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# A BILL FOR AN ACT

RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING.

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

1       SECTION 1. The legislature finds that professional or  
2 vocational licensed individuals may employ auxiliary personnel  
3 to assist these licensed individuals in the practice of the  
4 profession or vocation. While considered a valuable part of a  
5 team, these auxiliary personnel may not be licensed or certified  
6 in Hawaii or required to meet the same stringent standards of  
7 training and care as licensed individuals in certain professions  
8 or vocations. For example, licensed and registered dentists are  
9 authorized by law to employ auxiliary personnel, known as dental  
10 assistants, to assist a dentist in the dentist's practice.

11 However, dental assistants are not currently licensed or  
12 certified in Hawaii and have no requirement to successfully  
13 complete a course of study and practicum.

14       The legislature additionally finds that it is important for  
15 those in various professional and vocational fields to adhere to  
16 legislatively determined parameters regarding duty and scope of  
17 practice of certain licensed professions and vocations in Hawaii



1 and be aware that licensing authorities cannot adopt rules that  
2 attempt to circumvent or supersede existing law regarding duty  
3 and scope of practice for these licensed professions and  
4 vocations.

5 The legislature notes that it is also important that  
6 unlicensed individuals do not infringe upon a particular  
7 licensed profession's scope of practice. The legislature  
8 further finds that while training and education for auxiliary  
9 personnel are important, it is not appropriate for unlicensed  
10 auxiliary personnel to be expected or required to perform  
11 duties, activities, or functions that, if performed by another  
12 professional, would require licensure of that professional.

13 The purpose of this Act is to prohibit a licensing  
14 authority from:

- 15 (1) Using rules to supersede requirements set forth in  
16 licensing laws; and  
17 (2) Adopting rules that authorize an unlicensed individual  
18 to perform duties, activities, or functions that, if  
19 performed by another professional, would require  
20 licensure of that professional.



SECTION 2. Chapter 436B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§436B- Auxiliary personnel; duties and scope; rules.

(a) A licensing authority shall not use rules to supersede requirements set forth in the applicable licensing laws.

(b) If auxiliary personnel are not required to obtain a license or certificate pursuant to applicable licensing laws to perform duties to assist a duly licensed professional, a licensing authority shall not adopt any rule regarding the duties of auxiliary personnel that would enable such auxiliary personnel to be expected or required to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.

(c) In the case of a conflict between licensing laws and rules adopted by the licensing authority, the licensing laws shall prevail.

(d) This section shall not apply to apprentices or trainees who are working toward licensure in an apprenticeship program or clinical program."

SECTION 3. New statutory material is underscored.



1       SECTION 4.   This Act shall take effect upon its approval.

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**Report Title:**

Professional and Vocational Licensing; Licensing Authority;  
Rules; Duties; Scope of Practice

**Description:**

Prohibits a licensing authority from using rules to supersede requirements set forth in licensing laws and adopting rules that authorize an unlicensed individual to perform duties, activities, or functions that, if performed by another professional, would require licensure of that professional.  
(SD1)

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