

JAN 27 2021

A BILL FOR AN ACT

RELATING TO THE PRACTICE OF MEDICINE.

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

SECTION 1. Section 453-1, Hawaii Revised Statutes, is amended to read as follows:

"§453-1 Practice of medicine defined. For the purposes of this chapter, the practice of medicine by a physician or an osteopathic physician includes the use of drugs and medicines[~~7~~]; surgery; manual medicine; water[~~7~~]; electricity[~~7~~]; hypnotism[~~7~~]; telehealth; the interpretation of tests, including primary diagnosis of pathology specimens, medical imaging, or any physical; osteopathic medicine[~~7-or~~]; any means or method[~~7~~]; or any agent, either tangible or intangible, [~~for the treatment of~~] to diagnose, treat, prescribe for, palliate, or correct disease, or prevent any human disease, condition, ailment, pain, injury, deformity, illness, infirmity, defect, physical or mental condition in the human subject[~~7~~]; ~~provided that when a duly licensed physician or osteopathic physician pronounces a person affected with any disease hopeless and beyond recovery and gives a written certificate to that effect to the person affected or the person's attendant nothing~~

S.B. NO. 1099

1 ~~herein shall forbid any person from giving or furnishing any~~
2 ~~remedial agent or measure when so requested by or on behalf of~~
3 ~~the affected person].~~

4 This section shall not amend or repeal the law respecting
5 the treatment of those affected with Hansen's disease.

6 ~~[For purposes of this chapter, "osteopathic medicine"~~
7 ~~means the utilization of full methods of diagnosis and treatment~~
8 ~~in physical and mental health and disease, including the~~
9 ~~prescribing and administration of drugs and biologicals of all~~
10 ~~kinds, operative surgery, obstetrics, radiological, and other~~
11 ~~electromagnetic emissions, and placing special emphasis on the~~
12 ~~interrelation of the neuro-musculoskeletal system to all other~~
13 ~~body systems, and the amelioration of disturbed structure-~~
14 ~~function relationships by the clinical application of the~~
15 ~~osteopathic diagnosis and therapeutic skills for the maintenance~~
16 ~~of health and treatment of disease.]"~~

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 1099

Report Title:

Practice of Medicine; Medical Physicians; Osteopathic Physicians; Chapter 453

Description:

Clarifies the definition of the practice of medicine to provide uniformity of practice for both medical physicians and osteopathic physicians.

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

SB. NO. 1099

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE PRACTICE OF MEDICINE.

PURPOSE: To clarify the definition of the practice of medicine to provide uniformity of practice for both medical physicians and osteopathic physicians.

MEANS: Amend section 453-1, Hawaii Revised Statutes.

JUSTIFICATION: The definition of the practice of medicine was last amended in 2008 by adding a separate, distinct definition of the practice of osteopathic medicine. The Hawaii Medical Board (Board) notes that medical doctors and osteopathic doctors receive the same education and training and should thus be treated equally. Further, the Board believes that this definition should be updated because the practice of medicine includes not only the treatment of disease, as the current definition provides, but also the prevention of disease.

The proviso regarding care for the terminally ill is being deleted because it is covered within the broader definition which now includes, among other things, palliative care. The addition of "surgery; manual medicine;", "telehealth; the interpretation of tests, including diagnosis of pathology specimens, medical imaging, or any physical;", "to diagnose, treat, prescribe for, palliate, or correct" disease, and "prevent any human disease, condition, ailment, pain, injury, deformity, illness, infirmity, defect, physical or mental condition" would encompass more

activities of the current practice of medicine.

Impact on the public: This bill will help the Department of Commerce and Consumer Affairs improve the health and welfare of Hawaii residents by updating the definition of the practice of medicine to more accurately reflect the current practice of medicine and to provide uniformity of practice for medical physicians and osteopathic physicians.

Impact on the department and other agencies:
None.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: CCA-105.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.