

## ACT 90

S.B. NO. 40

A Bill for an Act Relating to Physician Assistants.

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

SECTION 1. Section 329-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Physician assistant” means a person licensed under section 453-5.3, who is registered under this chapter to administer, prescribe, or dispense a controlled substance under the authority and supervision of a physician registered under section 329-33, but who is not authorized to request, receive, or sign for professional controlled substance samples.

“Supervising physician” means a physician licensed to practice medicine in the State and registered under section 329-33, who supervises a physician assistant and retains full professional and legal responsibility for the performance of the supervised physician assistant and the care and treatment of the patient.”

SECTION 2. Section 329-38, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Prescriptions for controlled substances shall be issued only as follows:

- (1) All prescriptions for controlled substances shall be dated as of, and signed on, the day when the prescriptions were issued and shall bear:
  - (A) The full name and address of the patient; and
  - (B) The name, address, and registration number of the practitioner. A practitioner may sign a prescription in the same manner as the practitioner would sign a check or legal document (e.g., J.H. Smith or John H. Smith) and shall use both words and figures (e.g., alphabetically and numerically as indications of quantity, such as five (5)), to indicate the amount of controlled substance to be dispensed. Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or by typewriter and shall be manually signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of the practitioner, but the prescribing practitioner shall be responsible in case the prescription does not conform in all essential respects to this chapter and any rules adopted pursuant to this chapter. A corresponding liability shall rest upon a pharmacist who fills a prescription not prepared in the form prescribed by this section;
- (2) An intern, resident, or foreign-trained physician, or a physician on the staff of a Department of Veterans Affairs facility or other facility serving veterans, exempted from registration under this chapter, shall include on all prescriptions issued by the physician:
  - (A) The registration number of the hospital or other institution; and
  - (B) The special internal code number assigned to the physician by the hospital or other institution in lieu of the registration number of the practitioner required by this section.

Each written prescription shall have the name of the physician stamped, typed, or handprinted on it, as well as the signature of the physician; [and]

- (3) An official exempted from registration shall include on all prescriptions issued by the official:
  - (A) The official's branch of service or agency (e.g., "U.S. Army" or "Public Health Service"); and
  - (B) The official's service identification number, in lieu of the registration number of the practitioner required by this section. The service identification number for a Public Health Service employee shall be the employee's Social Security identification number.

Each prescription shall have the name of the officer stamped, typed, or handprinted on it, as well as the signature of the officer[.]; and

- (4) A physician assistant registered to prescribe controlled substances under the authorization of a supervising physician shall include on all prescriptions issued:
  - (A) The DEA registration number of the supervising physician; and
  - (B) The special code number assigned to the physician assistant by the department.

Each written prescription issued shall include the printed, stamped, typed, or hand-printed name, address, and phone number of both the supervising physician and physician assistant, and shall be signed by the physician assistant. The medical record of each written prescription issued by a physician assistant shall be reviewed and initialed by the physician assistant's supervising physician within seven working days."

SECTION 3. Section 453-5.3, Hawaii Revised Statutes, is amended to read as follows:

“**§453-5.3 Physician assistant; [certification] licensure required.** (a) The board of medical examiners shall require each person practicing medicine under the supervision of a physician, other than a person licensed under section 453-3, to be [certified] licensed as a physician assistant. A person who is trained to do only a very limited number of diagnostic or therapeutic procedures under the direction of a physician shall not be deemed a practitioner of medicine and therefore does not require [certification] licensure under this section.

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

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

(d) The board shall approve temporary [certification] licensure of an applicant under this section. The applicant shall have graduated from a board approved training program within twelve months of the date of application and never taken a national certifying examination approved by the board but otherwise meet the requirements of this section. The applicant shall file a complete application with the board and pay all required fees. If the applicant fails to apply for, or to take, the first examination scheduled by the board following the issuance of the temporary [certificate,] license, fails to pass the examination, or fails to receive [certification,] licensure, all privileges under this section shall automatically cease upon written notification sent to the applicant by the board. A temporary [certificate] license shall be issued only once to each person.

(e) Prior to practicing under temporary [certification,] licensure, holders of temporary [certificates] licenses shall notify the board in writing of any and all supervising physicians under whom they will be performing services.

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

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

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

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

(j) A [certificate] license that has been forfeited for one renewal term shall be automatically terminated and cannot be restored. A new application for [certification] licensure shall be required.”

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SECTION 4. Section 453-5.4, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§453-5.4]]~~ **Physician assistant advisory committee.** There shall be a physician assistant advisory committee under the board of medical examiners consisting solely of persons [certified] licensed under section 453-5.3. The committee shall review all complaints and requests relating to physician assistants, and review and recommend revisions of the physician assistant regulations.

The chairperson of the committee shall be the representative for the committee members to the board of medical examiners for the purpose of providing input to the board from the physician assistant's perspective on issues and concerns, including complaints and requests, regarding physician assistants. The chairperson shall not be a member of the board of medical examiners to avoid conflict of interests.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 23, 1999.)