
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that Hawaii faces a
2 critical physician shortage. According to the 2018 Annual
3 Report on Findings from the Hawai'i Physician Workforce
4 Assessment Report, the current physician shortage increased from
5 769 in 2017 to 797 in 2018. Physician assistants, like advanced
6 practice registered nurses, can help fill this need.

7 The legislature further finds that physician assistants
8 undergo rigorous medical training. Physician assistants
9 graduate from an accredited program and must pass a national
10 certification exam to be licensed to practice medicine with
11 collaboration of a licensed physician. Physician assistants
12 work in various clinical settings, locations, and specialties.
13 Like physicians and advanced practice registered nurses,
14 physician assistants must also complete extensive continuing
15 medical education throughout their careers. Studies have shown
16 that when physician assistants practice to the full extent of



1 their abilities and training, hospital readmission rates and
2 lengths of stay decrease and infection rates go down.

3 The legislature also finds that streamlining physician
4 assistants' existing requirements relating to supervision by
5 physicians is consistent with physician assistant training and
6 education, and responds to the needs of the collaborating
7 physician, facility, medical specialty, and patient population,
8 thereby increasing efficiency and delivery of health care and
9 lessening overall administrative burdens.

10 The legislature additionally finds that current
11 requirements in the Hawaii medical board's administrative rules
12 for the license renewal of physician assistants are overly
13 burdensome and discourage individuals from entering the
14 profession. Hawaii is one of a minority of states that mandate
15 continued certification by the National Commission on
16 Certification of Physician Assistants for the renewal of a
17 physician assistant license. A majority of states allow
18 physician assistants to renew their licenses by meeting
19 continuing education requirements only. The legislature finds
20 that aligning Hawaii's licensing standard for physician



1 assistants with the majority of states will encourage the growth
2 of the physician assistant profession.

3 Accordingly, the purpose of this Act is to:

4 (1) Streamline the medical records review process for
5 physician assistants; and

6 (2) Establish continuing medical education requirements
7 for the renewal of physician assistant licenses.

8 SECTION 2. Section 453-5.3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§453-5.3 Physician assistant; licensure required. (a)**

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

20 (b) The board shall establish medical educational and
21 training standards with which a person applying for licensure as



1 a physician assistant shall comply. The standards shall be at
2 least equal to recognized national education and training
3 standards for physician assistants.

4 (c) Upon satisfactory proof of compliance with the
5 required medical educational and training standards, the board
6 may grant state licensure to a person who has been granted
7 certification based upon passage of a national certifying
8 examination and who holds a current certificate from the
9 national certifying entity approved by the board.

10 (d) The board shall approve temporary licensure of an
11 applicant under this section. The applicant shall have graduated
12 from a board approved training program within twelve months of
13 the date of application and never taken a national certifying
14 examination approved by the board but otherwise meets the
15 requirements of this section. The applicant shall file a
16 complete application with the board and pay all required fees.
17 If the applicant fails to apply for, or to take, the first
18 examination scheduled by the board following the issuance of the
19 temporary license, fails to pass the examination, or fails to
20 receive licensure, all privileges under this section shall
21 automatically cease upon written notification sent to the



1 applicant by the board. A temporary license shall be issued
2 only once to each person.

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

7 (f) The board shall establish the degree of supervision
8 required by the supervising physician [~~or~~], osteopathic
9 physician, or group of physicians when a physician assistant
10 performs a service within the practice of medicine. A physician
11 or osteopathic physician who does not supervise a physician
12 assistant's services at the degree required by the board shall
13 be deemed to have engaged in professional misconduct.

14 (g) When reviewing the medical records of physician
15 assistants:

16 (1) Each physician assistant and supervising physician,
17 osteopathic physician, or group of physicians shall
18 establish written guidelines for the review of medical
19 records as appropriate to the specific practice.
20 These guidelines shall be kept in the office of the
21 practice setting in which either the physician



1 assistant or supervising physician, osteopathic
2 physician, or group of physician practices, and shall
3 be made available to the Hawaii medical board and the
4 regulated industries complaints office or the board's
5 or office's designee;

6 (2) The supervising physician, osteopathic physician, or
7 group of physicians shall review medical records as
8 required by this subsection; provided that the
9 supervising physician, osteopathic physician, or group
10 of physicians shall review all medical records that
11 contain written orders or prescriptions for controlled
12 substances;

13 (3) When supervising a category 1 physician assistant, the
14 supervising physician, osteopathic physician, or group
15 of physicians shall:

16 (A) For the first six months of supervision, review
17 and sign one hundred per cent of the medical
18 records within seven days of the patient visit;
19 and



1 (B) For the subsequent six months of supervision,
2 review and sign fifty per cent of the medical
3 records within seven days of the patient visit.

4 For the purposes of this paragraph, "category 1
5 physician assistants" are those who are newly licensed
6 in the State, have new employment, or have started a
7 new practice specialty;

8 (4) When supervising a category 2 physician assistant, the
9 supervising physician, osteopathic physician, or group
10 of physicians shall:

11 (A) Review and sign ten per cent of the medical
12 records within thirty days of the patient visit;

13 or

14 (B) For at least thirty minutes each month, perform
15 an audit and review and sign medical records.

16 For the purposes of this paragraph, "category 2
17 physician assistants" are those who have
18 satisfactorily completed category 1; and

19 (5) Notwithstanding paragraph (2), a supervising
20 physician, osteopathic physician, or group of



1 physicians may require additional supervisory
2 requirements at any time for patient safety.

3 ~~[(g)]~~ (h) Any license of a physician assistant may be
4 denied, not renewed, revoked, limited, or suspended under
5 section 453-8.

6 ~~[(h)]~~ (i) The board shall establish the application
7 procedure, medical educational and training standards,
8 examination requirement, if any, and degrees of supervision by
9 rule.

10 ~~[(i)]~~ (j) Every person holding a license under this
11 section shall apply for renewal with the board no later than
12 January 31 of each even-numbered year and pay a renewal fee.
13 Failure to apply for renewal shall constitute a forfeiture of
14 the license that may only be restored upon written application
15 for restoration and payment to the board of a restoration fee.

16 (k) Beginning with the renewal for the licensing biennium
17 commencing February 1, 2020, and every biennial renewal
18 thereafter, a physician assistant shall be in compliance with
19 continuing medical education requirements by obtaining forty
20 credit hours in:



- 1 (1) A category 1 continuing medical education program
- 2 accredited by the American Medical Association;
- 3 (2) A category 1A continuing medical education program
- 4 accredited by the American Osteopathic Association; or
- 5 (3) A category 1 continuing medical education program
- 6 accredited by the American Academy of Physician
- 7 Assistants.

8 (1) To determine compliance with the continuing medical
 9 education requirements under subsection (k), the board may
 10 conduct random audits of physician assistants' continuing
 11 education documentation. A physician assistant selected for
 12 audit shall be notified by the board. Within sixty days of
 13 notification, the physician assistant shall provide the board
 14 documentation to verify compliance with the continuing medical
 15 education requirements.

16 (m) Failure to renew, pay the renewal fee, and, in the
 17 case of audited physician assistants, provide documentation of
 18 compliance with the continuing medical education requirement
 19 under subsection (k), shall constitute a forfeiture of license,
 20 which may be restored upon the submission of written application
 21 therefor, payment to the board of a restoration fee, and, in the

1 case of audited physician assistants, documentation of
2 compliance with the continuing medical education requirement
3 under subsection (k).

4 [~~(j)~~] (n) A license that has been forfeited for one
5 renewal term shall be automatically terminated and cannot be
6 restored. A new application for licensure shall be required."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2019.

10



Report Title:

Physician Assistants; Medical Records; Chart Review; Continuing Medical Education; Requirements; Hawaii Medical Board; Random Audits

Description:

Establishes medical records review for physician assistants. Establishes biennial requirements of forty credit hours in specified continuing medical education programs for renewal of physician assistant licenses, beginning with the renewal for the licensing biennium on 2/1/2020, and every biennial renewal thereafter. Authorizes the Hawaii Medical Board to conduct random document audits to enforce compliance. Specifies conditions for forfeiture and reinstatement of a license. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

