



GOV. MSG. NO. 1221

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 28, 2021

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First 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 28, 2021, the following bill was signed into law:

SB1340 SD2 HD2 CD1

RELATING TO EMERGENCY MEDICAL
SERVICES
ACT 119 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES.

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

1 SECTION 1. The legislature finds that existing laws
2 relating to the licensing or certification of emergency medical
3 personnel address only emergency ambulance personnel, including
4 licensed emergency medical technicians, advanced emergency
5 medical technicians, mobile intensive care technicians, and
6 paramedics. There is currently no licensure category for
7 emergency medical technicians with National Registry Emergency
8 Medical Technician certification only. The legislature further
9 finds that emergency medical technicians with National Registry
10 Emergency Medical Technician certification provide at-the-scene,
11 life-saving care with minimal equipment to critical care
12 patients and have the knowledge and skills necessary to provide
13 immediate interventions while awaiting arrival of additional
14 emergency medical services. Emergency medical technicians are a
15 vital part of a comprehensive emergency medical services system
16 response and includes firefighters and ocean safety lifeguards
17 who provide immediate life-saving interventions to patients but
18 do not provide emergency ambulance services.



1 The purpose of this Act is to align the State with national
2 trends and mitigate the unintended consequences associated with
3 the deregulation of the State's emergency medical services
4 system by:

5 (1) Requiring the Hawaii medical board to establish a
6 pilot program to issue licenses for emergency medical
7 technicians with National Registry Emergency Medical
8 Technician certification only and whose practice is
9 limited to populations greater than 500,000, which
10 shall be based on certain requirements;

11 (2) Requiring the Hawaii medical board to issue licenses
12 for emergency ambulance personnel, which shall be
13 based on certain requirements; and

14 (3) Appropriating funds from the compliance resolution
15 fund for hiring a 0.5 full time equivalent permanent
16 position for the purposes of this Act.

17 SECTION 2. Chapter 453, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§453- Licensure consistent with levels of practice;
21 licensure of emergency medical technician 1. (a) The Hawaii



1 medical board shall issue licenses upon application therefor,
2 consistent with the following levels of practice:

- 3 (1) Emergency medical technician 1;
- 4 (2) Emergency medical technician;
- 5 (3) Advanced emergency medical technician; or
- 6 (4) Mobile intensive care technician or paramedic.

7 (b) Beginning July 1, 2022, the Hawaii medical board shall
8 accept applications for licensure as an emergency medical
9 technician 1; provided that the applicant shall:

- 10 (1) Demonstrate successful completion of a Hawaii medical
11 board-approved emergency medical technician course
12 that meets or exceeds the National Emergency Medical
13 Services Education Standards for Emergency Medical
14 Technicians;
- 15 (2) Provide a current cardiopulmonary resuscitation
16 certification;
- 17 (3) Demonstrate proficiency in basic life support for
18 health care providers;
- 19 (4) Demonstrate successful completion of the National
20 Registry of Emergency Medical Technician emergency
21 medical technician cognitive examination and National



1 Registry of Emergency Medical Technician psychomotor
2 examination;

3 (5) Pay any fees assessed in amounts equivalent to fees
4 paid by emergency medical technicians pursuant to
5 section 16-53-21.5, Hawaii Administrative Rules; and

6 (6) Meet any other requirements determined by the Hawaii
7 medical board.

8 (c) Any emergency medical technician 1 licensed under this
9 part shall document care in a pre-hospital emergency medical
10 records system compatible with the emergency medical services
11 system's pre-hospital medical records system. Emergency medical
12 technicians 1 shall:

13 (1) Practice under a physician or osteopathic physician
14 licensed pursuant to this chapter; and

15 (2) Restrict their scope of practice to the performance of
16 basic emergency medical care of patients.

17 (d) Licensure under this section is limited to individuals
18 whose practice is performed in a county with a population of
19 500,000 or greater."

20 SECTION 3. Section 321-229, Hawaii Revised Statutes, is
21 amended by amending subsections (a) to (c) to read as follows:



1 (a) The University of Hawaii shall provide training
2 courses in basic, intermediate, and advanced life support for
3 emergency medical services personnel. The curricula and syllabi
4 of these courses shall be approved in advance by the department
5 of health. The curricula and syllabi of courses for ambulance
6 personnel shall be consistent with the scope and level of the
7 practice of emergency medical services associated with emergency
8 ambulance personnel [~~certification~~] licensure defined by the
9 Hawaii medical board under part II of chapter 453.

10 (b) The University of Hawaii, or other accredited
11 community college, college, or university, or any professional
12 organization that is approved by the department of health to
13 provide emergency medical services training, shall consult with
14 the department of health to determine the number and type of
15 emergency medical services courses necessary to support the
16 staffing requirements for emergency medical services. The basic
17 life support and advanced life support training programs shall
18 be relevant to and consistent with the training course required
19 for [~~certification~~] licensure under chapter 453.

20 (c) The department shall develop standards for emergency
21 medical services course instructors and standards for emergency



1 medical services training facilities for all basic life support
2 personnel, advanced life support personnel, users of the
3 automatic external defibrillator, and emergency medical dispatch
4 personnel that shall be at least equivalent to or exceed the
5 standards necessary to meet the requirements, pursuant to
6 part II of chapter 453, for the [~~certification~~] licensure of
7 basic life support personnel and advanced life support
8 personnel."

9 SECTION 4. Section 453-2, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) Nothing herein shall:

- 12 (1) Apply to so-called Christian Scientists; provided that
13 the Christian Scientists practice the religious tenets
14 of their church without pretending a knowledge of
15 medicine or surgery;
- 16 (2) Prohibit service in the case of emergency or the
17 domestic administration of family remedies;
- 18 (3) Apply to any commissioned medical officer in the
19 United States armed forces or public health service
20 engaged in the discharge of one's official duty,
21 including a commissioned medical officer employed by



1 the United States Department of Defense, while
2 providing direct telehealth support or services to
3 neighbor island beneficiaries within a Hawaii National
4 Guard armory on the island of Kauai, Hawaii, Molokai,
5 or Maui; provided that the commissioned medical
6 officer employed by the United States Department of
7 Defense is credentialed by Tripler Army Medical
8 Center;

9 (4) Apply to any practitioner of medicine and surgery from
10 another state when in actual consultation, including
11 in-person, mail, electronic, telephonic, fiber-optic,
12 or other telehealth consultation with a licensed
13 physician or osteopathic physician of this State, if
14 the physician or osteopathic physician from another
15 state at the time of consultation is licensed to
16 practice in the state in which the physician or
17 osteopathic physician resides; provided that:

18 (A) The physician or osteopathic physician from
19 another state shall not open an office, or
20 appoint a place to meet patients in this State,
21 or receive calls within the limits of the State



1 for the provision of care for a patient who is
2 located in this State;

3 (B) The licensed physician or osteopathic physician
4 of this State retains control and remains
5 responsible for the provision of care for the
6 patient who is located in this State; and

7 (C) The laws and rules relating to contagious
8 diseases are not violated;

9 (5) Prohibit services rendered by any person [~~certified~~]
10 licensed under part II of this chapter to provide
11 emergency medical services, or any physician
12 assistant, when the services are rendered under the
13 direction and control of a physician or osteopathic
14 physician licensed in this State except for final
15 refraction resulting in a prescription for spectacles,
16 contact lenses, or visual training as performed by an
17 oculist or optometrist duly licensed by the State.
18 The direction and control shall not be construed in
19 every case to require the personal presence of the
20 supervising and controlling physician or osteopathic
21 physician. Any physician or osteopathic physician who



1 employs or directs a person [~~certified~~] licensed under
2 part II of this chapter to provide emergency medical
3 services, or a physician assistant, shall retain full
4 professional and personal responsibility for any act
5 that constitutes the practice of medicine when
6 performed by the [~~certified~~] licensed person or
7 physician assistant;

8 (6) Prohibit automated external defibrillation by:

9 (A) Any first responder personnel certified by the
10 department of health to provide automated
11 external defibrillation when it is rendered under
12 the medical oversight of a physician or
13 osteopathic physician licensed in this State; or

14 (B) Any person acting in accordance with
15 section 663-1.5(e); or

16 (7) Prohibit a radiologist duly licensed to practice
17 medicine and provide radiology services in another
18 state from using telehealth 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 "Distant site" means the location of the
2 radiologist delivering services through telehealth at
3 the time the services are provided.

4 "Originating site" means the location where the
5 patient is located, whether accompanied or not by a
6 health care provider, at the time services are
7 provided by a radiologist through telehealth,
8 including but not limited to a radiologist's or health
9 care provider's office, hospital, health care
10 facility, a patient's home, and other non-medical
11 environments such as school-based health centers,
12 university-based health centers, or the work location
13 of a patient.

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, to
20 encompass four modalities: store and forward
21 technologies, remote monitoring, live consultation,



1 and mobile health; and which shall include but not be
2 limited to real-time video conferencing-based
3 communication, secure interactive and non-interactive
4 web-based communication, and secure asynchronous
5 information exchange, to transmit patient medical
6 information, including diagnostic-quality digital
7 images and laboratory results for medical
8 interpretation and diagnosis, for the purpose of
9 delivering enhanced health care services and
10 information while a patient is at an originating site
11 and the radiologist is at a distant site. Standard
12 telephone contacts, facsimile transmissions, or e-mail
13 texts, in combination or by themselves, do not
14 constitute a telehealth service for the purposes of
15 this paragraph."

16 SECTION 5. Section 453-31, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§453-31 **Emergency ambulance service personnel.** The
19 practice of any emergency medical services by any individual
20 employed by an emergency ambulance service who is not licensed
21 under part I of this chapter or under chapter 457 shall be



1 subject to ~~[certification]~~ licensure under this part. In the
2 event of any conflict between this part and any rules adopted
3 under section 453-2, this part shall control with regard to
4 emergency ambulance service personnel.

5 The Hawaii medical board shall define the scope of the
6 practice of emergency medical services, different levels of the
7 practice, and degree of supervision required of a supervising
8 physician or osteopathic physician when a person ~~[certified]~~
9 licensed under this part provides services within the practice
10 of medicine."

11 SECTION 6. Section 453-32, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~§453-32 [Certification of emergency ambulance personnel.]~~
14 License requirements for emergency medical services. (a) The
15 Hawaii medical board shall ~~[certify]~~ issue licenses to
16 individuals ~~[as]~~ qualified in emergency medical services, upon
17 application therefor; provided that the applicant for
18 ~~[certification.]~~ licensure:

19 (1) Holds a current certificate from the National Registry
20 of Emergency Medical Technicians ~~[, has]~~ for the
21 requisite level of practice, has satisfactorily passed



1 a course of training in emergency medical services for
2 emergency ambulance services personnel [~~which~~] that
3 shall be based on and may exceed the national
4 curriculum of the United States Department of
5 Transportation and approved by the board[~~7~~] if
6 required for the applicable level of practice, and
7 meets other standards and qualifications, including
8 passage of an examination, set by the Hawaii medical
9 board pertinent to the practice of emergency medical
10 services in Hawaii;

11 (2) Meets continuing education requirements [~~which~~] that
12 shall be set by the Hawaii medical board; and

13 (3) Meets other qualifications set by the Hawaii medical
14 board.

15 (b) The board shall directly review the credentials of
16 applicants and administer examinations required.

17 [~~Certification~~] Licensure under this section shall be a
18 prerequisite to the practice of emergency medical services as an
19 employee of an emergency ambulance service.

20 (c) The Hawaii medical board shall provide standard
21 application forms for the [~~certification of emergency ambulance~~



1 ~~personnel]~~ licensure under this part, and shall provide for the
2 periodic renewal of such [~~certification.~~] license. The Hawaii
3 medical board shall assess a fee for such application,
4 [~~certification,~~] licensure, and renewal. The Hawaii medical
5 board shall provide for the revocation, suspension, or
6 limitation of [~~certification]~~ licensure in the event an
7 individual once [~~certified]~~ licensed under this section fails to
8 maintain or meet requirements for continued [~~certification,~~]
9 licensure, or for good cause shown.

10 (d) For purposes of this section, "emergency ambulance
11 personnel" means emergency medical technicians, advanced
12 emergency medical technicians, mobile intensive care
13 technicians, or paramedics."

14 SECTION 7. Section 453-32.1, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§453-32.1 Renewal of [~~certification.~~] licensure. (a)
17 Every person holding a [~~certificiate]~~ license under this part
18 shall renew the [~~certificiate]~~ license with the board no later
19 than January 31 of each even-numbered year, pay a renewal fee,
20 and comply with the continuing education requirements set forth
21 in the board's rules.



1 (b) To determine compliance, the board may conduct a
2 random audit. A person selected for audit shall be notified by
3 the board. Within sixty days of notification, the person shall
4 provide to the board documentation to verify compliance with the
5 continuing education requirements.

6 (c) Failure to renew, pay the renewal fee, and, in the
7 case of audited persons, provide documentation of compliance
8 shall constitute a forfeiture of the [~~certificate~~] license which
9 may only be restored upon the submission of written application,
10 payment to the board of a restoration fee, and in the case of
11 audited persons, documentation of compliance.

12 (d) A [~~certificate~~] license that has been forfeited for
13 one renewal term shall be automatically terminated and cannot be
14 restored, and a new application for [~~certification~~] licensure
15 shall be required."

16 SECTION 8. Section 453-32.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§453-32.5 [~~Temporary certification.~~] Provisional
19 licensure. (a) The board shall approve [~~temporary~~
20 ~~certification~~] provisional licensure of an applicant under
21 section 453-32 if the applicant has graduated from a board



1 approved training program within twelve months of the date of
2 application and has never taken the written and practical
3 examination of the National Registry of Emergency Medical
4 Technicians for that level of practice but otherwise meets the
5 requirements of section 453-32, has filed a complete application
6 with the board, and has paid all required fees.

7 (b) If the applicant fails to apply for, or to take, the
8 next succeeding examination or fails to pass the examination or
9 fails to receive a [~~certificate,~~] license, all privileges under
10 this section shall automatically cease upon written notification
11 sent to the applicant by the board. A [~~temporary certificate~~]
12 provisional license for each level of practice may be issued
13 only once to each person.

14 (c) Prior to practicing under [~~temporary certification,~~]
15 any provisional license, applicants shall notify the board in
16 writing of any and all employers under whom they will be
17 performing services."

18 SECTION 9. Section 453-32.51, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§453-32.51 Limited [~~temporary certification,~~] provisional
21 licensure. (a) The Hawaii medical board shall approve limited



1 ~~[temporary certification]~~ provisional licensure of an applicant
2 under this section if the applicant:

3 (1) Has graduated from a board or state-approved training
4 program as developed and promulgated by the United
5 States Department of Transportation[?], if required
6 for the applicable level of practice;

7 (2) Has passed the written and practical examinations of
8 the National Registry of Emergency Medical Technicians
9 for that level of practice;

10 (3) Holds a current certificate from the National Registry
11 of Emergency Medical Technicians for that level of
12 practice;

13 (4) Has submitted a letter verifying acceptance into a
14 period of peer review as an emergency medical
15 technician, advanced emergency medical technician,
16 ~~[or]~~ mobile intensive care technician, or paramedic;

17 (5) Has filed a completed application with the board; and

18 (6) Has paid all the required fees.

19 (b) Limited ~~[certification]~~ licensure of any applicant
20 shall be restricted to a maximum of one year.



1 (c) All privileges under this section shall automatically
2 cease if the applicant receives [~~certification~~] licensure under
3 section 453-32 or 453-32.1 or is no longer participating in a
4 period of peer review."

5 SECTION 10. Section 453-32.6, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§453-32.6 Delegation to committee of practicing emergency
8 physicians or osteopathic physicians and emergency ambulance
9 personnel. The Hawaii medical board shall establish a committee
10 consisting of practicing emergency physicians or osteopathic
11 physicians and emergency ambulance personnel to assist the board
12 in the performance of duties under this part.

13 The board, by written order, may delegate to the committee
14 any of its powers and duties for administration of this part,
15 except that the board shall not delegate any authority to adopt,
16 amend, or repeal rules, take disciplinary action against a
17 [~~certificate~~] license holder, or restore a [~~certificate~~] license
18 which has been revoked."

19 SECTION 11. There is appropriated out of the compliance
20 resolution fund the sum of \$31,000 or so much thereof as may be
21 necessary for fiscal year 2021-2022 and the same sum or so much



1 thereof as may be necessary for fiscal year 2022-2023 for the
2 Hawaii medical board to establish and hire a 0.5 full-time
3 equivalent (0.5 FTE) permanent position for the purposes of this
4 Act.

5 The sums appropriated shall be expended by the department
6 of commerce and consumer affairs for the purposes of this Act.

7 SECTION 12. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 13. This Act shall take effect on July 1, 2021;
10 provided that section 2 shall be repealed on July 1, 2027.

APPROVED this 28 day of JUN, 2021

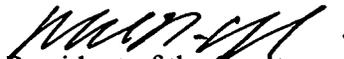


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.


President of the Senate


Clerk of the Senate

SB No. 1340, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives