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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2 regarding physician assistants are outdated or obsolete.  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. Allowing amendments  
8 to certain statutes will enable improved access to health care  
9 services, expedite the processing of paperwork, and provide  
10 optimal care at the initial point of access for Hawaii patients,  
11 especially in rural and underserved areas.

12           The purpose of this Act is to improve patient access to  
13 medical care by authorizing physician assistants to provide  
14 unsupervised care in the event of public emergencies and local  
15 disasters, limit liability under medical tort and good Samaritan  
16 laws, sign certain medical certifications and forms for their  
17 patients, administer immunizations, and prescribe medications



1 for patients suffering from human immunodeficiency virus or  
2 acquired immune deficiency syndrome without preauthorization.

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;
- 3        (9) Applications for handicapped parking permits; and
- 4        (10) Medicaid application forms for nursing care facility  
5            admission."

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

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

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



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





1 (1) A notarized statement of the applicant certifying that  
2 the applicant does not possess any valid license to  
3 operate the same or similar category or categories of  
4 motor vehicles, issued by another licensing authority  
5 (unless [~~sueh~~] the license is concurrently  
6 surrendered); and

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

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

14 "(c) No person shall be guilty of violating this section  
15 if:

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

20 (2) The person not restrained by a seat belt assembly is  
21 in a vehicle in which the number of persons exceeds  
22 the number of seat belt assemblies available in the



1 vehicle or the number of seat belt assemblies  
2 originally installed in the vehicle, whichever is  
3 greater; provided that all available seat belt  
4 assemblies are being used to restrain passengers;

5 (3) The person not restrained by a seat belt assembly has  
6 a condition which prevents appropriate restraint by  
7 the seat belt assembly; provided [~~such~~] the condition  
8 is duly certified by a physician or a physician  
9 assistant who shall state the nature of the condition,  
10 as well as the reason [~~such~~] the restraint is  
11 inappropriate;

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

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

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



1           " [ ] §291E-12 [ ]   Persons qualified to take blood specimen.  
2 No person, other than a physician, physician assistant,  
3 registered nurse, phlebotomist deemed qualified by the director  
4 of a clinical laboratory that is licensed by the State, or  
5 person licensed in a clinical laboratory occupation under  
6 section 321-13, may withdraw blood for the purpose of  
7 determining the alcohol concentration or drug content therein.  
8 This limitation shall not apply to the taking of a breath or  
9 urine specimen."

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

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



1 tested, full information concerning the test or tests  
2 administered shall be made available to that person."

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

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



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

3 "[~~§~~302A-1156~~]~~ **Exemptions.** A child may be exempted  
4 from the required immunizations:

5 (1) If a licensed physician or physician assistant  
6 certifies that the physical condition of the child is  
7 such that immunizations would endanger the child's  
8 life or health; or

9 (2) If any parent, custodian, guardian, or any other  
10 person in loco parentis to a child objects to  
11 immunization in writing on the grounds that the  
12 immunization conflicts with that person's bona fide  
13 religious tenets and practices. Upon showing the  
14 appropriate school official satisfactory evidence of  
15 the exemption, no certificate or other evidence of  
16 immunization shall be required for entry into school."

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

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



1 (1) Written authorization for the self-administration of  
2 medication or the emergency administration of  
3 glucagon;

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

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

9 (B) Is capable of, and has been instructed in, the  
10 proper method of self-administration of  
11 medication; and

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

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

19 " [+] §321-23.3 [+] **Volunteer emergency medical disaster**  
20 **response personnel.** (a) All volunteer emergency medical  
21 disaster response personnel including:

22 (1) Physicians;



- 1           (2) Psychologists;
- 2           (3) Nurses;
- 3           (4) Emergency medical technicians;
- 4           (5) Social workers; [and]
- 5           (6) Mobile intensive care technicians; and
- 6           (7) Physician assistants

7 licensed in the State, or employed by a health care facility,  
8 while engaged in the emergency response to a mass casualty event  
9 or disaster condition, including participation during periods of  
10 mass casualty and disaster management training, shall be deemed  
11 state employees or county employees, as the case may be, and  
12 shall have the powers, duties, rights, and privileges of such in  
13 the performance of their duties as prescribed by or under the  
14 authority of the governor or a county.

15           (b) For the purposes of this section, any physician or  
16 physician assistant licensed in the State having privileges and  
17 credentials at public or private health care facilities licensed  
18 in the State, shall be deemed as having credentials with the  
19 same medical staff privileges at other hospitals for the purpose  
20 of rendering professional medical care under a mass casualty or  
21 disaster condition.



1 (c) In the case of injury or death arising out of and in  
2 the performance of duty pursuant to this section, including duty  
3 performed during periods of training, all volunteer emergency  
4 medical disaster response personnel and their dependents shall  
5 be entitled to all of the benefits provided in chapter 386,  
6 including medical services and supplies. In the case of injury  
7 or death, no public official shall be excluded from coverage of  
8 chapter 386. Benefits shall be based on average weekly wages  
9 set forth in section 386-51, or based on earnings from the usual  
10 employment of the person, or based on earnings at the rate of  
11 \$20 a week, whichever is most favorable to the claimant.  
12 Nothing in this section shall adversely affect the right of any  
13 person to receive any benefits or compensation under any act of  
14 Congress.

15 (d) Except in cases of wilful misconduct, the State, any  
16 county, or any volunteer emergency medical disaster response  
17 personnel engaged in the emergency response to a mass casualty  
18 event or disaster condition pursuant to this section (including  
19 volunteers whose services are accepted by any authorized  
20 person), shall not be liable for the death of or injury to  
21 persons, or for damage to property, as a result of any act or  
22 omission in the course of rendering professional medical care





1 under a mass casualty event or disaster condition. No act or  
2 omission shall be imputed to the owner of any vehicle by reason  
3 of ownership thereof; provided that nothing in this section  
4 shall preclude recovery by any person for injury or damage  
5 sustained from the operation of any vehicle that may be insured  
6 under section 41D-8 to the extent of the insurance. Unless  
7 specifically provided, insurance effected under section 41D-8  
8 shall not include coverage of such risk during a disaster  
9 emergency period.

10 (e) A physician assistant licensed in this State or  
11 licensed or authorized to practice in any other United States  
12 jurisdiction or who is credentialed as a physician assistant by  
13 a federal employer who is responding to a need for medical care  
14 created by a public emergency or a state or local disaster, may  
15 provide medical care that the physician assistant is authorized  
16 to provide without physician supervision, pursuant to chapter  
17 453, or with appropriate physician supervision that is  
18 available, provided that:

19 (1) Any physician who supervises a physician assistant  
20 providing medical care in response to a public  
21 emergency or state or local disaster shall not be



1           required to meet the requirements set forth in chapter  
2           453 for a supervising physician; and

3           (2) No physician who supervises a physician assistant  
4           voluntarily and gratuitously providing emergency care  
5           pursuant to this subsection shall be liable for civil  
6           damages for any personal injuries which result from  
7           acts or omissions by the physician assistant providing  
8           emergency care.

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

10           "Disaster condition" means a sudden catastrophic event that  
11           overwhelms natural order and causes loss of property or life and  
12           exceeds or disrupts the capabilities of available medical  
13           resources to receive and provide medical care within a  
14           community.

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

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

21           "**§325-33 Performance of vaccination and immunization.**

22           Vaccinations or immunizations required of any person under this



1 chapter shall be performed by duly licensed physicians or  
2 paramedical personnel under their direction, advanced practice  
3 registered nurses, physician assistants, or by authorized  
4 representatives of the department of health. A record of the  
5 immunization shall be maintained by the physician, physician  
6 assistant, or advanced practice registered nurse and shall be  
7 available to the department of education for school entry  
8 requirements and the department of health."

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

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



1 No person shall be subjected to vaccination, revaccination  
2 or immunization, who shall in writing object thereto on the  
3 grounds that the requirements are not in accordance with the  
4 religious tenets of an established church of which the person is  
5 a member or adherent, or, if the person is a minor or under  
6 guardianship, whose parent or guardian shall in writing object  
7 thereto on such grounds, but no objection shall be recognized  
8 when, in the opinion of the director of health, there is danger  
9 of an epidemic from any communicable disease."

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

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



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

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

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



1           which the person was taken into custody and the  
2           reasons therefor which shall be transmitted with the  
3           person to a physician or psychologist at the facility.

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



1 application shall reduce the application to writing  
2 and shall submit the same by noon of the next court  
3 day to the judge who issued the oral ex parte order.  
4 The written application shall be executed subject to  
5 the penalties of perjury but need not be sworn to  
6 before a notary public.

7 (3) Any licensed physician, physician assistant, or  
8 psychologist who has examined a person and has reason  
9 to believe the person is:

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

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

13 (C) In need of care or treatment;

14 may direct transportation, by ambulance or other  
15 suitable means, to a licensed psychiatric facility for  
16 further evaluation and possible emergency  
17 hospitalization. A licensed physician or physician  
18 assistant may administer [sueh] treatment as is  
19 medically necessary, for the person's safe  
20 transportation. A licensed psychologist may  
21 administer [sueh] treatment as is psychologically  
22 necessary."



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

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

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

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

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



1           (2) The handicapped person obtains a statement signed by a  
2           licensed physician or physician assistant attesting to  
3           the handicapped person's need to use a life jacket or  
4           other flotation device."

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

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

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

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



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

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

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

15 (1) A licensed medical practitioner in radiology;

16 (2) A licensed practitioner of nuclear medicine;

17 (3) A licensed physician assistant;

18 [~~3~~] (4) A licensed doctor of dentistry;

19 [~~4~~] (5) A licensed dental technician;

20 [~~5~~] (6) A licensed dental hygienist;

21 [~~6~~] (7) A student in an approved school for

22 radiographers, radiation therapists, or nuclear



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

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

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

18 "Telemedicine" means the use of  
19 telecommunications services, as that term is defined  
20 in section 269-1, including real-time video  
21 conferencing-based communication, secure interactive  
22 and non-interactive web-based communication, and



1 secure asynchronous information exchange, to transmit  
2 patient medical information, such as diagnostic-  
3 quality digital images and laboratory results for  
4 medical interpretation and diagnosis, and deliver  
5 health care services and information to parties  
6 separated by distance."

7 SECTION 21. Section 587-23, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

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



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

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

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

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

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

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

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



1 exercises that standard of care expected of similar physicians  
2 or physician assistants under similar circumstances. Any  
3 physician who supervises a physician assistant providing  
4 emergency medical care pursuant to this section shall not be  
5 required to meet the requirements set forth in chapter 453  
6 regarding supervising physicians."

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

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

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

- 18 (1) Any other duty imposed by law regarding the  
19 designation and training of persons or employees;
- 20 (2) Any other duty imposed by provisions regarding the  
21 maintenance of equipment to be used for resuscitation;
- 22 or



1           (3) Liability for any damages resulting from gross  
2           negligence, or wanton acts or omissions."

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

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

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

19          SECTION 27. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21



# H.B. NO. 1381

1 SECTION 28. This Act shall take effect upon its approval.

2

INTRODUCED BY: Marilyn B. Lee

JAN 27 2009





**Report Title:**

Physician Assistant; Signing Authority; Liability; Prescribing Medications; Immunizations

**Description:**

Authorizes physician assistants to sign certain documents; to provide emergency medical care without supervision; to administer immunizations; to prescribe medications for patients suffering from human immunodeficiency virus or acquired immune deficiency syndrome without preauthorization; limits tort liability of physician assistants.

