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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that the State's shortage  
3 of physicians is a significant and challenging healthcare  
4 concern. According to the 2018 Annual Report on Findings from  
5 the Hawai'i Physician Workforce Assessment Report, the current  
6 physician shortage has increased from 769 in 2017 to 797 in  
7 2018. The specialties most affected statewide include Primary  
8 Care, Infectious Disease, Colorectal Surgery, Neurological  
9 Surgery, and Pulmonary.

10 Additionally, the legislature finds that, according to the  
11 2017 federal United States Census Bureau data, of Hawaii's 1.4  
12 million residents, 17.8 per cent are sixty-five years old and  
13 older. As this population continues to age, its healthcare  
14 needs continue to increase.

15 Thus, to manage both the growing physician shortage and  
16 growing medical demands of the State's aging population, the  
17 legislature finds that a solution lies in the utilization of a



1 physician assistant as an effective and efficient method to  
2 deliver healthcare. Physician assistants are skilled healthcare  
3 providers trained to take medical histories, perform physical  
4 examinations, order and interpret laboratory tests, diagnose  
5 illness, develop and manage treatment plans for their patients,  
6 prescribe medications, and assist in surgery.

7       The intensive physician assistant program curriculum is  
8 modeled on the medical school curriculum. The typical physician  
9 assistant program is twenty-seven continuous months and begins  
10 with classroom instruction in basic medical sciences. This is  
11 followed by rotations in medical and surgical disciplines  
12 including family medicine, internal medicine, general surgery,  
13 pediatrics, obstetrics and gynecology, emergency medicine, and  
14 psychiatry. Physician assistant students complete at least two  
15 thousand hours of supervised clinical practice in various  
16 settings and locations by the time of graduation. Almost all  
17 physician assistant programs now award master's degrees, and, by  
18 2020, all programs must do so.

19       Physician assistants graduate from an accredited program  
20 and must pass a national certification exam to be licensed to  
21 practice medicine with collaboration of a licensed physician.



1 Physician assistants work in various clinical settings,  
2 locations, and specialties. Physician assistants can work off-  
3 site from their collaborating physician and the physician  
4 remains available via telecommunication.

5 Further, the legislature finds that as interprofessional  
6 healthcare team practice evolves and research repeatedly shows  
7 the quality and safety of physician assistant-provided care, a  
8 physician assistant's scope of practice can safely be determined  
9 at the practice level. Broadening physician assistants' scope  
10 of practice such that the scope is determined at the practice  
11 level, responds to the needs of the collaborating physician,  
12 facility, medical specialty, and patient population; thus,  
13 increasing efficiency and delivery of healthcare and lessening  
14 the administrative burden. Practice level specificity will  
15 allow more physicians and facilities to hire physician  
16 assistants without concern for restrictive state regulations.  
17 Physicians and surgeons who desire the extension of team-based  
18 physician assistant collaboration may in turn be attracted to  
19 practice in Hawaii by the increased physician assistant  
20 availability and reduced workload through physician assistant  
21 utilization.



1 The purposes of this Act are to:

2 (1) Clarify the scope and practice of physician assistants  
3 in the State;

4 (2) Amend the Hawaii medical board to include two  
5 physician assistants and clarify the powers of the  
6 board; and

7 (3) Make conforming amendments as to the scope and  
8 practice of physician assistants in the State.

9 PART II

10 SECTION 2. Chapter 453, Hawaii Revised Statutes, is  
11 amended by adding four new sections to part I to be  
12 appropriately designated and to read as follows:

13 "§453- Definitions. For the purposes of this chapter:

14 "Advanced directives" includes do not resuscitate orders,  
15 physician orders for life-sustaining treatment, organ and tissue  
16 donation, durable power of attorney for health care or health  
17 care power of attorney, or living will.

18 "Collaborating physician" means a physician or medical  
19 facility licensed in the State who has entered into a practice  
20 agreement with a physician assistant under this chapter.

21 "Durable medical equipment" means equipment that:



- 1        (1) Is considered a selected product under the Centers for  
2        Medicare and Medicaid Services durable medical  
3        equipment, prosthetics, orthotics, and supplies  
4        competitive bidding program that can stand repeated  
5        use;
- 6        (2) Is primarily and customarily used to serve a medical  
7        purpose;
- 8        (3) Is generally not useful to a person in the absence of  
9        an illness or injury;
- 10       (4) Is appropriate for use in the home;
- 11       (5) Does not contain any prescription drug; and
- 12       (6) Is not considered to be a specialty item, equipment,  
13       or service.

14       "Distant site" means the location of the physician or  
15       physician assistant delivering services through telemedicine at  
16       the time the services are provided.

17       "Hawaii medical board" or "board" means the Hawaii medical  
18       board established pursuant to section 453-5.

19       "Legend drugs" means any drug falling within section  
20       503(b)(1) of the federal Food, Drug and Cosmetic Act and which  
21       is required to be labeled with the statement "Rx only".

1       "National Commission on Certification of Physician  
2 Assistants" means the nonprofit organization established in  
3 1974, or its successor organization, that provides certification  
4 programs to reflect standards for clinical knowledge, clinical  
5 reasoning, and other medical skills and professional behaviors  
6 required upon entry into practice and throughout the careers of  
7 physician assistants.

8       "Optimal team practice" means physician assistants have the  
9 ability to consult with a physician or other qualified medical  
10 professional, as indicated by the patient's condition and the  
11 standard of care, and in accordance with the physician  
12 assistant's training, experience, and current competencies.

13       "Originating site" means the location where the patient is  
14 located, whether accompanied or not by a health care provider,  
15 at the time services are provided by a physician or physician  
16 assistant through telehealth, including but not limited to a  
17 physician's office, hospital, health care facility, hospice  
18 facility, nursing home, ambulatory facility, a patient's home,  
19 and other non-medical environments such as pharmacies, school-  
20 based health centers, university-based health centers, or the  
21 work locations of patient.



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

12       "Physician assistant" means a health care professional who  
13 meets the qualifications defined in this chapter and is licensed  
14 to practice medicine pursuant to this chapter.

15       "Practice agreement" means a written agreement between a  
16 collaborating physician or medical facility and a physician  
17 assistant.

18       "Radiologist" means a doctor of medicine or a doctor of  
19 osteopathy certified in radiology by the American Board of  
20 Radiology or the American Board of Osteopathy.



1       "Telehealth" as used in chapters 431, 432, and 432D,  
2 includes "telemedicine" as defined in this section.

3       "Telemedicine" means the use of telecommunications  
4 services, as that term is defined in section 269-1, including  
5 voice communication, real-time video conferencing-based  
6 communication, secure interactive and non-interactive web-based  
7 communication, and secure asynchronous information exchange, to  
8 transmit patient medical information, including diagnostic-  
9 quality digital images and laboratory results for medical  
10 interpretation and diagnosis, for the purposes of:

- 11       (1) Delivering enhanced health care services and  
12       information while a patient is at an originating site  
13       and the physician is at a distant site;  
14       (2) Establishing a physician-patient relationship;  
15       (3) Evaluating a patient; or  
16       (4) Treating a patient.

17       §453- Physician assistant; scope of practice. (a)  
18 Physician assistants may provide any legal medical service for  
19 which they have been prepared by their education, training, and  
20 experience and are competent to perform.





1        (b) Physician assistants may exercise autonomy in medical  
2 decision-making.

3        (c) Physician assistants shall be responsible for the  
4 patient care they provide.

5        (d) Physician assistants subscribe to the concept of  
6 optimal team practice and collaborate with, consult with, and  
7 refer to physicians and other members of the health care team as  
8 indicated by the patient's condition and the standard of care.  
9 The manner in which physician assistants and physicians work  
10 together shall be determined at the practice level.

11        (e) Medical and surgical services provided by physician  
12 assistants include but are not limited to:

13        (1) Obtaining and performing comprehensive health  
14 histories and physical examinations;

15        (2) Evaluating, diagnosing, managing, and providing  
16 medical treatment;

17        (3) Ordering, performing, and interpreting diagnostic  
18 studies and therapeutic procedures;

19        (4) Educating patients on health promotion and disease  
20 prevention;

21        (5) Providing consultation upon request;



1       (6) Obtaining informed consent; and

2       (7) Writing medical orders.

3       (f) Physician assistants may provide services in  
4 healthcare facilities or programs including, but not limited to,  
5 physicians' offices, hospitals, hospice facilities, nursing  
6 homes, ambulatory facilities, assisted living facilities,  
7 medical clinics, behavioral or mental health facilities, medical  
8 organizations, health care centers, and school-based or college-  
9 based services.

10       (g) Physician assistants may supervise, delegate, and  
11 assign therapeutic and diagnostic measures to licensed or  
12 unlicensed personnel. Consistent with the scope of practice as  
13 previously described, physician assistants may certify the  
14 health or disability of a patient as required by any local,  
15 state, or federal program.

16       (h) Physician assistants may authenticate any document  
17 with their signature, certification, stamp, verification,  
18 affidavit, or endorsement if it may be so authenticated by the  
19 signature, certification, stamp, verification, affidavit, or  
20 endorsement of a physician.



1        §453- Physician assistants in disasters; emergency field  
2 response and volunteering. Physician assistants shall be  
3 allowed to provide medical care in disaster and emergency  
4 situations that occur outside their place of employment and in  
5 this State. This exemption shall extend to physician assistants  
6 who are federal employees or licensed in other states.  
7 Physician assistants who are volunteering without compensation  
8 or remuneration shall be permitted to provide medical care as  
9 indicated by the patient's condition and the standard of care,  
10 and in accordance with the physician assistant's education,  
11 training, and experience. No relationship between a physician  
12 assistant, physician, or any other entity shall be required in  
13 order for a physician assistant to volunteer in such situations.

14        §453- Physician assistants; prescriptive authority. A  
15 physician assistant may prescribe, order, administer, and  
16 dispense legend drugs and controlled substances in schedules II  
17 through V of chapter 329 consistent with the physician  
18 assistant's scope of practice; provided that:

19        (1) The physician assistant has an active federal Drug  
20 Enforcement Administration registration number. The  
21 federal Drug Enforcement Administration registration



1           number must be valid for the handling of that  
2           controlled substance and shall be on file with the  
3           board;

4           (2) A physician assistant registered to prescribe  
5           controlled substances shall include the federal Drug  
6           Enforcement Administration registration number of the  
7           physician assistant on all controlled substance  
8           prescriptions;

9           (3) The physician assistant is registered with the  
10           department of public safety pursuant to chapter 329;

11           (4) Each written controlled substance prescription issued  
12           by the physician assistant shall include the printed,  
13           stamped, typed, or hand-printed name, address, and  
14           phone number of the physician assistant and shall be  
15           signed by the physician assistant; and

16           (5) All prescriptions are in compliance with chapter 329."

17           SECTION 3. Section 453-1, Hawaii Revised Statutes, is  
18           amended to read as follows:

19           "**§453-1 Practice of medicine defined.** (a) For the  
20           purposes of this chapter the practice of medicine by a physician  
21           [~~or~~], an osteopathic physician, or a physician assistant



1 includes the use of drugs and medicines, water, electricity,  
2 hypnotism, osteopathic medicine, or any means or method, or any  
3 agent, either tangible or intangible, for the treatment of  
4 disease in the human subject; provided that when a duly licensed  
5 physician ~~[ø]~~, osteopathic physician, or physician assistant  
6 pronounces a person affected with any disease hopeless and  
7 beyond recovery and gives a written certificate to that effect  
8 to the person affected or the person's attendant nothing herein  
9 shall forbid any person from giving or furnishing any remedial  
10 agent or measure when so requested by or on behalf of the  
11 affected person.

12 (b) Collaboration among physicians and physician  
13 assistants shall be continuous but shall not be construed as  
14 requiring the physical presence of the physician at the time and  
15 place the services are rendered, or requiring that a physician  
16 be liable for the care rendered by a physician assistant.  
17 Collaborating physicians are considered a resource that  
18 strengthens the physician-physician assistant team approach to  
19 patient care.

20 (c) A physician practice or facility may establish terms  
21 of an agreement of collaboration to define the manner and degree



1 of collaboration that is appropriate in rendering patient care  
2 at the practice level or facility level.

3 (d) This section shall not amend or repeal the law  
4 respecting the treatment of those affected with Hansen's  
5 disease.

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

17 SECTION 4. Section 453-1.3, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§453-1.3 Practice of ~~[telehealth.]~~ telemedicine. (a)

20 Subject to section 453-2(b), nothing in this section shall  
21 preclude any physician or physician assistant acting within the



1 scope of [~~the physician's license~~] their respective licenses to  
2 practice from practicing [~~telehealth as defined in this~~  
3 ~~section.~~] telemedicine.

4 (b) [~~Telehealth~~] Telemedicine services shall include a  
5 documented patient evaluation, including history and a  
6 discussion of physical symptoms adequate to establish a  
7 diagnosis and to identify underlying conditions or  
8 contraindications to the treatment recommended or provided.

9 (c) Treatment recommendations made via [~~telehealth,~~  
10 telemedicine, including issuing a prescription via electronic  
11 means, shall be held to the same standards of appropriate  
12 practice as those in traditional physician-patient or physician  
13 assistant-patient settings that do not include a face-to-face  
14 visit but in which prescribing is appropriate, including on-call  
15 telephone encounters and encounters for which a follow-up visit  
16 is arranged. Issuing a prescription based solely on an online  
17 questionnaire is not treatment for the purposes of this section  
18 and does not constitute an acceptable standard of care. For the  
19 purposes of prescribing opiates or any other schedule II  
20 controlled substances or certifying a patient for the medical  
21 use of cannabis, a physician-patient or physician assistant-



1 patient relationship shall only be established after an in-  
2 person consultation between the prescribing physician or  
3 physician assistant and the patient.

4 (d) All medical reports resulting from [~~telehealth~~]  
5 telemedicine services are part of a patient's health record and  
6 shall be made available to the patient. Patient medical records  
7 shall be maintained in compliance with all applicable state and  
8 federal requirements including privacy requirements.

9 (e) A physician or physician assistant shall not use  
10 [~~telehealth~~] telemedicine to establish a physician-patient or  
11 physician-assistant relationship with a patient in [~~this~~] the  
12 State without a license to practice medicine in [~~Hawaii~~] the  
13 State.

14 (f) A physician-patient or physician assistant-patient  
15 relationship may be established via [~~telehealth~~] telemedicine if  
16 the patient is referred to the [~~telehealth~~] telemedicine  
17 provider by another health care provider who has conducted an  
18 in-person consultation and has provided all pertinent patient  
19 information to the [~~telehealth~~] telemedicine provider. Once a  
20 provider-patient relationship is established, a patient or  
21 physician or physician assistant licensed in [~~this~~] the State





1 may use [~~telehealth~~] telemedicine for any purpose, including  
2 consultation with a medical provider licensed in another state,  
3 authorized by this section or as otherwise provided by law.

4 (g) The physician-patient or physician assistant-patient  
5 relationship prerequisite under this section shall not apply to  
6 [~~telehealth~~] telemedicine consultations for emergency department  
7 services.

8 (h) Reimbursement for behavioral health services provided  
9 through [~~telehealth~~] telemedicine shall be equivalent to  
10 reimbursement for the same services provided via face-to-face  
11 contact between a health care provider and a patient.

12 (i) Services provided by [~~telehealth~~] telemedicine  
13 pursuant to this chapter shall be consistent with all federal  
14 and state privacy, security, and confidentiality laws.

15 [~~(j) For the purposes of this section:~~

16 "~~Distant site~~" means the location of the physician  
17 delivering services through telehealth at the time the services  
18 are provided.

19 "~~Originating site~~" means the location where the patient is  
20 located, whether accompanied or not by a health care provider,  
21 at the time services are provided by a physician through



1 ~~telehealth, including but not limited to a physician's office,~~  
2 ~~hospital, health care facility, a patient's home, and other non-~~  
3 ~~medical environments such as school-based health centers,~~  
4 ~~university-based health centers, or the work location of a~~  
5 ~~patient.~~

6 ~~"Telehealth" means the use of telecommunications as that~~  
7 ~~term is defined in section 269-1, to encompass four modalities:~~  
8 ~~store and forward technologies, remote monitoring, live~~  
9 ~~consultation, and mobile health; and which shall include but not~~  
10 ~~be limited to real time video conferencing based communication,~~  
11 ~~secure interactive and non-interactive web-based communication,~~  
12 ~~and secure asynchronous information exchange, to transmit~~  
13 ~~patient medical information, including diagnostic quality~~  
14 ~~digital images and laboratory results for medical interpretation~~  
15 ~~and diagnosis, for the purposes of: delivering enhanced health~~  
16 ~~care services and information while a patient is at an~~  
17 ~~originating site and the physician is at a distant site;~~  
18 ~~establishing a physician patient relationship; evaluating a~~  
19 ~~patient; or treating a patient.] "~~

20 SECTION 5. Section 453-1.5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§453-1.5 Pain management guidelines. The Hawaii medical  
2 board may establish guidelines for physicians [e~~r~~], osteopathic  
3 physicians, or physician assistants with respect to patients'  
4 pain management. The guidelines shall apply to all patients  
5 with severe acute pain or severe chronic pain, regardless of the  
6 patient's prior or current chemical dependency or addiction, and  
7 may include standards and procedures for chemically dependent  
8 individuals."

9           SECTION 6. Section 453-2, Hawaii Revised Statutes, is  
10 amended as follows:

11           1. By amending its title to read:

12           "§453-2 [~~License~~] Physician; license required;  
13 exceptions."

14           2. By amending subsection (b) to read:

15           "(b) Nothing herein shall:

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

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



- 1           (3) Apply to any commissioned medical officer in the  
2           United States armed forces or public health service  
3           engaged in the discharge of one's official duty,  
4           including a commissioned medical officer employed by  
5           the United States Department of Defense, while  
6           providing direct [~~telehealth~~] telemedicine support or  
7           services to neighbor island beneficiaries within a  
8           Hawaii National Guard armory on the island of Kauai,  
9           Hawaii, Molokai, or Maui; provided that the  
10          commissioned medical officer employed by the United  
11          States Department of Defense is credentialed by  
12          Tripler Army Medical Center;
- 13          (4) Apply to any practitioner of medicine and surgery from  
14          another state when in actual consultation, including  
15          in-person, mail, electronic, telephonic, fiber-optic,  
16          or other [~~telehealth~~] telemedicine consultation with a  
17          licensed physician or osteopathic physician of this  
18          State, if the physician or osteopathic physician from  
19          another state at the time of consultation is licensed  
20          to practice in the state in which the physician or  
21          osteopathic physician resides; provided that:



- 1 (A) The physician or osteopathic physician from  
2 another state shall not open an office, or  
3 appoint a place to meet patients in [~~this~~] the  
4 State, or receive calls within the limits of the  
5 State for the provision of care for a patient who  
6 is located in [~~this~~] the State;
- 7 (B) The licensed physician or osteopathic physician  
8 of this State retains control and remains  
9 responsible for the provision of care for the  
10 patient who is located in [~~this~~] the State; and
- 11 (C) The laws and rules relating to contagious  
12 diseases are not violated;
- 13 (5) Prohibit services rendered by any person certified  
14 under part II of this chapter to provide emergency  
15 medical services, or any physician assistant, when the  
16 services are rendered under the direction and control  
17 of a physician or osteopathic physician licensed in  
18 [~~this~~] the State except for final refraction resulting  
19 in a prescription for spectacles, contact lenses, or  
20 visual training as performed by an oculist or  
21 optometrist duly licensed by the State. The direction



1 and control shall not be construed in every case to  
2 require the personal presence of the supervising and  
3 controlling physician or osteopathic physician. Any  
4 physician or osteopathic physician who employs or  
5 directs a person certified under part II of this  
6 chapter to provide emergency medical services, or a  
7 physician assistant, shall retain full professional  
8 and personal responsibility for any act that  
9 constitutes the practice of medicine when performed by  
10 the certified person or physician assistant;

11 (6) Prohibit automated external defibrillation by:  
12 (A) Any first responder personnel certified by the  
13 department of health to provide automated  
14 external defibrillation when it is rendered under  
15 the medical oversight of a physician or  
16 osteopathic physician licensed in [~~this~~] the  
17 State; or

18 (B) Any person acting in accordance with section  
19 663-1.5(e); or

20 (7) Prohibit a radiologist duly licensed to practice  
21 medicine and provide radiology services in another



1 state from using [~~telehealth~~] telemedicine while  
2 located in [~~this~~] the State to provide radiology  
3 services to a patient who is located in the state in  
4 which the radiologist is licensed. [~~For the purposes~~  
5 ~~of this paragraph:~~

6 "Distant site" ~~means the location of the~~  
7 ~~radiologist delivering services through telehealth at~~  
8 ~~the time the services are provided.~~

9 "Originating site" ~~means the location where the~~  
10 ~~patient is located, whether accompanied or not by a~~  
11 ~~health care provider, at the time services are~~  
12 ~~provided by a radiologist through telehealth,~~  
13 ~~including but not limited to a radiologist's or health~~  
14 ~~care provider's office, hospital, health care~~  
15 ~~facility, a patient's home, and other non-medical~~  
16 ~~environments such as school-based health centers,~~  
17 ~~university-based health centers, or the work location~~  
18 ~~of a patient.~~

19 "Radiologist" ~~means a doctor of medicine or a~~  
20 ~~doctor of osteopathy certified in radiology by the~~



1 ~~American Board of Radiology or the American Board of~~  
2 ~~Osteopathy.~~

3 ~~"Telehealth" means the use of telecommunications,~~  
4 ~~as that term is defined in section 269-1, to~~  
5 ~~encompass four modalities: store and forward~~  
6 ~~technologies, remote monitoring, live consultation,~~  
7 ~~and mobile health; and which shall include but not be~~  
8 ~~limited to real time video conferencing based~~  
9 ~~communication, secure interactive and non-interactive~~  
10 ~~web based communication, and secure asynchronous~~  
11 ~~information exchange, to transmit patient medical~~  
12 ~~information, including diagnostic quality digital~~  
13 ~~images and laboratory results for medical~~  
14 ~~interpretation and diagnosis, for the purpose of~~  
15 ~~delivering enhanced health care services and~~  
16 ~~information while a patient is at an originating site~~  
17 ~~and the radiologist is at a distant site. Standard~~  
18 ~~telephone contacts, facsimile transmissions, or e-mail~~  
19 ~~texts, in combination or by themselves, do not~~  
20 ~~constitute a telehealth service for the purposes of~~  
21 ~~this paragraph.] "~~





1 SECTION 7. Section 453-3.2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§453-3.2 Educational teaching license. (a) The board  
4 may issue an educational teaching license to a physician [~~or~~],  
5 osteopathic physician, or physician assistant who is not  
6 licensed in [~~this~~] the State and who is invited by the chief of  
7 service of a clinical department of a hospital to provide and  
8 promote professional education for students, interns, residents,  
9 fellows, doctors of medicine, [~~and~~] doctors of osteopathic  
10 medicine, and physician assistants in [~~this~~] the State. In no  
11 case shall an educational teaching license issued hereunder be  
12 valid for more than a period of twelve months from the date of  
13 issuance of the license.

14 (b) To receive an educational teaching license, the  
15 applicant shall:

- 16 (1) Complete an application as prescribed by the board,  
17 which shall include a summary of the applicant's  
18 medical, educational, and professional background;
- 19 (2) Provide proof that the applicant is licensed as a  
20 physician [~~or~~], osteopathic physician, or physician



1           assistant in another state or country and the license  
2           is current and in good standing;

3           (3) Submit a letter with the application signed by the  
4           chief of service of a clinical department of a  
5           hospital attesting that the chief of service is a  
6           licensed physician or osteopathic physician of [~~this~~]  
7           the State and is requesting to sponsor and monitor the  
8           applicant while the person is engaged in educational  
9           or teaching activities for the hospital under an  
10          educational teaching license; and

11          (4) Pay all applicable fees.

12          (c) The holder of an educational teaching license shall  
13         not open or appoint a place to meet patients, or receive calls  
14         from patients relating to the practice of medicine, beyond the  
15         parameters of the hospital that is sponsoring and monitoring the  
16         licensee's activities.

17          (d) The holder of an educational teaching license shall  
18         obey all laws and rules of [~~this~~] the State."

19         SECTION 8. Section 453-3.5, Hawaii Revised Statutes, is  
20         amended to read as follows:



1           "§453-3.5 Training replacement temporary license. (a)  
2 The board may issue a limited and temporary license to [a] an  
3 out-of-state physician [~~e~~], osteopathic physician, or physician  
4 assistant to maintain patient services for the purpose of  
5 substituting for another physician [~~e~~], osteopathic physician,  
6 or physician assistant licensed in [~~this~~] the State to enable  
7 specialized training at an out-of-state fully accredited medical  
8 teaching institution; provided that the out-of-state physician  
9 [~~e~~], osteopathic physician[+], or physician assistant:

- 10           (1) (A) Is board certified by the American Board of  
11                                    Medical Specialties or Bureau of Osteopathic  
12                                    Specialties in the subspecialty in which the  
13                                    Hawaii physician or osteopathic physician is  
14                                    seeking training; or  
15           (B) Is in compliance with the medical educational and  
16                                    training standards the board establishes for the  
17                                    purposes of training replacement physician  
18                                    assistants;  
19           (2) Is a member of the teaching faculty of the accredited  
20                                    medical teaching institution;  
21           (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, or physician  
8 assistant that the physician [~~or~~], osteopathic physician, or  
9 physician assistant has resumed the physician's [~~or~~],  
10 osteopathic physician's, or physician assistant's practice in  
11 [~~this~~] the State. Licenses and extensions of licenses issued  
12 under this section to an individual shall not be valid for more  
13 than nine months during any consecutive twenty-four month  
14 period.

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

19 (1) Identification and documentation of unrestricted  
20 license for the applicant for the specialty training  
21 license;



1           (2) A statement that the hospital is sponsoring the  
 2           applicant, and shall be responsible for monitoring the  
 3           individual physician [~~or~~], osteopathic physician, or  
 4           physician assistant during the period of the temporary  
 5           license;

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

8           (4) Verification that the chief of the clinical department  
 9           is a licensed physician or osteopathic physician of  
 10          ~~[this]~~ the State.

11          (c) The holder of a specialty training license shall obey  
 12          and be subject to all laws and rules of ~~[this]~~ the State."

13          SECTION 9. Section 453-4, Hawaii Revised Statutes, is  
 14          amended by amending its title to read as follows:

15          "§453-4 [~~Qualifications~~] Physician; qualifications for  
 16          examination and licensure."

17          SECTION 10. Section 453-5, Hawaii Revised Statutes, is  
 18          amended by amending subsection (a) to read as follows:

19          "(a) For the purpose of carrying out this chapter, the  
 20          governor shall appoint a Hawaii medical board whose duty it  
 21          shall be to examine all applicants for license to practice



1 medicine or surgery. [~~As used in this chapter, "board" means~~  
2 ~~the Hawaii medical board.~~]

3 The board shall consist of [~~eleven~~] thirteen persons, seven  
4 of whom shall be physicians or surgeons licensed under the laws  
5 of the State, two of whom shall be osteopathic physicians  
6 licensed under the laws of the State, two of whom shall be  
7 physician assistants licensed under the laws of the State, and  
8 two of whom shall be lay members appointed from the public at  
9 large. Of the nine members who are physicians, surgeons, or  
10 osteopathic physicians, at least [~~five~~]:

11 (1) Five shall be appointed from the city and county of  
12 Honolulu and at least one shall be appointed from each  
13 of the other counties [~~-~~]; and

14 (2) Two shall have experience with the physician assistant  
15 practice.

16 Medical societies in the various counties may conduct elections  
17 periodically but no less frequently than every two years to  
18 determine nominees for the board to be submitted to the  
19 governor. In making appointments, the governor may consider  
20 recommendations submitted by the medical societies and the

1 public at large. Each member shall serve until a successor is  
2 appointed and qualified."

3 SECTION 11. Section 453-5.3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§453-5.3 Physician assistant; licensure required. (a)

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

15 (b) The board shall establish medical educational and  
16 training standards with which a person applying for licensure as  
17 a physician assistant shall comply. The standards shall be at  
18 least equal to recognized national education and training  
19 standards for physician assistants.

20 (c) Upon satisfactory proof of compliance with the  
21 required medical educational and training standards, the board



1 may grant state licensure to a person [~~who has been granted~~  
2 ~~certification based~~] upon passage of a national certifying  
3 examination [~~and who holds a current certificate from the~~  
4 ~~national certifying entity approved by the board.~~] administered  
5 by the National Commission on Certification of Physician  
6 Assistants.

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





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

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

12 ~~(g)]~~ (d) Any license of a physician assistant may be  
13 denied, not renewed, revoked, limited, or suspended under  
14 section 453-8.

15 ~~[(h)]~~ (e) The board shall establish the application  
16 procedure, medical educational and training standards,  
17 examination requirement, if any, ~~[and degrees of supervision]~~ by  
18 rule.

19 ~~[(i)]~~ (f) Every person holding a license under this  
20 section shall apply for renewal with the board no later than  
21 January 31 of each even-numbered year and pay a renewal fee.



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1 Failure to apply for renewal shall constitute a forfeiture of  
2 the license that may only be restored upon written application  
3 for restoration and payment to the board of a restoration fee.

4 (g) The following shall apply to the license renewal:

5 (1) Proof of the initial National Commission on  
6 Certification of Physician Assistants certification  
7 shall not be required;

8 (2) Recertification by the National Commission on  
9 Certification of Physician Assistants shall not be  
10 required; and

11 (3) Forty credit hours of continuing medical education  
12 credits within every licensing biennium shall be  
13 required.

14 ~~[(+j)]~~ (h) A license that has been forfeited ~~[for one~~  
15 ~~renewal term]~~ shall be automatically terminated and cannot be  
16 restored. A new application for licensure shall be required.

17 (i) A category of inactive licensure shall be available to  
18 physician assistants who are not currently in active practice in  
19 the State unrelated to disciplinary action or impairment issues.  
20 Notification to reactivate a license that is inactive for less



1 than twenty-four months shall require only written notification  
2 to the board.

3 (j) A licensed physician assistant shall conspicuously  
4 display on the licensee's clothing a nameplate identifying the  
5 physician assistant as a "Physician Assistant-Certified" or "PA-  
6 C" and shall wear the nameplate at the licensee's customary  
7 place of employment.

8 (k) A licensed physician assistant shall place at the  
9 location of employment a conspicuous sign at least five by eight  
10 inches stating that the licensed physician assistant's education  
11 and a copy of the current collaborative plan are on file with  
12 the board or employer, and available for inspection."

13 SECTION 12. Section 453-5.5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[+]§453-5.5[+] **Physician assistant; authority to sign**  
16 **documents.** Any physician assistant who holds a current [7] and  
17 valid[7, and permanent] license to practice medicine pursuant to  
18 this chapter[7, and who is under the supervision of a licensed  
19 physician or osteopathic physician,7] shall have the authority to  
20 sign the following documents:



- 1 (1) Certification of psychiatric medical condition of the
- 2 parents of a child applicant for aid from the
- 3 temporary assistance for needy families program;
- 4 (2) Evaluation forms for Hansen's disease patients;
- 5 (3) Orders for physical therapy and plans of care;
- 6 (4) Pharmacist orders to assist in monitoring and
- 7 management of anticoagulation anemia and atrial
- 8 fibrillation;
- 9 (5) Orders for speech therapy and plans of care;
- 10 (6) Applications for bracelets indicating compassionate
- 11 care only;
- 12 (7) Admissions applications for foster homes;
- 13 (8) Dietary consultations forms; [~~and~~]
- 14 (9) Medicaid application forms for nursing care facility
- 15 admission[-];
- 16 (10) Prescriptions for hospice care;
- 17 (11) Prescriptions for controlled substances in schedules
- 18 II through V and legend drugs;
- 19 (12) Certification of disability for parking for a disabled
- 20 person;
- 21 (13) Workers' compensation claim forms;



- 1        (14) No fault insurance claim forms;
- 2        (15) Prescriptions for diabetic shoes and other diabetic
- 3                devices;
- 4        (16) Durable medical equipment;
- 5        (17) Physician order for life-sustaining treatment;
- 6        (18) Jones Act claim forms;
- 7        (19) Advanced directives; and
- 8        (20) Death certificates."

9            SECTION 13. Section 453-6, Hawaii Revised Statutes, is  
 10 amended by amending its title to read as follows:

11            "§453-6 [Fees,] Physician; fees; expenses."

12            SECTION 14. Section 453-7.5, Hawaii Revised Statutes, is  
 13 amended by amending subsection (a) to read as follows:

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



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

5 SECTION 15. Section 453-8, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) In addition to any other actions authorized by law,  
8 any license to practice medicine and surgery may be revoked,  
9 limited, or suspended by the board at any time in a proceeding  
10 before the board, or may be denied, for any cause authorized by  
11 law, including but not limited to the following:

12 (1) Procuring, or aiding or abetting in procuring, a  
13 criminal abortion;

14 (2) Employing any person to solicit patients for one's  
15 self;

16 (3) Engaging in false, fraudulent, or deceptive  
17 advertising, including but not limited to:

18 (A) Making excessive claims of expertise in one or  
19 more medical specialty fields;

20 (B) Assuring a permanent cure for an incurable  
21 disease; or



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- 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 or surgery;
- 17 (8) Practicing with an unlicensed physician or physician  
18 assistant, or aiding or abetting these unlicensed  
19 persons to engage in the practice of medicine;
- 20 (9) Abandoning a patient;



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- 1        (10) Immoral conduct of a medical practitioner in the  
2            practice of medicine;
- 3        (11) Sexual contact between a medical practitioner and  
4            patient during the existence of the practitioner-  
5            patient relationship;
- 6        [~~8~~] (12) Incompetence or multiple instances of negligence,  
7            including but not limited to the consistent use of  
8            medical service, which is inappropriate or  
9            unnecessary;
- 10       (13) Mental incompetence;
- 11       (14) Offering, undertaking, or agreeing to cure or treat a  
12            disease by a secret method, procedure, treatment, or  
13            medicine;
- 14       (15) Providing services to a person who is making a claim  
15            as a result of a personal injury, and charging or  
16            collecting any amount in excess of the reimbursement  
17            to the practitioner by the insurer as a condition of  
18            providing or continuing to provide services or  
19            treatment;
- 20       (16) Promotion of the sale of drugs, devices, appliances,  
21            goods, or services provided for a patient in a manner





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- 1           that exploits the patient for the financial gain of  
2           the medical practitioner;
- 3       (17) Agreeing with clinical or bioanalytical laboratories  
4           to accept payments from these laboratories for  
5           individual tests or test series for patients;
- 6       ~~(9)~~ (18) Conduct or practice contrary to recognized  
7           standards of ethics of the medical profession as  
8           adopted by the Hawaii Medical Association, the  
9           American Medical Association, the Hawaii Association  
10          of Osteopathic Physicians and Surgeons, or the  
11          American Osteopathic Association;
- 12       ~~(10)~~ (19) Violation of the conditions or limitations upon  
13          which a limited or temporary license is issued;
- 14       ~~(11)~~ (20) Revocation, suspension, or other disciplinary  
15          action [by]:
- 16           (A) By another state or federal agency of a license,  
17           certificate, or medical privilege;
- 18           (B) By any medical staff or medical professional  
19           association or society of membership in the  
20           staff, association, or society; or
- 21           (C) Based on quality of care provided;



- 1        [~~(12)~~] (21) Conviction, whether by nolo contendere or
- 2                otherwise, of a penal offense [~~substantially~~]:
- 3                (A) Substantially related to the qualifications,
- 4                functions, or duties of a physician or
- 5                osteopathic physician, notwithstanding any
- 6                statutory provision to the contrary;
- 7                (B) Involving moral turpitude;
- 8                (C) Graded as a felony; or
- 9                (D) Arising out of the practice of medicine;
- 10        (22) Any adverse judgment, settlement, or award arising
- 11                from a medical liability claim related to acts or
- 12                conduct that would constitute grounds for action as
- 13                stated in this chapter;
- 14        (23) Medical malpractice;
- 15        [~~(13)~~] (24) Violation of chapter 329, the uniform controlled
- 16                substances act, or any rule adopted thereunder except
- 17                as provided in section 329-122;
- 18        [~~(14)~~] (25) Failure to report to the board, in writing, any
- 19                disciplinary decision issued against the licensee or
- 20                the applicant in another jurisdiction within thirty
- 21                days after the disciplinary decision is issued; [~~or~~]



- 1        (26) Failure to furnish to the board, administrator,  
2        investigator, or representatives information legally  
3        requested by the board;
- 4        [~~(15)~~] (27) Submitting to or filing with the board any  
5        notice, statement, or other document required under  
6        this chapter, which is false or untrue or contains any  
7        material misstatement or omission of fact.
- 8        (28) Wilfully making and filing false reports or records;  
9        or
- 10       (29) Wilful omission to file or record, or wilfully  
11       impeding or obstructing a filing or recording, or  
12       inducing another person to omit to file or record  
13       medical or other reports as required by law."

14       SECTION 16. Section 453-8.1, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       "§453-8.1 Voluntary limitation of license. A physician,  
17 osteopathic physician, [~~or~~] surgeon, or physician assistant may  
18 request, in writing, that the board limit the individual's  
19 license to practice. The board may grant the request and may  
20 impose conditions on the limited license. The board shall  
21 determine whether and when the limitation shall be removed."



1 SECTION 17. Section 453-8.2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

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

- 7 (1) Place the licensee on probation, including conditions  
8 of probation as requiring observation of the licensee  
9 by an appropriate group or society of licensed  
10 physicians, osteopathic physicians, [~~or surgeons,~~]  
11 surgeons, or physician assistants;
- 12 (2) Suspend the license;
- 13 (3) Revoke the license;
- 14 (4) Limit the license by restricting the fields of  
15 practice in which the licensee may engage;
- 16 (5) Fine the licensee, including assessment against the  
17 licensee of the costs of the disciplinary proceedings.  
18 Any fine imposed by the board after a hearing in  
19 accordance with chapter 91 shall be not less than \$500  
20 and not more than \$5,000 for each violation, exclusive  
21 of the costs of the disciplinary proceedings;



1 (6) Require further education or training, or require  
2 proof of performance competency; or

3 (7) Censure or reprimand."

4 SECTION 18. Section 453-8.7, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§453-8.7 Reporting requirements. (a) Every physician  
7 ~~[or]~~, osteopathic physician, surgeon, or physician assistant  
8 licensed pursuant to this chapter who does not possess  
9 professional liability insurance shall report any settlement or  
10 arbitration award of a claim or action for damages for death or  
11 personal injury caused by negligence, error, or omission in  
12 practice, or the unauthorized rendering of professional  
13 services. The report shall be submitted to the department of  
14 commerce and consumer affairs within thirty days after any  
15 written settlement agreement has been reduced to writing and  
16 signed by all the parties thereto or thirty days after service  
17 of the arbitration award on the parties.

18 (b) Failure of a physician ~~[or]~~, osteopathic physician,  
19 surgeon, or physician assistant to comply with the provisions of  
20 this section is an offense punishable by a fine of not less than



1 \$100 for the first offense, \$250 to \$500 for the second offense,  
2 and \$500 to \$1,000 for subsequent offenses.

3 (c) The clerks of the respective courts of this State  
4 shall report to the department any judgment or other  
5 determination of the court, which adjudges or finds that a  
6 physician [~~or~~], osteopathic physician, surgeon, or physician  
7 assistant is liable criminally or civilly for any death or  
8 personal injury caused by the physician's [~~or~~], osteopathic  
9 physician's, surgeon's, or physician assistant's professional  
10 negligence, error, or omission in the practice of the  
11 physician's [~~or~~], osteopathic physician's, surgeon's, or  
12 physician assistant's profession, or rendering of unauthorized  
13 professional services. The report shall be submitted to the  
14 department within ten days after the judgment is entered by the  
15 court.

16 (d) The department shall prescribe forms for the  
17 submission of reports required by this section."

18 SECTION 19. Section 453-10, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§453-10 **Witnesses in such proceeding.** In any proceeding  
21 the board may subpoena, administer oaths to, and examine



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

17 SECTION 20. Section 453-18, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "[~~+~~]§453-18[~~+~~] Pelvic examinations on anesthetized or  
20 unconscious female patients. A physician, osteopathic  
21 physician, surgeon, physician assistant, or student



1 participating in a course of instruction, residency program, or  
2 clinical training program shall not perform a pelvic examination  
3 on an anesthetized or unconscious female patient unless:

4 (1) The patient gives prior verbal or written informed  
5 consent to the pelvic examination;

6 (2) The performance of a pelvic examination is within the  
7 scope of care for the surgical procedure or diagnostic  
8 examination scheduled to be performed on the patient;

9 or

10 (3) The patient is unconscious and the pelvic examination  
11 is required for diagnostic purposes."

12 PART III

13 SECTION 21. Section 291-51, Hawaii Revised Statutes, is  
14 amended by amending the definition of "certificate of  
15 disability" to read as follows:

16 "Certificate of disability" means a medical statement  
17 issued by a licensed practicing physician [~~or~~], advanced  
18 practice registered nurse, or physician assistant which verifies  
19 that a person is disabled, limited, or impaired in the ability  
20 to walk."





1 SECTION 22. Section 291-51.4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§291-51.4 Fraudulent verification of an applicant as a  
4 person with a disability; penalty. A physician [øæ], advanced  
5 practice registered nurse, or physician assistant who  
6 fraudulently verifies that an applicant is a person with a  
7 disability to enable the person to represent to the issuing  
8 agency that the person is qualified to obtain a removable  
9 windshield placard, temporary removable windshield placard, or  
10 special license plates shall be guilty of a petty misdemeanor.  
11 Each fraudulent verification shall constitute a separate  
12 offense."

13 SECTION 23. Section 329-1, Hawaii Revised Statutes, is  
14 amended by amending the definition of "physician assistant" to  
15 read as follows:

16 "Physician assistant" means a person licensed under section  
17 453-5.3, who is registered under this chapter to administer,  
18 prescribe, or dispense a controlled substance [~~under the~~  
19 ~~authority and supervision of a physician registered under~~  
20 ~~section 329-33,~~] but who is not authorized to request, receive,  
21 or sign for professional controlled substance samples."



1 SECTION 24. Section 350-1.1, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Notwithstanding any other state law concerning  
4 confidentiality to the contrary, the following persons who, in  
5 their professional or official capacity, have reason to believe  
6 that child abuse or neglect has occurred or that there exists a  
7 substantial risk that child abuse or neglect may occur in the  
8 reasonably foreseeable future, shall immediately report the  
9 matter orally to the department or to the police department:

10 (1) Any licensed or registered professional of the healing  
11 arts or any health-related occupation who examines,  
12 attends, treats, or provides other professional or  
13 specialized services, including but not limited to  
14 physicians, including physicians in training,  
15 psychologists, physician assistants, dentists, nurses,  
16 osteopathic physicians and surgeons, optometrists,  
17 chiropractors, podiatrists, pharmacists, and other  
18 health-related professionals;

19 (2) Employees or officers of any public or private school;

20 (3) Employees or officers of any public or private agency  
21 or institution, or other individuals, providing



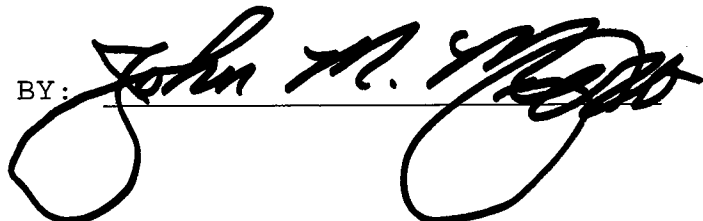
- 1 social, medical, hospital, or mental health services,
- 2 including financial assistance;
- 3 (4) Employees or officers of any law enforcement agency,
- 4 including but not limited to the courts, police
- 5 departments, department of public safety, correctional
- 6 institutions, and parole or probation offices;
- 7 (5) Individual providers of child care, or employees or
- 8 officers of any licensed or registered child care
- 9 facility, foster home, or similar institution;
- 10 (6) Medical examiners or coroners; and
- 11 (7) Employees of any public or private agency providing
- 12 recreational or sports activities."

PART IV

14 SECTION 25. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 26. This Act shall take effect on July 1, 2019.

17

INTRODUCED BY: 

JAN 22 2019



# H.B. NO. 935

**Report Title:**

Physician Assistants; Practice of Medicine

**Description:**

Clarifies the scope and practice of physician assistants in the State. Amends the Hawaii Medical Board to include two physician assistants. Expands bases to revoke or suspend a physician or surgeon's license. Makes conforming amendments.

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

