
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 - basic, advanced
5 emergency medical technicians, and mobile intensive care
6 technicians or paramedics. There is no licensure category for
7 emergency medical responders. The legislature further finds
8 that emergency medical responders provide at-the-scene, life-
9 saving care with minimal equipment to critical care patients and
10 have the knowledge and skills necessary to provide immediate
11 interventions while awaiting arrival of additional emergency
12 medical services. Emergency medical responders are a vital part
13 of a comprehensive emergency medical services system response,
14 and include firefighters and ocean safety lifeguards who provide
15 immediate life-saving interventions to patients but do not
16 provide emergency ambulance services.



1 The purpose of this Act is to:

2 (1) Align Hawaii with national trends and mitigate the
3 unintended consequences associated with the
4 deregulation of Hawaii's emergency medical services
5 system by:

6 (A) Enabling the Hawaii medical board to issue
7 licenses for emergency medical responders and
8 other emergency ambulance personnel, which shall
9 be based on certain requirements; and

10 (B) Including emergency medical responders in the
11 State's pre-hospital response; and

12 (2) Require the department of commerce and consumer
13 affairs to examine a potential additional licensure
14 category for emergency medical technicians who have
15 received certain certification from the National
16 Registry of Emergency Technicians but do not provide
17 emergency ambulance services.

18 SECTION 2. Section 321-222, Hawaii Revised Statutes, is
19 amended by amending the definition of "emergency medical
20 services personnel" to read as follows:



1 ""Emergency medical services personnel" means any mobile
2 intensive care technician or emergency medical technician who is
3 [~~certified or~~] licensed by the State."

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

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

15 (b) The University of Hawaii, or other accredited
16 community college, college, or university, or any professional
17 organization that is approved by the department of health to
18 provide emergency medical services training, shall consult with
19 the department of health to determine the number and type of
20 emergency medical services courses necessary to support the
21 staffing requirements for emergency medical services. The basic



1 life support and advanced life support training programs shall
2 be relevant to and consistent with the training course required
3 for [~~certification~~] licensure under chapter 453.

4 (c) The department shall develop standards for emergency
5 medical services course instructors and standards for emergency
6 medical services training facilities for all basic life support
7 personnel, advanced life support personnel, users of the
8 automatic external defibrillator, and emergency medical dispatch
9 personnel that shall be at least equivalent to or exceed the
10 standards necessary to meet the requirements, pursuant to
11 part II of chapter 453, for the [~~certification~~] licensure of
12 basic life support personnel and advanced life support
13 personnel."

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

16 "(b) Nothing herein shall:

17 (1) Apply to so-called Christian Scientists; provided that
18 the Christian Scientists practice the religious tenets
19 of their church without pretending a knowledge of
20 medicine or surgery;



- 1 (2) Prohibit service in the case of emergency or the
2 domestic administration of family remedies;
- 3 (3) Apply to any commissioned medical officer in the
4 United States armed forces or public health service
5 engaged in the discharge of one's official duty,
6 including a commissioned medical officer employed by
7 the United States Department of Defense, while
8 providing direct telehealth support or services to
9 neighbor island beneficiaries within a Hawaii National
10 Guard armory on the island of Kauai, Hawaii, Molokai,
11 or Maui; provided that the commissioned medical
12 officer employed by the United States Department of
13 Defense is credentialed by Tripler Army Medical
14 Center;
- 15 (4) Apply to any practitioner of medicine and surgery from
16 another state when in actual consultation, including
17 in-person, mail, electronic, telephonic, fiber-optic,
18 or other telehealth consultation with a licensed
19 physician or osteopathic physician of this State, if
20 the physician or osteopathic physician from another
21 state at the time of consultation is licensed to



1 practice in the state in which the physician or
2 osteopathic physician resides; provided that:

3 (A) The physician or osteopathic physician from
4 another state shall not open an office, or
5 appoint a place to meet patients in this State,
6 or receive calls within the limits of the State
7 for the provision of care for a patient who is
8 located in this State;

9 (B) The licensed physician or osteopathic physician
10 of this State retains control and remains
11 responsible for the provision of care for the
12 patient who is located in this State; and

13 (C) The laws and rules relating to contagious
14 diseases are not violated;

15 (5) Prohibit services rendered by any person [~~certified~~]
16 licensed under part II of this chapter to provide
17 emergency medical services, or any physician
18 assistant, when the services are rendered under the
19 direction and control of a physician or osteopathic
20 physician licensed in this State except for final
21 refraction resulting in a prescription for spectacles,



1 contact lenses, or visual training as performed by an
2 oculist or optometrist duly licensed by the State.
3 The direction and control shall not be construed in
4 every case to require the personal presence of the
5 supervising and controlling physician or osteopathic
6 physician. Any physician or osteopathic physician who
7 employs or directs a person [~~certified~~] licensed under
8 part II of this chapter to provide emergency medical
9 services, or a physician assistant, shall retain full
10 professional and personal responsibility for any act
11 that constitutes the practice of medicine when
12 performed by the [~~certified~~] licensed person or
13 physician assistant;

14 (6) Prohibit automated external defibrillation by:

15 (A) Any first responder personnel certified by the
16 department of health to provide automated
17 external defibrillation when it is rendered under
18 the medical oversight of a physician or
19 osteopathic physician licensed in this State; or

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



1 (7) Prohibit a radiologist duly licensed to practice
2 medicine and provide radiology services in another
3 state from using telehealth while located in this
4 State to provide radiology services to a patient who
5 is located in the state in which the radiologist is
6 licensed. For the purposes of this paragraph:

7 "Distant site" means the location of the
8 radiologist delivering services through telehealth at
9 the time the services are provided.

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

20 "Radiologist" means a doctor of medicine or a
21 doctor of osteopathy certified in radiology by the



1 American Board of Radiology or the American Board of
2 Osteopathy.

3 "Telehealth" means the use of telecommunications,
4 as that term is defined in section 269-1, to
5 encompass four modalities: store and forward
6 technologies, remote monitoring, live consultation,
7 and mobile health; and which shall include but not be
8 limited to real-time video conferencing-based
9 communication, secure interactive and non-interactive
10 web-based communication, and secure asynchronous
11 information exchange, to transmit patient medical
12 information, including diagnostic-quality digital
13 images and laboratory results for medical
14 interpretation and diagnosis, for the purpose of
15 delivering enhanced health care services and
16 information while a patient is at an originating site
17 and the radiologist is at a distant site. Standard
18 telephone contacts, facsimile transmissions, or e-mail
19 texts, in combination or by themselves, do not
20 constitute a telehealth service for the purposes of
21 this paragraph."



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

"§453-31 Emergency ambulance service personnel. The practice of any emergency medical services by any individual employed by an emergency ambulance service who is not licensed under part I of this chapter or under chapter 457 shall be subject to ~~[certification]~~ licensure under this part. In the event of any conflict between this part and any rules adopted under section 453-2, this part shall control with regard to emergency ambulance service personnel.

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

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

"§453-32 ~~[Certification]~~ Licensure of emergency ambulance personnel[-] and emergency medical responders. (a) The Hawaii medical board shall ~~[certify]~~ issue licenses to individuals ~~[as]~~



1 qualified in emergency medical services, upon application
2 therefor[; ~~provided that the~~], consistent with the following
3 levels of practice:

4 (1) Emergency medical responder;

5 (2) Emergency medical technician;

6 (3) Advanced emergency medical technician; or

7 (4) Mobile intensive care technician or paramedic.

8 (b) The applicant for [eertification:] licensure shall:

9 (1) [~~Holds~~] Hold a current certificate from the National
10 Registry of Emergency Medical Technicians[~~,has~~] for
11 the requisite level of practice, have satisfactorily
12 passed a course of training in emergency medical
13 services for emergency ambulance services personnel
14 [~~which~~] that shall be based on and may exceed the
15 national curriculum of the United States Department of
16 Transportation and approved by the board[~~,if~~] if
17 required for the applicable level of practice, and
18 [~~meets~~] meet other standards and qualifications,
19 including passage of an examination, set by the Hawaii
20 medical board pertinent to the practice of emergency
21 medical services in Hawaii;



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

(3) ~~[Meets]~~ Meet other qualifications set by the Hawaii
medical board.

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

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

(d) The Hawaii medical board shall provide standard
application forms for the ~~[certification]~~ licensure of emergency
ambulance personnel and emergency medical responders and shall
provide for the periodic renewal of such ~~[certification.]~~
licenses. The Hawaii medical board shall assess a fee for such
application, ~~[certification,]~~ licensure, and renewal. The
Hawaii medical board shall provide for the revocation,
suspension, or limitation of ~~[certification]~~ licensure in the
event an individual once ~~[certified]~~ licensed under this section
fails to maintain or meet requirements for continued
~~[certification,]~~ licensure or for good cause shown.



1 (e) Applicants for licensure as an emergency medical
2 responder shall additionally demonstrate:

3 (1) Successful completion of a Hawaii medical
4 board-approved emergency medical responder course that
5 meets or exceeds the National Emergency Medical
6 Services Education Standards for the Emergency Medical
7 Responder;

8 (2) A current cardiopulmonary resuscitation certification;

9 (3) Proficiency in Basic Life Support for Healthcare
10 Providers or equivalent credential;

11 (4) Successful completion of the Hawaii medical
12 board-approved emergency medical responder cognitive
13 (knowledge) examination and psychomotor (skills)
14 examination; and

15 (5) Any other requirements determined by the Hawaii
16 medical board.

17 Any emergency medical responder licensed under this part
18 shall document care in a pre-hospital emergency medical records
19 system compatible with the emergency medical services system's
20 pre-hospital medical records system. Emergency medical



1 responders shall practice under a physician or osteopathic
2 physician.

3 (f) For purposes of this section, "emergency ambulance
4 personnel" means emergency medical technicians, advanced
5 emergency medical technicians, mobile intensive care
6 technicians, or paramedics."

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

9 **"§453-32.1 Renewal of [~~certification~~] licensure. (a)**

10 Every person holding a [~~certificate~~] license under this part
11 shall renew the [~~certificate~~] license with the board no later
12 than January 31 of each even-numbered year, pay a renewal fee,
13 and comply with the continuing education requirements set forth
14 in the board's rules.

15 (b) To determine compliance, the board may conduct a
16 random audit. A person selected for audit shall be notified by
17 the board. Within sixty days of notification, the person shall
18 provide to the board documentation to verify compliance with the
19 continuing education requirements.

20 (c) Failure to renew, pay the renewal fee, and, in the
21 case of audited persons, provide documentation of compliance



1 shall constitute a forfeiture of the [~~certificate~~] license which
2 may only be restored upon the submission of written application,
3 payment to the board of a restoration fee, and in the case of
4 audited persons, documentation of compliance.

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

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

11 "~~§453-32.5 [Temporary certification.]~~ Provisional
12 licensure. (a) The board shall approve [~~temporary~~
13 ~~certification~~] provisional licensure of an applicant under
14 section 453-32 if the applicant has graduated from a board
15 approved training program within twelve months of the date of
16 application and has never taken the written and practical
17 examination of the National Registry of Emergency Medical
18 Technicians for that level of practice but otherwise meets the
19 requirements of section 453-32, has filed a complete application
20 with the board, and has paid all required fees.



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

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

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

14 "**§453-32.51 Limited ~~[temporary certification-]~~ provisional**
15 **licensure.** (a) The Hawaii medical board shall approve limited
16 ~~[temporary certification]~~ provisional licensure of an applicant
17 under this section if the applicant:

- 18 (1) Has graduated from a board or state-approved training
19 program as developed and promulgated by the United
20 States Department of Transportation~~[,]~~, if required
21 for the applicable level of practice;



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

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

(4) Has submitted a letter verifying acceptance into a period of peer review as an emergency medical technician or mobile intensive care technician;

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

(6) Has paid all the required fees.

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

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

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



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

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

SECTION 11. The department of commerce and consumer affairs shall examine the possibility of the creation of an additional licensure category for emergency medical technicians who have received certification from the National Registry of Emergency Medical Technicians at a higher level of practice than emergency medical responders but who do not provide emergency ambulance services.

SECTION 12. There is appropriated out of the compliance resolution fund the sum of \$ _____ or so much thereof as may



1 be necessary for fiscal year 2021-2022 and the same sum or so
2 much thereof as may be necessary for fiscal year 2022-2023 for
3 the Hawaii medical board to establish and hire full-
4 time equivalent (. FTE) permanent positions for the purposes
5 of this Act.

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

8 SECTION 13. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 14. This Act shall take effect on July 1, 2060.



Report Title:

Emergency Medical Responders; Emergency Ambulance Service
Personnel; Licensure; Hawaii Medical Board; Appropriation;
Compliance Resolution Fund

Description:

Enables the Hawaii medical board to license emergency ambulance service personnel and emergency medical responders. Requires the department of commerce and consumer affairs to examine the creation of an additional licensure category for emergency medical technicians who are certified at a higher practice level than emergency medical responders but do not provide ambulance services. Appropriates funds from the compliance resolution fund for positions. Effective 7/1/2060. (HD2)

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