

JAN 22 2016

A BILL FOR AN ACT

RELATING TO SPORTS MEDICINE.

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

1 SECTION 1. The legislature finds that amateur, collegiate,
2 and professional sports teams regularly have an affiliated
3 physician who travels with the team to provide ongoing and
4 emergency medical care. However, the State does not have a
5 mechanism by which it may issue a limited sports team license or
6 exemption for these physicians to provide medical services for a
7 visiting sports team and its staff. Other states, such as
8 Kentucky, Ohio, and South Carolina, already have legislation
9 that addresses this issue, ensuring that licensed out-of-state
10 physicians are allowed to provide medical services while
11 traveling for sport-related events.

12 The purpose of this Act is to allow out-of-state licensed
13 physicians affiliated with a sports team or national sport
14 governing body to provide medical services for team members and
15 coaching staff under certain conditions without a Hawaii license
16 to practice medicine.



1 SECTION 2. Section 453-2, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Nothing herein shall:

4 (1) Apply to so-called Christian Scientists; provided that
5 the Christian Scientists practice the religious tenets
6 of their church without pretending a knowledge of
7 medicine or surgery;

8 (2) Prohibit service in the case of emergency or the
9 domestic administration of family remedies;

10 (3) Apply to any commissioned medical officer in the
11 United States armed forces or public health service
12 engaged in the discharge of one's official duty,
13 including a commissioned medical officer employed by
14 the United States Department of Defense, while
15 providing direct telehealth support or services to
16 neighbor island beneficiaries within a Hawaii National
17 Guard armory on the island of Kauai, Hawaii, Molokai,
18 or Maui; provided that the commissioned medical
19 officer employed by the United States Department of
20 Defense is credentialed by Tripler Army Medical
21 Center;



1 (4) Apply to any practitioner of medicine and surgery from
2 another state when in actual consultation, including
3 in-person, mail, electronic, telephonic, fiber-optic,
4 or other telehealth consultation with a licensed
5 physician or osteopathic physician of this State, if
6 the physician or osteopathic physician from another
7 state at the time of consultation is licensed to
8 practice in the state in which the physician or
9 osteopathic physician resides; provided that:

10 (A) The physician or osteopathic physician from
11 another state shall not open an office, or
12 appoint a place to meet patients in this State,
13 or receive calls within the limits of the State
14 for the provision of care for a patient who is
15 located in this State;

16 (B) The licensed physician or osteopathic physician
17 of this State retains control and remains
18 responsible for the provision of care for the
19 patient who is located in this State; and

20 (C) The laws and rules relating to contagious
21 diseases are not violated;



- 1 (5) Prohibit services rendered by any person certified
2 under part II of this chapter to provide emergency
3 medical services, or any physician assistant, when the
4 services are rendered under the direction and control
5 of a physician or osteopathic physician licensed in
6 this State except for final refraction resulting in a
7 prescription for spectacles, contact lenses, or visual
8 training as performed by an oculist or optometrist
9 duly licensed by the State. The direction and control
10 shall not be construed in every case to require the
11 personal presence of the supervising and controlling
12 physician or osteopathic physician. Any physician or
13 osteopathic physician who employs or directs a person
14 certified under part II of this chapter to provide
15 emergency medical services, or a physician assistant,
16 shall retain full professional and personal
17 responsibility for any act that constitutes the
18 practice of medicine when performed by the certified
19 person or physician assistant;
- 20 (6) Prohibit automated external defibrillation by:



1 (A) Any first responder personnel certified by the
2 department of health to provide automated
3 external defibrillation when it is rendered under
4 the medical oversight of a physician or
5 osteopathic physician licensed in this State; or

6 (B) Any person acting in accordance with section
7 663-1.5(e); [~~or~~]

8 (7) Prohibit a radiologist duly licensed to practice
9 medicine and provide radiology services in another
10 state from using telehealth while located in this
11 State to provide radiology services to a patient who
12 is located in the state in which the radiologist is
13 licensed. For the purposes of this paragraph:

14 "Radiologist" means a doctor of medicine or a
15 doctor of osteopathy certified in radiology by the
16 American Board of Radiology or the American Board of
17 Osteopathy.

18 "Telehealth" means the use of telecommunications,
19 as that term is defined in section 269-1, including
20 but not limited to real-time video conferencing-based
21 communication, secure interactive and non-interactive



1 web-based communication, and secure asynchronous
2 information exchange, to transmit patient medical
3 information, including diagnostic-quality digital
4 images and laboratory results for medical
5 interpretation and diagnosis, for the purpose of
6 delivering enhanced health care services and
7 information to parties separated by distance.
8 Standard telephone contacts, facsimile transmissions,
9 or e-mail texts, in combination or by themselves, do
10 not constitute a telehealth service for the purposes
11 of this paragraph[-]; or

12 (8) Apply to any physician who is licensed and in good
13 standing to practice in another state who:

14 (A) Has a written or oral agreement with a sports
15 team to provide care to the team members and
16 coaching staff traveling with the team for a
17 specific sporting event to take place in the
18 State; or

19 (B) Has been invited by a national sport governing
20 body to provide services to team members and
21 coaching staff at a national sport training



1 center in the State or to provide services at an
2 event or competition in the State that is
3 sanctioned by the national sport governing body;
4 provided that the physician's practice is limited
5 to that required by the national sport governing
6 body; provided further that the services provided
7 by the physician shall be within the area of the
8 physician's competence.

9 A physician who is exempt under this paragraph shall
10 not provide care or consultation to any person
11 residing in the State other than a person delineated
12 in this paragraph and shall not practice at a health
13 care clinic or health care facility, including an
14 acute care facility. An exemption under subparagraph
15 (A) shall be valid while the physician is traveling
16 with the sports team, but shall be no longer than ten
17 days in duration per sporting event; provided that the
18 physician may submit a written request to the Hawaii
19 medical board to provide authorized services for
20 twenty additional days, but the physician's services
21 shall not exceed thirty days total. An exemption



S.B. NO. 2331

Report Title:

Visiting Physicians; Sports; Licensure; Exemption

Description:

Allows visiting licensed physicians traveling with a sports team or national sport governing body to provide medical treatment to team members and coaching staff under certain conditions without a Hawaii license to practice medicine.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

