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# 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 the following:

16           (1) Persons who are working toward licensure, including  
17           but not limited to apprentices, trainees, graduates,  
18           or students; and

19           (2) Personnel who are under the supervision of a licensee  
20           and who are not required to obtain a license pursuant  
21           to applicable licensing statutes; provided that this



1           exemption shall not apply to auxiliary personnel  
2           regulated under chapter 448."

3           SECTION 3.   New statutory material is underscored.

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

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**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. Exempts persons who are working toward licensure, including but not limited to apprentices, trainees, graduates, or students and personnel under the supervision of a licensee and who are not otherwise required to obtain a license, in certain circumstances. (SD1)

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

