

ACT 202

S.B. NO. 2329

A Bill for an Act Relating to Professional and Vocational Regulatory Programs.

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

SECTION 1. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

“§26H-4 Repeal dates for newly enacted professional and vocational regulatory programs. (a) Any professional or vocational regulatory program enacted after [July] January 1, 1994[,] and listed in this section shall be repealed [at the end of the third full calendar year following the program’s enactment.] on the date indicated in subsection (b). The auditor shall perform an evaluation of the program, pursuant to section 26H-5, prior to its repeal date.

(b) Chapter 467E (Social Workers) shall be repealed on December 31, 2000.”

SECTION 2. Section 304-66.2, Hawaii Revised Statutes, is amended to read as follows:

“§304-66.2 Qualifications for residency program. The school of medicine of the University of Hawaii shall recommend that two positions within the University of Hawaii medical residency program be filled each year commencing in 1987, in accordance with this subpart, by persons who have the necessary qualifications, other than the qualification of residency training, to take the examination for licensure as physicians under chapter 453[,] or 460, and who volunteer to enter into contracts under section 304-66.3, whether or not they are graduates of the school of medicine of the University of Hawaii. The department of public safety and the department of health shall notify the school of medicine of the type of physicians needed by the correctional facilities and by rural communities. The school of medicine shall establish procedures to provide for applications by, and selection of, persons who are qualified and interested to fill the positions.”

SECTION 3. Section 304-66.3, Hawaii Revised Statutes, is amended to read as follows:

“[[§304-66.3]] Contract necessary for filling of positions. In order to fill a position under this subpart, a person shall enter into a contract with the school of medicine stating that the person:

- (1) Agrees to participate in the residency program for the minimum period required to qualify for the licensure examination under chapter 453[;] or 460;
- (2) Agrees to obtain a permanent license to practice medicine under chapter 453[,] or 460, as soon as possible following termination of participation in the residency program;
- (3) Agrees to serve for two years as:
 - (A) An officer or employee of the department of public safety who is based in a correctional facility and whose normal course of duty requires medical treatment of inmates of the facility, another correctional facility, or both; or
 - (B) An officer or employee of the department of health who is employed to provide primary medical care to residents of and be based in a rural community with a shortage of physicians; and
- (4) Agrees to commence fulfilling the requirement under paragraph (3) immediately following the termination of participation in the residency program and licensure.”

SECTION 4. Section 304-66.4, Hawaii Revised Statutes, is amended to read as follows:

“§304-66.4 Penalty for breach of contract. A person who is placed in the residency program under this subpart, but who breaches any term of the contract

under section 304-66.3, shall pay to the State damages of \$10,000; provided that a contract shall not be deemed breached if the person has obtained a permanent license to practice medicine under chapter 453[,] or 460, but could not fulfill the requirements of section 304-66.3(3) and (4) because no employment vacancy existed in the correctional facilities of the department of public safety or no shortage of physicians existed in any rural community and the department of public safety or department of health, as applicable, certifies that no employment vacancy or shortage existed.”

SECTION 5. Section 304-66.5, Hawaii Revised Statutes, is amended to read as follows:

“**[[§304-66.5]] Residency program; defined.** For the purpose of this subpart, “residency program” means a graduate medical education program in a hospital in this State which is accredited as a medical school residency program by the school of medicine of the University of Hawaii. The school of medicine may develop a special residency program for the purpose of this subpart; provided that the program, upon completion by the person, qualifies the person to take the licensure examination under chapter 453[,] or 460.”

SECTION 6. Section 321-373, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall adopt rules under chapter 91 to implement this part. The rules shall include but not be limited to:

- (1) Prohibiting the use of injections, unless administered by a physician licensed under chapter 453 or 460, or by a registered nurse licensed under chapter 457;
- (2) Appropriate restrictions on topical anesthetics;
- (3) Prescribing procedures and conditions for sterilization, storage of sterilized equipment, resterilization, and disposal of discarded needles and other equipment;
- (4) Creating examination standards; and
- (5) Fixing penalties and fines for violations of this part or any of the rules adopted by the department.”

SECTION 7. Section 321-374, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Physicians holding a valid unrevoked license under chapter 453 or 460 are exempt from the requirements of this part.”

SECTION 8. Section 321-376, Hawaii Revised Statutes, is amended to read as follows:

“**[[§321-376]] Facial tattoos.** Application of facial tattoos shall be prohibited except by a physician licensed under chapter 453 or 460, or by a tattoo artist who is under the general supervision of such a physician.”

SECTION 9. Section 321-392, Hawaii Revised Statutes, is amended by amending the definition of “physician” to read as follows:

““Physician” means a person licensed to practice medicine as authorized in chapter 453[,] or 460.”

SECTION 10. Section 435E-1, Hawaii Revised Statutes, is amended by amending the definition of “physician or surgeon” to read as follows:

““Physician” or “surgeon” means any person licensed under chapter 453[.] or 460; or any professional corporation, partnership, or other entity whose stockholders or partners are comprised solely of persons licensed under chapter 453[.] or 460.”

SECTION 11. Section 461-1, Hawaii Revised Statutes, is amended by amending the definition of “practice of pharmacy” to read as follows:

““Practice of pharmacy” means the interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefor; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices; performing the following procedures or functions in a licensed acute care hospital in accordance with policies, procedures, or protocols developed by health professionals, including physicians and surgeons, pharmacists, and registered nurses, with the concurrence of the facility administrator: ordering or performing routine drug therapy related patient assessment procedures including temperature, pulse, and respiration; ordering drug therapy related laboratory tests; administering drugs and biologicals by injection pursuant to a licensed medical doctor’s order; and adjusting the dosage of a patient’s drug regimen pursuant to a licensed medical doctor’s or osteopathic physician’s order or authorization; and the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy. Licensed acute care hospital means an acute care hospital licensed by the department of health pursuant to chapter 321. Licensed medical doctor means a medical doctor licensed by the board of medical examiners pursuant to chapter 453[.] or the board of osteopathic examiners under chapter 460.”

SECTION 12. Section 466J-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board shall consist of ten members. The membership shall be composed of:

- (1) Two persons licensed to practice medicine pursuant to chapter 453 or 460 and certified by the American Board of Radiology;
- (2) Four persons, each with at least five years’ experience and certified in the practice of radiography, two of whom shall be persons engaged in the hospital practice of radiography;
- (3) One person with at least five years’ experience who is certified and engaged in the practice of radiation therapy technology;
- (4) One person with at least five years’ experience, who is certified and engaged in the practice of nuclear medicine technology;
- (5) One person from the general public; and
- (6) The director or the director’s designated representative shall be the tenth, ex officio voting member of the board.”

SECTION 13. Section 467E-7, Hawaii Revised Statutes, is amended to read as follows:

“[[§467E-7]] Licensing requirements. In addition to the licensing requirements provided by section 436B-11, the director shall consider the following as minimum evidence that an applicant is qualified to be licensed:

- (1) The applicant holds a master's degree from [an accredited] a college or university in a social work program accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education or a doctoral degree accredited by the Western Association of Schools and Colleges or a comparable regional accreditation body; and
- (2) The applicant has passed the national examination given by the American Association of State Social Work Boards.”

SECTION 14. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.

(Approved June 17, 1996.)