

ACT 218

A Bill for an Act to Amend Chapter 64, Revised Laws of Hawaii 1955, as Amended, Relating to the Practice of Medicine and Surgery.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 64-1, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

“§ 64-1. Practice of medicine defined. For the purposes of this chapter the practice of medicine shall include the use of drugs and medicines, water, electricity, hypnotism or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided, that when a duly licensed physician pronounces a person affected with any disease hopeless and beyond recovery and shall give a written certificate to that effect to the person affected or his attendant nothing herein contained shall forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of such affected person.

“The provisions of this section shall not amend or repeal the law respecting the treatment of those affected with Hansen’s disease.”

SECTION 2. Chapter 64, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding a new section thereto, to be designated and to read as follows:

“§ 64-2.5. Limited and temporary licenses. The director of health, upon the written recommendation of the board of medical examiners, shall issue a limited and temporary license to an applicant who has

not met the residency requirement under section 64-3(b), who has not been examined as required by section 64-3, and against whom no disciplinary proceedings are pending in any state or territory, if the applicant is otherwise qualified to be examined, and if said board has made a written finding that:

“(a) There is an absence or a shortage of licensed physicians in a particular locality, and that the applicant has been duly licensed as a physician by written examination under the laws of another state or territory of the United States. A limited and temporary license issued hereunder shall permit the practice of medicine and surgery by the applicant only in the particular locality, and no other, as shall be set forth in the license issued to him. Such license shall be valid only for a period of eighteen (18) months from the date of issuance; or

“(b) The applicant is to be employed by an agency or department of the state or county government, and that the applicant has been duly licensed as a physician by written examination under the laws of another state or territory of the United States. A limited and temporary license issued hereunder shall only be valid for the practice of medicine and surgery while the applicant is in the employ of such governmental agency or department. In no case shall such license be valid for a period in excess of eighteen (18) months from the date of issuance; or

“(c) The applicant would practice medicine and surgery only while under the direction of a physician regularly licensed in the State of Hawaii other than as permitted by this section, and that the applicant intends to take the regular licensing examination conducted by the board of medical examiners within the next eighteen (18) months. In no case shall a limited and temporary license issued hereunder be valid for more than a period of eighteen (18) months from the date of issuance; or

“(d) The applicant has been appointed as an intern or accepted for specialty or resident training in a hospital approved by the board, and that the applicant shall be limited in the practice of medicine and surgery to the extent required by the duties of his position or by his program of training while at such hospital. A limited and temporary license hereunder shall be issued without regard to the requirement of section 64-3(e) relative to internship. Such license shall be valid during the period in which the applicant remains as intern or a resident in training, and may be renewed from year to year during said period; or

“(e) A public emergency exists, and that the applicant has been duly licensed as a physician by written examination under the laws of another state or territory of the United States. A limited and temporary license issued hereunder shall only be valid for the period of such public emergency.

“Every applicant who has been issued a limited and temporary license under this section shall register immediately with the board of medical examiners upon such forms as may be prescribed by the board. Failure to register shall be ground for revocation of such

limited and temporary license. Within forty-five (45) days of the effective date of this Act, all persons presently permitted to practice medicine or surgery in the State of Hawaii without a regular license, except commissioned military officers under section 64-2, shall register with the board of medical examiners, and shall thereafter be permitted to continue the practice of medicine and surgery upon obtaining a limited and temporary license as herein provided.

“Nothing herein shall be construed to require the registration or licensing hereunder of nurses, or other similar persons, acting under the direction and control of a licensed physician.”

SECTION 3. Section 64-3, Revised Laws of Hawaii 1955, as amended, is hereby further amended by deleting the last two paragraphs thereof.

SECTION 4. Section 64-5, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding the following sentence after the first sentence thereof:

“As a prerequisite to the issuance of a limited and temporary license under this chapter, the applicant shall pay to the board of medical examiners a fee of twenty-five dollars (\$25); provided, however, that the fee to be paid by an applicant qualifying under section 64-2.5(d) shall be five dollars (\$5).”

SECTION 5. Section 64-6, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new paragraph to read as follows:

“The form of temporary and limited license to practice medicine and surgery shall be substantially as follows:

State of Hawaii
Department of Health
Limited and Temporary License to Practice
Medicine and Surgery

....., a native of,
age years, having been duly considered and recommended by the board of medical examiners as possessed of the necessary qualifications, is hereby temporarily licensed to practice medicine and surgery in the State of Hawaii, subject to the following conditions and limitations:

.....
.....
.....

This temporary and limited license is granted and accepted on the express condition that it may be revoked at any time for any of the causes enumerated in section 64-7, Revised Laws of Hawaii 1955, or for any violation of the conditions and limitations contained herein.

Given under the seal of the department of health this day of, A.D.

By.....
Director of Health

SECTION 6. Section 64-7, Revised Laws of Hawaii 1955, is hereby amended by adding thereto a new paragraph next following paragraph (l), to be designated paragraph "(m)", and to read as follows:

"(m) Violation of the conditions or limitations upon which a limited and temporary license is issued."

SECTION 7. This Act shall take effect upon its approval.
(Approved June 29, 1965.) S.B. 635.