
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that Hawaii faces a
2 critical physician shortage. According to the 2018 Annual
3 Report on Findings from the Hawai'i Physician Workforce
4 Assessment Report, the current physician shortage increased from
5 769 in 2017 to 797 in 2018. Physician assistants, like advanced
6 practice registered nurses, can help fill this need.

7 The legislature further finds that physician assistants
8 undergo rigorous medical training. Physician assistants
9 graduate from an accredited program and must pass a national
10 certification exam to be licensed to practice medicine with
11 collaboration of a licensed physician. Physician assistants
12 work in various clinical settings, locations, and specialties.
13 Like physicians and advanced practice registered nurses,
14 physician assistants must also complete extensive continuing
15 medical education throughout their careers. Studies have shown
16 that when physician assistants practice to the full extent of



1 their abilities and training, hospital readmission rates and
2 lengths of stay decrease and infection rates go down.

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

10 The legislature additionally finds that current
11 requirements in the Hawaii medical board's administrative rules
12 for the license renewal of physician assistants are overly
13 burdensome and discourage individuals from entering the
14 profession. Hawaii is one of a minority of states that mandate
15 continued certification by the National Commission on
16 Certification of Physician Assistants for the renewal of a
17 physician assistant license. A majority of states allow
18 physician assistants to renew their licenses by meeting
19 continuing education requirements only. The legislature finds
20 that aligning Hawaii's licensing standard for physician



1 assistants with the majority of states will encourage the growth
2 of the physician assistant profession.

3 Accordingly, the purpose of this Act is to:

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

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

12 "§453-5.3 Physician assistant; licensure required. (a)
13 The Hawaii medical board shall require each person practicing
14 medicine under the supervision of a physician [~~or~~], osteopathic
15 physician, or group of physicians, other than a person licensed
16 under section 453-3, to be licensed as a physician assistant. A
17 person who is trained to do only a very limited number of
18 diagnostic or therapeutic procedures under the direction of a
19 physician or osteopathic physician shall not be deemed a
20 practitioner of medicine or osteopathy and therefore does not
21 require licensure under this section.



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

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

12 (d) The board shall approve temporary licensure of an
13 applicant under this section. The applicant shall have graduated
14 from a board approved training program within twelve months of
15 the date of application and never taken a national certifying
16 examination approved by the board but otherwise meets the
17 requirements of this section. The applicant shall file a
18 complete application with the board and pay all required fees.
19 If the applicant fails to apply for, or to take, the first
20 examination scheduled by the board following the issuance of the
21 temporary license, fails to pass the examination, or fails to



1 receive licensure, all privileges under this section shall
2 automatically cease upon written notification sent to the
3 applicant by the board. A temporary license shall be issued
4 only once to each person.

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

9 (f) The board shall establish the degree of supervision
10 required by the supervising physician [~~or~~], osteopathic
11 physician, or group of physicians when a physician assistant
12 performs a service within the practice of medicine. A physician
13 or osteopathic physician who does not supervise a physician
14 assistant's services at the degree required by the board shall
15 be deemed to have engaged in professional misconduct.

16 (g) For medical records of patients seen by physician
17 assistants:

18 (1) Each physician assistant and supervising physician,
19 osteopathic physician, or group of physicians shall
20 establish written guidelines for the review of medical
21 records as appropriate to the specific practice.



1 These guidelines shall be kept in the office of the
2 practice setting in which either the physician
3 assistant or supervising physician, osteopathic
4 physician, or group of physician practices, and shall
5 be made available to the Hawaii medical board and the
6 regulated industries complaints office or its
7 designees;

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

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

16 (i) For the first six months of supervision,
17 review fifty per cent of the medical records
18 within thirty days of the patient visit; and

19 (ii) For the next six months of supervision,
20 review twenty-five per cent of the medical



1 records within thirty days of the patient
2 visit.

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

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

13 (i) Establish a process for the regular review
14 of a sample of medical records of patients
15 seen by the physician assistant; and

16 (ii) For at least thirty minutes each month,
17 perform an audit and review of the medical
18 records; and

19 (3) Notwithstanding paragraph (2), a supervising
20 physician, osteopathic physician, or group of



1 physicians may require additional supervisory
2 requirements at any time for patient safety.

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

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

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

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



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

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

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



1 case of audited physician assistants, documentation of
2 compliance with the continuing medical education requirements
3 under subsection (k).

4 [~~+~~+] (n) A license that has been forfeited for one
5 renewal term shall be automatically terminated and cannot be
6 restored. A new application for licensure shall be required."

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

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



Report Title:

Physician Assistants; Medical Records; Continuing Medical Education; Random Audits

Description:

Requires supervision of physician assistants by physician groups. Permits supervising physicians or groups to establish practice-appropriate record review policies. Establishes continuing education requirements and authorizes audits to enforce compliance. Clarifies provisions relating to forfeiture and reinstatement of a license. (SB1406 HD2)

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