

JAN 18 2019

A BILL FOR AN ACT

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

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

1 SECTION 1. The legislature finds that professional or
2 vocational licensed individuals may employ auxiliary personnel
3 to assist these licensed individuals in the practice of the
4 profession or vocation. While considered a valuable part of a
5 team, these auxiliary personnel may not be licensed or certified
6 in Hawaii or required to meet the same stringent standards of
7 training and care as licensed individuals in certain professions
8 or vocations.

9 The legislature further finds that it is important for
10 those in various professional and vocational fields to adhere to
11 legislatively determined parameters regarding duty and scope of
12 practice of certain licensed professions and vocations in Hawaii
13 and be aware that licensing authorities cannot adopt rules that
14 attempt to circumvent or supersede existing law regarding duty
15 and scope of practice for these licensed professions and
16 vocations.



1 The legislature further finds that it is important that
2 unlicensed individuals do not infringe upon a particular
3 licensed profession's scope of practice. While training and
4 education for auxiliary personnel are important, it is not
5 appropriate for unlicensed auxiliary personnel to be expected or
6 required to perform duties, activities, or functions that, if
7 performed by another professional, would require licensure of
8 that professional.

9 The purpose of this Act is to prohibit a licensing
10 authority from:

- 11 (1) Using rules to supersede requirements set forth in
12 licensing laws; and
- 13 (2) Adopting rules that authorize an unlicensed individual
14 to perform duties, activities, or functions that, if
15 performed by another professional, would require
16 licensure of that professional.

17 SECTION 2. Chapter 436B, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:



1 "§436B- Auxiliary personnel; duties and scope; rules.

2 (a) A licensing authority shall not use rules to supersede
3 requirements set forth in the applicable licensing laws.

4 (b) If auxiliary personnel are not required to obtain a
5 license or certificate pursuant to applicable licensing laws to
6 perform duties to assist a duly licensed professional, a
7 licensing authority shall not adopt any rule regarding the
8 duties of auxiliary personnel that would enable such auxiliary
9 personnel to be expected or required to perform duties,
10 activities, or functions that, if performed by another
11 professional, would require licensure of that professional.

12 (c) In the case of a conflict between licensing laws and
13 rules adopted by the licensing authority, the licensing laws
14 shall prevail.

15 (d) This section shall not apply to apprentices or
16 trainees who are working toward licensure in an apprenticeship
17 program or clinical program."

18 SECTION 3. New statutory material is underscored.

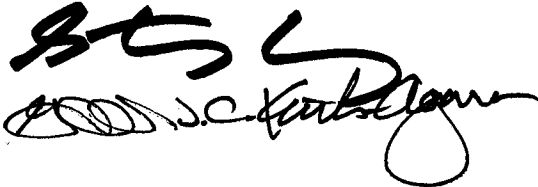
19 SECTION 4. This Act shall take effect upon its approval.

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[Handwritten signatures] INTRODUCED BY: *Rosalyn H. Baker*
Hunt Ferrell



S.B. NO. 774

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S.B. NO. 774

Report Title:

Professional and Vocational Licensing; Licensing Authority;
Rules; Duties; Scope of Practice

Description:

Prohibits a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.

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