A BILL FOR AN ACT

RELATING TO PHYSICIAN ASSISTANTS.

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

SECTION 1. The legislature finds that Hawaii is facing a critical physician shortage. The University of Hawaii's 2018 physician workforce assessment found that the shortage of physicians grew in all Hawaii counties. The island of Oahu needs three hundred eighty-four physicians, the island of Hawaii is short two hundred thirteen physicians, the island of Maui has a deficit of one hundred forty-one physicians, and the island of Kauai needs fifty-nine physicians. 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 must take a test in general medicine in order to be licensed and certified, and they must graduate from an accredited physician assistant program and pass a certification exam. 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. A 2014 Harris Poll found extremely high satisfaction rates among Americans who interact with physician assistants. The survey found that ninety-three per cent of respondents regard physician assistants as trusted health care providers, ninety-two per cent of respondents said that having a physician assistant makes it easier to get a medical appointment, and ninety-one per cent of respondents believe that physician assistants improve the quality of health care.

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. The legislature notes that a majority of states allow physician assistants to renew their licenses by meeting continuing education requirements only.
The legislature concludes that Hawaii's licensing standard for physician assistants should be aligned with the majority of states, which will encourage the growth of the physician assistant profession.

The purpose of this Act is to specify the continuing medical education requirements for renewal of a physician assistant certification and authorize the Hawaii medical board to conduct random audits for compliance.

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, 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 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) Any license of a physician assistant may be denied, not 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 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.

(j) 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.

(k) To determine compliance with the continuing medical education requirements under subsection (j), 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.

(1) Failure to renew, pay the renewal, and, in the case of
audited physician assistants, provide documentation of
compliance of the continuing medical education requirement under
subsection (j), 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 of the continuing medical education requirement under
subsection (j).

[(j)] (m) 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. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun before its effective date.
SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

JAN 18 2019
Report Title:
Physician Assistants; Continuing Medical Education; Requirements; Hawaii Medical Board; Random Audits

Description:
Establishes biennial requirements of forty credit hours in specified continuing medical education programs for renewal of physician assistant licenses, beginning with the renewal for the licensing biennium on 2/1/2020, and every biennial renewal thereafter. Authorizes the Hawaii Medical Board to conduct random document audits to enforce compliance. Specifies conditions for forfeiture and reinstatement of a license.

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