

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO PHYSICIAN ASSISTANTS.

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

1           SECTION 1. The legislature finds that Hawaii is facing a  
2 critical physician shortage. The University of Hawaii's 2018  
3 physician workforce assessment found that the shortage of  
4 physicians grew in all Hawaii counties. The island of Oahu  
5 needs three hundred eighty-four physicians, the island of Hawaii  
6 is short two hundred thirteen physicians, the island of Maui has  
7 a deficit of one hundred forty-one physicians, and the island of  
8 Kauai needs fifty-nine physicians. Physician assistants, like  
9 advanced practice registered nurses, can help fill this need.

10           The legislature further finds that physician assistants  
11 undergo rigorous medical training. Physician assistants must  
12 take a test in general medicine in order to be licensed and  
13 certified, and they must graduate from an accredited physician  
14 assistant program and pass a certification exam. Like  
15 physicians and advanced practice registered nurses, physician  
16 assistants must also complete extensive continuing medical  
17 education throughout their careers. Studies have shown that



1 when physician assistants practice to the full extent of their  
2 abilities and training, hospital readmission rates and lengths  
3 of stay decrease and infection rates go down. A 2014 Harris  
4 Poll found extremely high satisfaction rates among Americans who  
5 interact with physician assistants. The survey found that  
6 ninety-three per cent of respondents regard physician assistants  
7 as trusted health care providers, ninety-two per cent of  
8 respondents said that having a physician assistant makes it  
9 easier to get a medical appointment, and ninety-one per cent of  
10 respondents believe that physician assistants improve the  
11 quality of health care.

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



1           The legislature concludes that Hawaii's licensing standard  
2 for physician assistants should be aligned with the majority of  
3 states, which will encourage the growth of the physician  
4 assistant profession.

5           The purpose of this Act is to specify the continuing  
6 medical education requirements for renewal of a physician  
7 assistant certification and authorize the Hawaii medical board  
8 to conduct random audits for compliance.

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

11           "**§453-5.3 Physician assistant; licensure required.** (a)  
12 The Hawaii medical board shall require each person practicing  
13 medicine under the supervision of a physician or osteopathic  
14 physician, other than a person licensed under section 453-3, to  
15 be licensed as a physician assistant. A person who is trained  
16 to do only a very limited number of diagnostic or therapeutic  
17 procedures under the direction of a physician or osteopathic  
18 physician shall not be deemed a practitioner of medicine or  
19 osteopathy and therefore does not require licensure under this  
20 section.



1           (b) The board shall establish medical educational and  
2 training standards with which a person applying for licensure as  
3 a physician assistant shall comply. The standards shall be at  
4 least equal to recognized national education and training  
5 standards for physician assistants.

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

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



1 receive licensure, all privileges under this section shall  
2 automatically cease upon written notification sent to the  
3 applicant by the board. A temporary license shall be issued  
4 only once to each person.

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

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

16 (g) Any license of a physician assistant may be denied,  
17 not renewed, revoked, limited, or suspended under section 453-8.

18 (h) The board shall establish the application procedure,  
19 medical educational and training standards, examination  
20 requirement, if any, and degrees of supervision by rule.



# S.B. NO. 810

1           (i) Every person holding a license under this section  
2 shall apply for renewal with the board no later than January 31  
3 of each even-numbered year and pay a renewal fee. Failure to  
4 apply for renewal shall constitute a forfeiture of the license  
5 that may only be restored upon written application for  
6 restoration and payment to the board of a restoration fee.

7           (j) Beginning with the renewal for the licensing biennium  
8 commencing February 1, 2020, and every biennial renewal  
9 thereafter, a physician assistant shall be in compliance with  
10 continuing medical education requirements by obtaining forty  
11 credit hours in:

12           (1) A category 1 continuing medical education program  
13 accredited by the American Medical Association;

14           (2) A category 1A continuing medical education program  
15 accredited by the American Osteopathic Association; or

16           (3) A category 1 continuing medical education program  
17 accredited by the American Academy of Physician  
18 Assistants.

19           (k) To determine compliance with the continuing medical  
20 education requirements under subsection (j), the board may  
21 conduct random audits of physician assistants' continuing



1 education documentation. A physician assistant selected for  
2 audit shall be notified by the board. Within sixty days of  
3 notification, the physician assistant shall provide the board  
4 documentation to verify compliance with the continuing medical  
5 education requirements.

6 (l) Failure to renew, pay the renewal, and, in the case of  
7 audited physician assistants, provide documentation of  
8 compliance of the continuing medical education requirement under  
9 subsection (j), shall constitute a forfeiture of license, which  
10 may be restored upon the submission of written application  
11 therefor, payment to the board of a restoration fee, and, in the  
12 case of audited physician assistants, documentation of  
13 compliance of the continuing medical education requirement under  
14 subsection (j).

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

18 SECTION 3. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



# S.B. NO. 810

1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Rosely H. Bell*  
*RH Bell*





# S.B. NO. 810

**Report Title:**

Physician Assistants; Continuing Medical Education; Requirements; Hawaii Medical Board; Random Audits

**Description:**

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.

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

