
A BILL FOR AN ACT

RELATING TO MEDICAL ORDERS.

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

1 SECTION 1. The legislature finds that both physician
2 assistants and registered nurses provide valuable medical care
3 to patients under the orders of licensed physicians.

4 Physician assistants are licensed under section 453-5.3,
5 Hawaii Revised Statutes, and practice under the supervision of a
6 physician or osteopathic physician. The Hawaii medical board
7 implemented administrative rules to delineate the scope of
8 practice of a physician assistant and the complementary
9 responsibilities of the physician assistant and the supervising
10 physician.

11 Specifically, under section 16-85-44.5, Hawaii
12 Administrative Rules, "a physician assistant may perform those
13 duties and responsibilities delegated by the physician
14 assistant's supervising physician." In turn, a supervising
15 physician is defined to mean "a physician or group of physicians
16 or an osteopathic physician and surgeon licensed to practice
17 medicine and surgery in this State who accepts the

1 responsibility for the supervision of services rendered by
2 physician assistants. The supervising physician shall direct
3 and exercise supervision at all times." Supervision means
4 "overseeing the activities of, and accepting responsibility for,
5 the medical services rendered by a physician assistant.
6 Supervision shall be continuous but shall not be construed as
7 necessarily requiring the physical presence of the supervising
8 physician at the time and place the services are rendered." In
9 providing this supervision, the supervising physician is
10 required under section 16-85-49(a)(4), Hawaii Administrative
11 Rules, to provide "adequate means for direct communication
12 between the physician assistant and the supervising physician;
13 provided that where the physical presence of the supervising
14 physician is not required, the direct communication may occur
15 through the use of technology which may include but is not
16 limited to, two-way radio, telephone, fax machine, modem, or
17 other telecommunication device." In addition, a supervising
18 physician is required to "personally review the records of each
19 patient seen by the physician assistant within seven working
20 days."

21 Furthermore, under section 16-85-46(a)(10), Hawaii
22 Administrative Rules, a physician assistant is required to

1 provide a "statement signed by the licensed physician or group
2 of physicians, as the case may be, stating that the physician or
3 group of physicians will direct and supervise the physician
4 assistant and that the physician assistant will be considered
5 the agent of the physician or group of physicians."

6 The legislature also finds that registered nurses are
7 licensed under chapter 457, Hawaii Revised Statutes, and are
8 regulated by the board of nursing. Among other actions, in
9 performing the practice of nursing as a registered nurse, a
10 registered nurse uses reasonable judgment in carrying out
11 prescribed medical orders of a licensed dentist, medical doctor,
12 osteopath, or podiatrist, or the orders of an advanced practice
13 registered nurse.

14 Because the historical process of licensing and regulating
15 the scopes of practice of physician assistants and of registered
16 nurses has developed independently for the two health care
17 disciplines, the relevant regulatory language pertaining to
18 their respective responsibilities with respect to following
19 physician orders is neither compatible nor clear. This
20 situation has led to conflict between the two groups when
21 registered nurses decline to accept orders from physician
22 assistants.

1 The legislature finds that clarifying the relevant
2 statutory language is necessary to resolve the situation to
3 clearly state that, under certain conditions, orders from a
4 physician assistant do not originate from the physician
5 assistant but from the supervising physician for whom the
6 physician assistant acts as an agent.

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

10 "§453- Order given by physician assistant; agent. (a)
11 Any medical order issued by a licensed physician assistant, who
12 is properly performing within the physician assistant's scope of
13 practice under this chapter, shall not be deemed a medical order
14 of the physician assistant but shall be deemed a medical order
15 of the physician assistant's supervising physician; provided
16 that:

17 (1) The physician assistant is acting under the required
18 supervision of a supervising physician; and

19 (2) The supervising physician:

20 (A) Accepts full responsibility for the issuing of
21 the medical order by the physician assistant;

1 (B) Provides adequate means for direct communication
2 between the physician assistant and the
3 supervising physician; provided that where the
4 physical presence of the supervising physician is
5 not required, the direct communication may occur
6 through the use of technology that may include
7 but is not limited to two-way radio, telephone,
8 fax machine, modem, or other telecommunication
9 device; and

10 (C) Conducts a record review in compliance with
11 section 16-85-49, Hawaii Administrative Rules, as
12 adopted by the Hawaii medical board.

13 (b) In issuing any medical order under subsection (a), a
14 physician assistant shall be deemed an agent of the supervising
15 physician.

16 (c) Nothing in this section shall be construed to relieve
17 any physician assistant from an obligation to exercise due care
18 in the performance of the physician assistant's scope of
19 practice."

20 SECTION 3. Chapter 457, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:

1 "§457- Order given by physician assistant; agent. (a)

2 Any medical order issued by a physician assistant properly
3 licensed under section 453-5.3 and who is properly performing
4 within the physician assistant's scope of practice shall not be
5 deemed a medical order of the physician assistant but shall be
6 deemed a medical order of the physician assistant's supervising
7 physician; provided that:

8 (1) The physician assistant is acting under the required
9 supervision of a supervising physician; and

10 (2) The supervising physician:

11 (A) Accepts full responsibility for the issuing of
12 the medical order by the physician assistant;

13 (B) Provides adequate means for direct communication
14 between the physician assistant and the
15 supervising physician; provided that where the
16 physical presence of the supervising physician is
17 not required, the direct communication may occur
18 through the use of technology that which may
19 include but is not limited to two-way radio,
20 telephone, fax machine, modem, or other
21 telecommunication device; and

1 (C) Conducts a record review in compliance with
2 section 16-85-49, Hawaii Administrative Rules, as
3 adopted by the Hawaii medical board.

4 (b) In following any medical order issued by a physician
5 assistant under subsection (a) and section 453- , a registered
6 nurse shall be deemed to be following a medical order issued by
7 the supervising physician of the physician assistant, who shall
8 be deemed as acting as an agent of the supervising physician.

9 (c) Nothing in this section shall be construed to relieve
10 any registered nurse from an obligation to exercise due care in
11 the performance of the registered nurse's scope of practice."

12 SECTION 4. New statutory material is underscored.

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

Report Title:

Physician Assistant; Registered Nurse; Medical Orders

Description:

Clarifies that a physician assistant acts as agent of the supervising physician when issuing a medical order and the order is deemed to be issued by the supervising physician. Clarifies that when following a medical order issued by a physician assistant, a registered nurse follows a medical order issued by the supervising physician for whom the physician assistant acts as agent. Does not relieve physician assistants or registered nurses from exercising due care in performing within their respective scope of practice. (SD1)