

ACT 181

S.B. NO. 1406

A Bill for an Act Relating to Health.

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

SECTION 1. The legislature finds that Hawaii faces a critical physician shortage. According to the 2018 Annual Report on Findings from the Hawai'i Physician Workforce Assessment Report, the current physician shortage increased from 769 in 2017 to 797 in 2018. Physician assistants, like advanced practice registered nurses, can help fill this need.

The legislature further finds that physician assistants undergo rigorous medical training. Physician assistants graduate from an accredited program and must pass a national certification exam to be licensed to practice medicine with collaboration of a licensed physician. Physician assistants work in various clinical settings, locations, and specialties. Like physicians and advanced practice registered nurses, physician assistants must also complete extensive continuing medical education throughout their careers. Studies have shown that when physician assistants practice to the full extent of their abilities and training, hospital readmission rates and lengths of stay decrease and infection rates go down.

The legislature also finds that streamlining physician assistants' existing requirements relating to supervision by physicians is consistent with physician assistant training and education, and responds to the needs of the collaborating physician, facility, medical specialty, and patient population, thereby increasing efficiency and delivery of health care and lessening overall administrative burdens.

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

only. The legislature finds that aligning Hawaii's licensing standard for physician assistants with the majority of states will encourage the growth of the physician assistant profession.

Accordingly, the purpose of this Act is to:

- (1) Streamline the medical records review process for physician assistants;
- (2) Establish continuing medical education requirements for the renewal of physician assistant licenses; and
- (3) Clarify conditions for forfeiture and reinstatement of licenses.

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

“§453-5.3 Physician assistant; licensure required. (a) The Hawaii medical board shall require each person practicing medicine under the supervision of a physician ~~[or], osteopathic physician, or group of physicians~~, other than a person licensed under section 453-3, to be 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 or osteopathic physician shall not be deemed a practitioner of medicine or osteopathy and therefore does not require licensure under this section.

(b) The board shall establish medical educational and training standards with which a person applying for 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 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 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 meets 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 license, fails to pass the examination, or fails to receive licensure, all privileges under this section shall automatically cease upon written notification sent to the applicant by the board. A temporary license shall be issued only once to each person.

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

(f) The board shall establish the degree of supervision required by the supervising physician ~~[or], osteopathic physician, or group of physicians~~ when a physician assistant performs a service within the practice of medicine. A physician or osteopathic 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) For medical records of patients seen by physician assistants:

- (1) Each physician assistant and supervising physician, osteopathic physician, or group of physicians shall establish written guidelines for the review of medical records as appropriate to the specific practice. These guidelines shall be kept in the office of the practice set-

ting in which either the physician assistant or supervising physician, osteopathic physician, or group of physician practices, and shall be made available to the Hawaii medical board and the regulated industries complaints office or its designees;

- (2) The supervising physician, osteopathic physician, or group of physicians shall review medical records as required by this subsection; provided that:

(A) When supervising a physician assistant with less than one year of practice experience as a licensed physician assistant, the supervising physician, osteopathic physician, or group of physicians shall:

- (i) For the first six months of supervision, review fifty per cent of the medical records within thirty days of the patient visit; and
- (ii) For the next six months of supervision, review twenty-five per cent of the medical records within thirty days of the patient visit.

The board may, on a case-by-case basis, require physician assistants that begin in a new practice specialty with less than one year of full-time practice experience in the specialty to comply with this subparagraph; and

(B) When supervising a physician assistant with more than one year of practice experience as a licensed physician assistant, the supervising physician, osteopathic physician, or group of physicians shall:

- (i) Establish a process for the regular review of a sample of medical records of patients seen by the physician assistant; and
- (ii) For at least thirty minutes each month, perform an audit and review of the medical records; and

- (3) Notwithstanding paragraph (2), a supervising physician, osteopathic physician, or group of physicians may require additional supervisory requirements at any time for patient safety.

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

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

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

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

- (1) A category 1 continuing medical education program accredited by the American Medical Association;
- (2) A category 1A continuing medical education program accredited by the American Osteopathic Association; or
- (3) A category 1 continuing medical education program accredited by the American Academy of Physician Assistants.

(l) To determine compliance with the continuing medical education requirements under subsection (k), the board may conduct random audits of physician assistants' continuing education documentation. A physician assistant selected for audit shall be notified by the board. Within sixty days of notification, the physician assistant shall provide the board documentation to verify compliance with the continuing medical education requirements.

(m) Failure to renew, pay the renewal fee, and, in the case of audited physician assistants, provide documentation of compliance with the continuing medical education requirements under subsection (k), shall constitute a forfeiture of license, which may be restored upon the submission of written application therefor, payment to the board of a restoration fee, and, in the case of audited physician assistants, documentation of compliance with the continuing medical education requirements under subsection (k).

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

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2019.

(Approved July 2, 2019.)