while engaged in the emergency response to a mass casualty event

6 or disaster condition, including participation during periods of

7 mass casualty and disaster management training, shall be deemed

8 state employees or county employees, as the case may be, and

9 shall have the powers, duties, rights, and privileges of such in

10 the performance of their duties as prescribed by or under the

11 authority of the governor or a county.

12           (b) For the purposes of this section, any physician or

13 physician assistant licensed in the State having privileges and

14 credentials at public or private health care facilities licensed

15 in the State, shall be deemed as having credentials with the

16 same medical staff privileges at other hospitals for the purpose

17 of rendering professional medical care under a mass casualty or

18 disaster condition.

19           (c) In the case of injury or death arising out of and in

20 the performance of duty pursuant to this section, including duty

21 performed during periods of training, all volunteer emergency

22 medical disaster response personnel and their dependents shall



1 be entitled to all of the benefits provided in chapter 386,  
2 including medical services and supplies. In the case of injury  
3 or death, no public official shall be excluded from coverage of  
4 chapter 386. Benefits shall be based on average weekly wages  
5 set forth in section 386-51, or based on earnings from the usual  
6 employment of the person, or based on earnings at the rate of  
7 \$20 a week, whichever is most favorable to the claimant.  
8 Nothing in this section shall adversely affect the right of any  
9 person to receive any benefits or compensation under any act of  
10 Congress.

11 (d) Except in cases of wilful misconduct, the State, any  
12 county, or any volunteer emergency medical disaster response  
13 personnel engaged in the emergency response to a mass casualty  
14 event or disaster condition pursuant to this section (including  
15 volunteers whose services are accepted by any authorized  
16 person), shall not be liable for the death of or injury to  
17 persons, or for damage to property, as a result of any act or  
18 omission in the course of rendering professional medical care  
19 under a mass casualty event or disaster condition. No act or  
20 omission shall be imputed to the owner of any vehicle by reason  
21 of ownership thereof; provided that nothing in this section  
22 shall preclude recovery by any person for injury or damage



1 sustained from the operation of any vehicle that may be insured  
2 under section 41D-8 to the extent of the insurance. Unless  
3 specifically provided, insurance effected under section 41D-8  
4 shall not include coverage of such risk during a disaster  
5 emergency period.

6 (e) A physician assistant licensed in this State or  
7 licensed or authorized to practice in any other United States  
8 jurisdiction, or who is credentialed as a physician assistant by  
9 a federal employer who is responding to a need for medical care  
10 created by a public emergency or a state or local disaster, may  
11 provide medical care that the physician assistant is authorized  
12 to provide without physician supervision, pursuant to chapter  
13 453, or with appropriate physician supervision that is  
14 available; provided that:

15 (1) Any physician who supervises a physician assistant  
16 providing medical care in response to a public  
17 emergency or state or local disaster shall not be  
18 required to meet the requirements set forth in chapter  
19 453 for a supervising physician; and

20 (2) No physician who supervises a physician assistant  
21 voluntarily and gratuitously providing emergency care  
22 pursuant to this subsection shall be liable for civil



1 damages for any personal injuries which result from  
2 acts or omissions by the physician assistant providing  
3 emergency care.

4 [~~e~~] (f) For the purposes of this section:

5 "Disaster condition" means a sudden catastrophic event that  
6 overwhelms natural order and causes loss of property or life and  
7 exceeds or disrupts the capabilities of available medical  
8 resources to receive and provide medical care within a  
9 community.

10 "Mass casualty event" means a number of casualties  
11 generated more or less simultaneously, that exceeds the ability  
12 to provide usual medical care including but not limited to an  
13 airplane crash, collapsed building, bombing, or hurricane."

14 SECTION 12. Section 325-33, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "§325-33 Performance of vaccination and immunization.  
17 Vaccinations or immunizations required of any person under this  
18 chapter shall be performed by duly licensed physicians or  
19 paramedical personnel under their direction, advanced practice  
20 registered nurses, physician assistants, or by authorized  
21 representatives of the department of health. A record of the  
22 immunization shall be maintained by the physician, physician



1 assistant, or advanced practice registered nurse and shall be  
2 available to the department of education for school entry  
3 requirements and the department of health."

4 SECTION 13. Section 325-34, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§325-34 Exemptions. Section 325-32 shall be construed  
7 not to require the vaccination or immunization of any person for  
8 three months after a duly licensed physician, physician  
9 assistant, or an authorized representative of the department of  
10 health has signed two copies of a certificate stating the name  
11 and address of the person and that because of a stated cause the  
12 health of the person would be endangered by the vaccination or  
13 immunization, and has forwarded the original copy of the  
14 certificate to the person or, if the person is a minor or under  
15 guardianship, to the person's parent or guardian, and has  
16 forwarded the duplicate copy of the certificate to the  
17 department for its files.

18 No person shall be subjected to vaccination, revaccination  
19 or immunization, who shall in writing object thereto on the  
20 grounds that the requirements are not in accordance with the  
21 religious tenets of an established church of which the person is  
22 a member or adherent, or, if the person is a minor or under





1 guardianship, whose parent or guardian shall in writing object  
2 thereto on such grounds, but no objection shall be recognized  
3 when, in the opinion of the director of health, there is danger  
4 of an epidemic from any communicable disease."

5 SECTION 14. Section 327C-1, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Except as provided in subsection (b), a person shall  
8 be considered dead if, in the announced opinion of a physician  
9 licensed under part I of chapter 453, [~~physician and surgeon~~  
10 ~~licensed under chapter 460,~~] physician excepted from licensure  
11 by section 453-2(b)(3), physician assistant licensed under  
12 chapter 453, or registered nurse licensed under chapter 457,  
13 based on ordinary standards of current medical practice, the  
14 person has experienced irreversible cessation of spontaneous  
15 respiratory and circulatory functions. Death will have occurred  
16 at the time when the irreversible cessation of the functions  
17 first coincided."

18 SECTION 15. Section 334-59, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20 "(a) Initiation of proceedings. An emergency admission  
21 may be initiated as follows:



1 (1) If a police officer has reason to believe that a  
2 person is imminently dangerous to self or others, or  
3 is gravely disabled, or is obviously ill, the officer  
4 shall call for assistance from the mental health  
5 emergency workers designated by the director. Upon  
6 determination by the mental health emergency workers  
7 that the person is imminently dangerous to self or  
8 others, or is gravely disabled, or is obviously ill,  
9 the person shall be transported by ambulance or other  
10 suitable means, to a licensed psychiatric facility for  
11 further evaluation and possible emergency  
12 hospitalization. A police officer may also take into  
13 custody and transport to any facility designated by  
14 the director any person threatening or attempting  
15 suicide. The officer shall make application for the  
16 examination, observation, and diagnosis of the person  
17 in custody. The application shall state or shall be  
18 accompanied by a statement of the circumstances under  
19 which the person was taken into custody and the  
20 reasons therefor which shall be transmitted with the  
21 person to a physician or psychologist at the facility.



1           (2) Upon written or oral application of any licensed  
2           physician, psychologist, attorney, member of the  
3           clergy, health or social service professional, or any  
4           state or county employee in the course of employment,  
5           a judge may issue an ex parte order orally, but shall  
6           reduce the order to writing by the close of the next  
7           court day following the application, stating that  
8           there is probable cause to believe the person is  
9           mentally ill or suffering from substance abuse, is  
10          imminently dangerous to self or others, or is gravely  
11          disabled, or is obviously ill, and in need of care or  
12          treatment, or both, giving the findings on which the  
13          conclusion is based, and directing that a police  
14          officer or other suitable individual take the person  
15          into custody and deliver the person to the nearest  
16          facility designated by the director for emergency  
17          examination and treatment. The ex parte order shall  
18          be made a part of the patient's clinical record. If  
19          the application is oral, the person making the  
20          application shall reduce the application to writing  
21          and shall submit the same by noon of the next court  
22          day to the judge who issued the oral ex parte order.



1 The written application shall be executed subject to  
2 the penalties of perjury but need not be sworn to  
3 before a notary public.

4 (3) Any licensed physician, physician assistant, or  
5 psychologist who has examined a person and has reason  
6 to believe the person is:

7 (A) Mentally ill or suffering from substance abuse;

8 (B) Imminently dangerous to self or others, or is  
9 gravely disabled, or is obviously ill; and

10 (C) In need of care or treatment;

11 may direct transportation, by ambulance or other  
12 suitable means, to a licensed psychiatric facility for  
13 further evaluation and possible emergency

14 hospitalization. A licensed physician or physician

15 assistant may administer [~~such~~] treatment as is

16 medically necessary, for the person's safe

17 transportation. A licensed psychologist may

18 administer [~~such~~] treatment as is psychologically

19 necessary."

20 SECTION 16. Section 346-352, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§346-352 Preauthorization exemption for certain  
 2 physicians [-] and physician assistants. Any physician or  
 3 physician assistant licensed in this State who treats a medicaid  
 4 recipient patient suffering from the human immunodeficiency  
 5 virus, acquired immune deficiency syndrome, or hepatitis C, or  
 6 who is a patient in need of transplant immunosuppressives, may  
 7 prescribe any medications approved by the United States Food and  
 8 Drug Administration and that are eligible pursuant to the  
 9 Omnibus Budget Reconciliation Rebates Act and necessary to treat  
 10 the condition, without having to comply with the requirements of  
 11 any preauthorization procedure established by any other  
 12 provision of this chapter."

13           SECTION 17. Section 347-13, Hawaii Revised Statutes, is  
 14 amended by amending subsection (c) to read as follows:

15           "(c) Every physically handicapped person shall have the  
 16 right to use a life jacket or other flotation device in a public  
 17 swimming pool; provided that:

18           (1) The handicapped person suffers from a physical  
 19 disability or condition which requires the use of a  
 20 life jacket or other flotation device; and

21           (2) The handicapped person obtains a statement signed by a  
 22 licensed physician or physician assistant attesting to



1 the handicapped person's need to use a life jacket or  
2 other flotation device."

3 SECTION 18. Section 431:10A-115.5, Hawaii Revised  
4 Statutes, is amended by amending subsection (e) to read as  
5 follows:

6 "(e) For the purposes of this section, "child health  
7 supervision services" means physician-delivered, physician-  
8 supervised, physician assistant-delivered, or nurse-delivered  
9 services as defined by section 457-2 ("registered nurse") which  
10 shall include as the minimum benefit coverage for services  
11 delivered at intervals and scope stated in this section."

12 SECTION 19. Section 453-14, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Every physician, osteopathic physician, physician  
15 assistant, and surgeon attending or treating a case of knife  
16 wound, bullet wound, gunshot wound, powder burn, or any injury  
17 that would seriously maim, produce death, or has rendered the  
18 injured person unconscious, caused by the use of violence or  
19 sustained in a suspicious or unusual manner or in motor vehicle  
20 collisions resulting in serious injury or death, or, whenever  
21 the case is treated in a hospital, clinic, or other institution,  
22 the manager, superintendent, or person in charge thereof, shall



1 report the case or provide requested information to the chief of  
 2 police of the county within which the person was attended or  
 3 treated, giving the name of the injured person, description of  
 4 the nature, type, and extent of the injury, together with other  
 5 pertinent information that may be of use to the chief of police.  
 6 As used herein, the term "chief of police" means the chief of  
 7 police of each county and any of the chief's authorized  
 8 subordinates."

9 SECTION 20. Section 466J-6, Hawaii Revised Statutes, is  
 10 amended by amending subsection (a) to read as follows:

11 "(a) Any provision in this chapter to the contrary  
 12 notwithstanding, a license shall not be required for:

- 13 (1) A licensed medical practitioner in radiology;
- 14 (2) A licensed practitioner of nuclear medicine;
- 15 (3) A licensed physician assistant;
- 16 [~~3~~] (4) A licensed doctor of dentistry;
- 17 [~~4~~] (5) A licensed dental technician;
- 18 [~~5~~] (6) A licensed dental hygienist;
- 19 [~~6~~] (7) A student in an approved school for  
 20 radiographers, radiation therapists, or nuclear  
 21 medicine technologists, or in a school of medicine,  
 22 podiatry, dentistry, or a chiropractic school;



1 provided that the student is operating x-ray machines  
2 under the direct supervision of a licensed  
3 radiographer, licensed radiation therapist, licensed  
4 nuclear medicine technologist, or a qualified person  
5 pursuant to this chapter; and

6 [~~7~~] (8) A radiologist duly licensed to practice medicine  
7 and radiology services in another state who uses  
8 telemedicine while located in this State to provide  
9 radiology services to a patient who is located in the  
10 state in which the radiologist is licensed. For the  
11 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 21. Section 587-23, Hawaii Revised Statutes, is  
6           amended by amending subsection (a) to read as follows:

7           "(a) Any child health professional or paraprofessional,  
8           physician licensed or authorized to practice medicine in this  
9           State, licensed physician assistant, registered nurse or  
10          licensed practical nurse, hospital or similar institution's  
11          personnel engaged in the admission, examination, care, or  
12          treatment of patients, medical examiner, coroner, social worker,  
13          or police officer, who has before the person a child whom the  
14          person reasonably believes has been harmed, shall make every  
15          good faith effort to take or cause to be taken color photographs  
16          of the areas of trauma visible on the child. If medically  
17          indicated, [sueh] the person may take or cause to be taken x-  
18          rays of the child or cause a radiological or other diagnostic  
19          examination to be performed on the child."

20          SECTION 22. Section 612-4, Hawaii Revised Statutes, is  
21          amended by amending subsection (b) to read as follows:



1           "(b) A prospective juror is disqualified to serve as a  
2 juror if the prospective juror:

3           (1) Is incapable, by reason of the prospective juror's  
4 disability, of rendering satisfactory jury service;  
5 but a prospective juror claiming this disqualification  
6 may be required to submit a physician's or physician  
7 assistant's certificate as to the disability, and the  
8 certifying physician or physician assistant is subject  
9 to inquiry by the court at its discretion;

10          (2) Has been convicted of a felony in a state or federal  
11 court and not pardoned; or

12          (3) Fails to meet the qualifications in subsection (a)."

13          SECTION 23. Section 663-1.5, Hawaii Revised Statutes, is  
14 amended by amending subsection (c) to read as follows:

15          "(c) Any physician or physician assistant licensed to  
16 practice under the laws of this State or any other state who in  
17 good faith renders emergency medical care in a hospital to a  
18 person, who is in immediate danger of loss of life, without  
19 remuneration or expectation of remuneration, shall not be liable  
20 for any civil damages, if the physician or physician assistant  
21 exercises that standard of care expected of similar physicians  
22 or physician assistants under similar circumstances. Any



1 physician who supervises a physician assistant providing  
2 emergency medical care pursuant to this section shall not be  
3 required to meet the requirements set forth in chapter 453  
4 regarding supervising physicians."

5 SECTION 24. Section 663-1.5, Hawaii Revised Statutes, is  
6 amended by amending subsections (f) and (g) to read as follows:

7 "(f) Any physician or physician assistant who administers  
8 an automated external defibrillator program without remuneration  
9 or expectation of remuneration shall not be liable for any civil  
10 damages resulting from any act or omission involving the use of  
11 an automated external defibrillator, except as may result from  
12 the physician's or physician assistant's gross negligence or  
13 wanton acts or omissions.

14 (g) This section shall not relieve any person, physician,  
15 physician assistant, or employer of:

- 16 (1) Any other duty imposed by law regarding the  
17 designation and training of persons or employees;
- 18 (2) Any other duty imposed by provisions regarding the  
19 maintenance of equipment to be used for resuscitation;  
20 or
- 21 (3) Liability for any damages resulting from gross  
22 negligence, or wanton acts or omissions."



1 SECTION 25. Section 671-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "health care provider" to  
3 read as follows:

4 "(1) "Health care provider" means a physician [~~or~~],  
5 surgeon, or physician assistant licensed under chapter  
6 453, [~~a physician and surgeon licensed under chapter~~  
7 460,] a podiatrist licensed under chapter 463E, a  
8 health care facility as defined in section 323D-2, and  
9 the employees of any of them. Health care provider  
10 shall not mean any nursing institution or nursing  
11 service conducted by and for those who rely upon  
12 treatment by spiritual means through prayer alone, or  
13 employees of [~~such~~] the institution or service."

14 SECTION 26. This Act does not affect rights and duties  
15 that matured, penalties that were incurred, and proceedings that  
16 were begun, before its effective date.

17 SECTION 27. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 28. This Act shall take effect upon approval.

APPROVED this 25 day of JUN, 2009

  
GOVERNOR OF THE STATE OF HAWAII