

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO HEALTH CARE PROVIDERS.

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

1           SECTION 1. Chapter 323, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§323-     Health care providers; maximum hours of service.

5           (a) No hospital or health care facility in the State shall  
6 permit or require any health care provider to provide services  
7 at the hospital or health care facility for any period after the  
8 health care provider has been on duty for:

9           (1) Sixteen consecutive hours; or

10           (2) An aggregate of eighty hours during any period of  
11           seven consecutive days;

12 provided that reasonable breaks and meal times shall be deemed  
13 time on-duty; provided further that the health care provider may  
14 resume their duties at the hospital or health care facility  
15 after taking at least ten consecutive hours of time off-duty.



1        (b) Whenever there are provisions in a collective  
2 bargaining agreement that conflict with this section, the terms  
3 of the agreement shall prevail.

4        (c) The director of health shall adopt rules in accordance  
5 with chapter 91 to carry out the purposes of this section.

6        (d) As used in this section,  
7 "Health care facility" means a facility as defined in  
8 section 323D-2.

9        "Health care provider" means an individual who is:

- 10        (1) Licensed, certified, or otherwise authorized or  
11 permitted by the law of this State to administer  
12 health care in the ordinary course of the individual's  
13 business or practice of a profession; or  
14        (2) Employee of a hospital or health care facility in this  
15 State, who serves as office manager or administrator  
16 of the hospital or health care facility, or an  
17 assistant to an office manager or administrator of the  
18 facility.

19 "Health care provider" includes dentists licensed under chapter  
20 448; physicians, osteopathic physicians, surgeons, and  
21 physician's assistants licensed under chapter 453; advanced



1 practice registered nurses, registered nurses, and licensed  
2 practical nurses licensed under chapter 457; and psychologists  
3 licensed under chapter 465.

4 "Hospital" means any institution with an organized medical  
5 staff, licensed by the department of health, that admits  
6 patients for inpatient care, diagnosis, observation, and  
7 treatment."

8 SECTION 2. New statutory material is underscored.

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

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'BLS', is written over a horizontal line.



# S.B. NO. 870

**Report Title:**

Health Care Providers; Maximum Hours of Service; Physicians; Osteopathic Physicians; Surgeons; Physician's Assistants; Psychologists; Dentists; Advanced Practice Registered Nurses; Registered Nurses; Licensed Practical Nurses

**Description:**

Prohibits hospitals and health care facilities to permit or require health care providers to provide services for any period after the health care provider has been on duty for sixteen consecutive hours or an aggregate of eighty hours during any period of seven consecutive days, until the health care provider takes at least ten consecutive hours of time off-duty. Clarifies that the terms and conditions of a collective bargaining agreement will prevail, if in conflict with this prohibition. Defines health care facility, health care provider, and hospital.

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

