



GOV. MSG. NO. 1026

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 5, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on July 5, 2007, the following bill was signed into law:

SB1674 SD1 HD2

A BILL FOR AN ACT RELATING TO HEALTH.
(ACT 255)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 453-2, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) Except as otherwise provided by law, no person shall
4 practice medicine or surgery in the [~~State~~] state, either
5 gratuitously or for pay, or [~~shall~~] offer to [~~so~~] practice[~~]~~
6 medicine or surgery in the state, or [~~shall~~] advertise or
7 announce one's self, either publicly or privately, as prepared
8 or qualified to [~~so~~] practice[~~]~~ medicine or surgery in the
9 state, or [~~shall~~] append the letters "Dr." or "M.D." to one's
10 name[~~]~~ with the intent [~~thereby~~] to imply that the [~~individual~~]
11 person is a practitioner of medicine or surgery, without having
12 a valid unrevoked license or a limited and temporary license[~~]~~
13 obtained from the board of medical examiners[~~, in form and~~
14 ~~manner substantially as hereinafter set forth~~].
15 (b) Nothing herein shall:
16 (1) Apply to so-called Christian Scientists [~~so long as~~
17 they merely]; provided that the Christian Scientists



1 practice the religious tenets of their church without
2 pretending a knowledge of medicine or surgery;

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

5 (3) Apply to any commissioned medical officer in the
6 United States armed forces or public health service
7 engaged in the discharge of one's official duty, nor
8 to any practitioner of medicine and surgery from
9 another state when in actual consultation, including
10 [~~but not limited to,~~] in-person, mail, electronic,
11 telephonic, fiber-optic, or other telemedicine
12 consultation with a licensed physician of this State,
13 if the physician from another state at the time of
14 such consultation is licensed to practice in the state
15 in which the physician resides; provided that:

16 (A) The physician from another state shall not open
17 an office, or appoint a place to meet patients[~~]~~
18 in this State, or receive calls within the limits
19 of the State[~~+~~] for the provision of care for a
20 patient who is located in this State; [~~and~~]

21 (B) The licensed physician of this State retains
22 control and remains responsible for the provision



1 of care for the patient[+] who is located in this
2 State; and

3 [~~provided further that the~~]

4 (C) The laws and regulations relating to contagious
5 diseases are not violated;

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



- 1 (5) Prohibit automatic external defibrillation by:
- 2 (A) Any first responder personnel certified by the
- 3 department of health to provide automatic
- 4 external defibrillation when it is rendered under
- 5 the medical oversight of a physician licensed in
- 6 this State; or
- 7 (B) Any person who successfully completes training
- 8 under an automatic external defibrillator program
- 9 administered by a physician. An "automatic
- 10 external defibrillator program" means an
- 11 appropriate training course that includes
- 12 cardiopulmonary resuscitation and proficiency in
- 13 the use of an automatic external
- 14 defibrillator[-];

15 or

- 16 (6) Prohibit a radiologist duly licensed to practice
- 17 medicine and provide radiology services in another
- 18 state from using telemedicine while located in this
- 19 State to provide radiology services to a patient who
- 20 is located in the state in which the radiologist is
- 21 licensed. For the purposes of this paragraph:



1 "Radiologist" means a doctor of medicine or a
2 doctor of osteopathy certified in radiology by the
3 American Board of Radiology or the American Board of
4 Osteopathy.

5 "Telemedicine" means the use of
6 telecommunications services, as that term is defined
7 in section 269-1, including real-time video
8 conferencing-based communication, secure interactive
9 and non-interactive web-based communication, and
10 secure asynchronous information exchange, to transmit
11 patient medical information, such as diagnostic-
12 quality digital images and laboratory results for
13 medical interpretation and diagnosis, and deliver
14 health care services and information to parties
15 separated by distance."

16 SECTION 2. Section 466J-6, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§466J-6 Persons exempted.** (a) Any provision in this
19 chapter to the contrary notwithstanding, a license shall not be
20 required for [~~licensed~~]:

21 (1) A licensed medical [~~practitioners~~ practitioner in
22 radiology[~~r~~];



- 1 (2) A licensed practitioner of nuclear medicine [~~licensed~~
2 ~~doctors~~];
- 3 (3) A licensed doctor of dentistry [~~]~~;
- 4 (4) A licensed dental [technicians,] technician;
- 5 (5) A licensed dental [hygienists, and students]
6 hygienist;
- 7 (6) A student in an approved school for radiographers,
8 radiation therapists, or nuclear medicine
9 technologists, [and] or in [schools] a school of
10 medicine, podiatry, dentistry, or a chiropractic [~~]~~
11 when the persons are] school; provided that the
12 student is operating x-ray machines under the direct
13 supervision of a licensed radiographer, licensed
14 radiation therapist, licensed nuclear medicine
15 technologist, or a qualified person pursuant to this
16 chapter [~~]~~; and
- 17 (7) A radiologist duly licensed to practice medicine and
18 radiology services in another state who uses
19 telemedicine while located in this State to provide
20 radiology services to a patient who is located in the
21 state in which the radiologist is licensed. For the
22 purposes of this paragraph:



1 "Radiologist" means a doctor of medicine or a
2 doctor of osteopathy certified in radiology by the
3 American Board of Radiology or the American Board of
4 Osteopathy.

5 "Telemedicine" means the use of
6 telecommunications services, as that term is defined
7 in section 269-1, including real-time video
8 conferencing-based communication, secure interactive
9 and non-interactive web-based communication, and
10 secure asynchronous information exchange, to transmit
11 patient medical information, such as diagnostic-
12 quality digital images and laboratory results for
13 medical interpretation and diagnosis, and deliver
14 health care services and information to parties
15 separated by distance.

16 (b) The board may issue special temporary permits upon
17 request to unlicensed radiographers working in shortage areas.
18 ~~[After February 10, 1995, new special temporary permits shall~~
19 ~~not be issued by the board. After June 30, 1998, special~~
20 ~~temporary permits issued before February 10, 1995, shall not be~~
21 ~~renewed.] "~~



1 SECTION 3. Nothing herein shall be deemed to permit a
2 radiologist without a license to practice medicine in Hawaii,
3 wherever located, to provide services to a patient who is
4 located in Hawaii.

5 SECTION 4. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUL 5 2007

