



GOV. MSG. NO. 1276

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

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

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second 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 July 3, 2023, the following bill was signed into law:

SB1344 SD2 HD2 CD1

RELATING TO EDUCATIONAL HEALTH
SERVICES.
ACT 173

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 3 2023

ACT 173

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 1344
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO EDUCATIONAL HEALTH SERVICES.

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

SECTION 1. The legislature finds that all medication requests to be administered by school health assistants are currently reviewed and must be approved by department of health public health nurses. This process ensures that a health care professional has reviewed the medication request and determined that it is safe and appropriate for a student to receive treatment. For example, some medications would be best administered before or after school and other medications may not be allowed if a school health assistant is not qualified to assess the need for as-needed medication. Medication administration is part of the medication management process and requires clinical supervision by a health care professional, including a registered nurse, advanced practice registered nurse, physician assistant, or physician, to ensure the health and safety of students if unlicensed assistive personnel, such as school health assistants, are utilized.

The legislature also finds that some schools have a registered nurse, advanced practice registered nurse, or other



1 specialized health care provider on campus through written
2 agreements with the department of education. Partnerships with
3 federally qualified health centers and the university of Hawaii
4 at Manoa school of nursing have greatly improved access to
5 health services for students at school and through telehealth.
6 Student care would be more efficient, accessible, and safe if
7 the administration of medication could be performed with the
8 approval of a health care professional within the department of
9 education, the department of health, or a health care service
10 pursuant to a written agreement with the department of
11 education. Existing law prevents health care professionals who
12 are already on campus or in the school community from performing
13 the function of medication approval.

14 The purpose of this Act is to:

- 15 (1) Update the term "school health aides" to "school
16 health assistants" to reflect updated job titles at
17 the department of education; and
- 18 (2) Allow administration of medications at school by
19 school health assistants with the approval of a health
20 care professional within the department of education,
21 the department of health, or health care service



1 pursuant to a written agreement with the department of
2 education.

3 SECTION 2. Section 88-21, Hawaii Revised Statutes, is
4 amended by amending the definition of "year round school
5 employee" to read as follows:

6 ""Year round school employee": any teacher, school
7 administrator, school health ~~[aide,]~~ assistant, educational
8 assistant, school security attendant, or other salaried ten-
9 month department of education employee working in a public
10 school operating under a single-track restructured instructional
11 schedule."

12 SECTION 3. Section 302A-708, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~[§]~~ §302A-708 Career development opportunities.~~[§]~~ The
15 department ~~[of education]~~ shall provide career pathways
16 development and training opportunities to all school health
17 ~~[aides]~~ assistants in the school health services field and other
18 fields within the department ~~[of education]~~ to ensure the
19 opportunity for continued employment with the department ~~[of~~
20 ~~education]~~."



1 SECTION 4. Section 302A-853, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§302A-853 Administration of medication. (a) School
4 health [aides] assistants may assist students by administering
5 oral, nasal, and topical medication, and in emergency
6 situations, other premeasured medication; provided that:

7 (1) If the student receiving the medication is a minor, a
8 parent or guardian requests and authorizes the
9 administration of medication;

10 (2) The medication has been prescribed by a licensed
11 physician, as defined in section 334-1, or by a
12 practitioner with prescriptive authority;

13 (3) The administration of the medication is with the
14 approval of [~~the department of health; and~~] a health
15 care professional within the department, department of
16 health, or health care service as defined in section
17 323D-2 pursuant to a written agreement with the
18 department; and

19 (4) The administration of the medication is necessary for
20 the health of the student and for the student's
21 attendance at school.



1 (b) For purposes of this section, "health care
2 professional" means a physician, surgeon, and other professional
3 licensed pursuant to chapter 453, or nurse licensed pursuant to
4 chapter 457."

5 SECTION 5. Section 302A-854, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§302A-854 School health [aides,] assistants;
8 compensation. All full-time school health [aides] assistants
9 employed in the department shall be employed and have their
10 compensation fixed in accordance with chapter 76 and the
11 appropriate collective bargaining agreement, executive order,
12 executive directive, or rule."

13 SECTION 6. Section 457-13, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§457-13 Exceptions. This chapter does not prohibit:
16 (1) The furnishing of nursing assistance in an emergency;
17 (2) The practice of nursing that is incidental to the
18 program of study engaged in by students enrolled in
19 nursing education programs accredited by the board;
20 (3) The practice of nursing under a nonrenewable permit
21 by:



1 (A) A graduate of; or

2 (B) An applicant who has provided proof that the
3 applicant has completed the entire educational
4 curriculum required for graduation for a nursing
5 license from,

6 a school that is in or under the jurisdiction of the
7 United States, a territory, or a foreign jurisdiction,
8 and whose accreditation is recognized by the board;
9 provided that following completion of subparagraph (A)
10 or (B), the candidate takes the first licensing
11 examination scheduled by any board of nursing
12 recognized by the board and has submitted to the board
13 an application for a license to practice nursing in
14 the State; [and] provided further that the permit
15 shall be valid for three months or until the results
16 of the licensing examination are received by the
17 board;

18 (4) The practice of any legally qualified nurse of another
19 state who is employed by the United States or any
20 bureau, division, or agency thereof, while in the
21 discharge of the nurse's official duties;



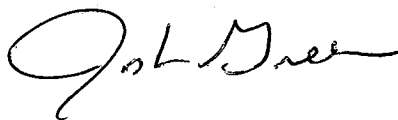
1 (5) The practice of nursing in connection with healing by
2 prayer or spiritual means alone in accordance with the
3 tenets and practice of any well recognized church or
4 religious denomination~~[7]~~; provided that no person
5 practicing ~~[such]~~ the nursing described in this
6 paragraph claims to practice as a registered nurse or
7 a licensed practical nurse; or

8 (6) The administration of oral and topical medication and
9 in emergency situations, other premeasured medication,
10 by school health ~~[aides]~~ assistants as provided in
11 section 302A-853."

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

14 SECTION 8. This Act shall take effect upon its approval.

APPROVED this 3rd day of July, 2023




GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate

SB No. 1344, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives