

JAN 19 2018

A BILL FOR AN ACT

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

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

1 SECTION 1. The legislature finds that professional or
2 vocational licensed individuals may employ auxiliary personnel
3 to assist such licensed individuals in the practice of the
4 profession or vocation. While considered a valuable part of a
5 team, these auxiliary personnel may not be licensed or certified
6 in Hawaii or required to meet the same stringent standards of
7 training and care as licensed individuals in certain professions
8 or vocations. For example, licensed and registered dentists are
9 authorized by law to employ auxiliary personnel, known as dental
10 assistants, to assist a dentist in the dentist's practice.
11 However, dental assistants are not currently licensed or
12 certified in Hawaii and have no requirement to successfully
13 complete a course of study and practicum.

14 The legislature additionally finds that it is important for
15 those in various professional and vocational fields to be aware
16 of and adhere to legislatively determined parameters regarding
17 duty and scope of practice of certain licensed professions and



1 vocations in Hawaii. It is also important that unlicensed
 2 individuals do not infringe upon a particular licensed
 3 profession's scope of practice. The legislature also finds that
 4 while training and education for auxiliary personnel are
 5 important, it is not appropriate for unlicensed auxiliary
 6 personnel to be expected or required to perform duties,
 7 activities, or functions that, if performed by another
 8 professional, would require licensure of that professional.

9 The purpose of this Act is to prohibit a licensing
 10 authority from adopting rules that authorize an unlicensed
 11 individual to perform duties that may overlap or conflict with
 12 the duties and scope of any licensed professions or vocations.

13 SECTION 2. Chapter 436B, Hawaii Revised Statutes, is
 14 amended by adding a new section to be appropriately designated
 15 and to read as follows:

16 "§436B- Auxiliary personnel; duties and scope; rules.
 17 If auxiliary personnel are not required to obtain a license or
 18 certificate pursuant to applicable licensing laws to perform
 19 duties to assist a duly licensed professional, a licensing
 20 authority shall not adopt any rule regarding the duties of such
 21 auxiliary personnel that may infringe upon, overlap with, or



1 conflict with the duties and scope of practice of any licensed
2 professional."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Rosalyn H. Behr
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S.B. NO. 2638

Report Title:

Professional and Vocational Licensing; Licensing Authority;
Duties and Scope of Practice

Description:

Prohibits a licensing authority from adopting rules that authorize an unlicensed individual to perform duties that may overlap or conflict with the duties and scope of licensed professions or vocations.

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