



GOV. MSG. NO. 1191

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 27, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

SB3122 SD1 HD2

RELATING TO PUBLIC HEALTH STANDING
ORDERS.
ACT 090

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 3122
S.D. 1
H.D. 2

A BILL FOR AN ACT

RELATING TO PUBLIC HEALTH STANDING ORDERS.

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

1 SECTION 1. The legislature finds that standing orders are
2 written protocols describing a specific medical practice that
3 will be delegated to non-physicians without a patient-specific
4 order signed by a physician. Standing orders outline procedures
5 that must be followed and identify permissible patient
6 populations, level of required physician supervision, and
7 allowable practice settings.

8 The legislature also finds that Hawaii's well-documented
9 physician shortage may restrict patient access to preventive
10 care, resulting in sub-optimal outcomes, increased costs, and
11 decreased quality of life. Population-based care can help
12 reduce provider administrative burdens while increasing access
13 to evidence-based clinical preventive services. Secondary
14 prevention is the provision of a clinical preventive service to
15 screen for a condition in an asymptomatic individual, such as
16 mammography to screen for breast cancer. Public health standing



1 orders may help reduce barriers to receiving secondary
2 prevention services.

3 The legislature further finds that standing orders are
4 already used in routine, urgent, or emergency settings upon the
5 occurrence of certain clinical events that take place on an
6 individual patient basis or a population health event. An
7 example of a routine individual patient standing order is
8 certain vaccine administrations, which are evidence-based
9 practices that authorize nurses, pharmacists, and other health
10 care providers to assess a client's immunization status and
11 administer vaccinations according to a protocol. Emergency
12 population health crises are also supported by standing orders,
13 specifically for mass prophylaxis following a bioterrorism
14 incident, that are only activated when the director of health
15 declares a state of emergency due to a specific bioterrorism
16 incident.

17 Accordingly, the purpose of this Act is to reduce barriers
18 to health care access and expand population health-based
19 interventions by:



- 1 (1) Authorizing the director of health to issue public
- 2 health standing orders for patients to self-refer to
- 3 certain health care screening services;
- 4 (2) Establishing requirements for the provision of items
- 5 or services pursuant to a public health standing
- 6 order; and
- 7 (3) Establishing the public health standing orders working
- 8 group to provide advice and recommendations to the
- 9 department of health regarding public health standing
- 10 orders.

11 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
 12 amended by adding a new section to part II to be appropriately
 13 designated and to read as follows:

14 "§321- Public health standing orders; screening. (a)
 15 The director of health may issue public health standing orders
 16 authorizing patients who are eighteen years of age or older to
 17 receive evidence-based items or services that have in effect a
 18 grade of A or B in the current recommendations of the United
 19 States Preventive Services Task Force, as defined by section
 20 4106 of the federal Patient Protection and Affordable Care Act,



1 P.L. 111-148, without patient-specific orders from a licensed
2 health care provider.

3 (b) The director of health shall annually review the items
4 or services that have in effect a grade of A or B as recommended
5 by the United States Preventive Services Task Force and amend
6 public health standing orders as necessary.

7 (c) The duration of public health standing orders issued
8 pursuant to this section shall remain in effect until repealed
9 by the director of health.

10 (d) The public health standing orders shall include
11 language informing patients that there may be potential out-of-
12 pocket costs associated with receiving recommended services,
13 including if:

14 (1) The patient does not have health insurance coverage;
15 or

16 (2) The patient obtains services from a provider outside
17 of the patient's health insurer's or health plan's
18 provider network.

19 (e) The director of health shall post public health
20 standing orders on the department of health's website in an
21 easily accessible manner.



- 1 (f) The entity providing the items or services pursuant to
2 a public health standing order shall:
- 3 (1) Obtain from the patient the patient's health insurer
4 or health plan information and only provide services
5 if:
- 6 (A) The provider is a participating, contracted, or
7 in-network provider with the patient's health
8 insurer or health plan; or
- 9 (B) The patient consents to any potential out-of-
10 pocket costs;
- 11 (2) Obtain from the patient the name of the patient's
12 primary care provider and make a good faith effort to
13 transmit the results of the screening to the primary
14 care provider or other licensed health care provider
15 identified by the patient; and
- 16 (3) Contact the patient's health insurer or health plan if
17 the patient does not have or does not know their
18 primary care provider so that the patient's health
19 insurer or health plan can inform the patient of the
20 patient's primary care provider assignment or
21 selection options.



1 (g) The entity providing the items or services pursuant to
2 a public health standing order shall provide any results to the
3 patient in writing. The results shall:

4 (1) Be written in plain language;

5 (2) Clearly indicate if the results are normal, abnormal,
6 or undetermined; and

7 (3) Provide instructions for follow up with a health care
8 provider, as appropriate.

9 (h) For purposes of this section "licensed health care
10 provider" means physicians and osteopathic physicians licensed
11 under chapter 453, physician assistants licensed under chapter
12 453, and advanced practice registered nurses licensed under
13 chapter 457."

14 SECTION 3. (a) There shall be established a public health
15 standing orders working group within the department of health to
16 provide advice and recommendations to the department of health
17 for the implementation of this Act.

18 (b) The director of health, or the director's designee,
19 shall serve as the chairperson of the public health standing
20 orders working group. The working group shall consist of the



1 following additional members, who shall be invited to
2 participate by the director of health:

3 (1) A representative from the Hawaii Association of Health
4 Plans;

5 (2) A representative from the Hawaii Medical Association;

6 (3) A representative from the Hawaii Primary Care
7 Association;

8 (4) A representative from a health plan primarily serving
9 medicaid beneficiaries; and

10 (5) Any other members deemed necessary by the director of
11 health.

12 (c) A majority of members of the public health standing
13 orders working group present at any given meeting shall
14 constitute a quorum to conduct business.

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2024, and
17 shall be repealed on June 30, 2027.



S.B. NO. 3122
S.D. 1
H.D. 2

APPROVED this **27th** day of **June**, 2024

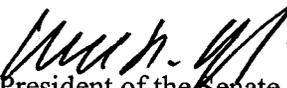
A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with a large initial "J" and "G".

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 19, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 9, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives