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# A BILL FOR AN ACT

RELATING TO PUBLIC HEALTH STANDING ORDERS.

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

1           SECTION 1. The legislature finds that standing orders are  
2 written protocols describing a specific medical practice that  
3 will be delegated to non-physicians without a patient-specific  
4 order signed by a physician. Standing orders outline procedures  
5 that must be followed and identify permissible patient  
6 populations, level of required physician supervision, and  
7 allowable practice settings.

8           The legislature also finds that Hawaii's well-documented  
9 physician shortage may restrict patient access to preventive  
10 care, resulting in sub-optimal outcomes, increased costs, and  
11 decreased quality of life. Population-based care can help  
12 reduce provider administrative burdens while increasing access  
13 to evidence-based clinical preventive services. Secondary  
14 prevention is the provision of a clinical preventive service to  
15 screen for a condition in an asymptomatic individual, such as  
16 mammography to screen for breast cancer. Public health standing



1 orders may help reduce barriers to receiving secondary  
2 prevention services.

3       The legislature further finds that standing orders are  
4 already used in routine, urgent, or emergency settings upon the  
5 occurrence of certain clinical events that take place on an  
6 individual patient basis or a population health event. An  
7 example of a routine individual patient standing order is  
8 certain vaccine administrations, which are evidence-based  
9 practices that authorize nurses, pharmacists, and other health  
10 care providers to assess a client's immunization status and  
11 administer vaccinations according to a protocol. Emergency  
12 population health crises are also supported by standing orders,  
13 specifically for mass prophylaxis following a bioterrorism  
14 incident, that are only activated when the director of health  
15 declares a state of emergency due to a specific bioterrorism  
16 incident.

17       Accordingly, the purpose of this Act is to reduce barriers  
18 to health care access and expand population health-based  
19 interventions by:



- 1 (1) Authorizing the director of health to issue public
- 2 health standing orders for patients to self-refer to
- 3 certain health care screening services;
- 4 (2) Establishing requirements for the provision of items
- 5 or services pursuant to a public health standing
- 6 order; and
- 7 (3) Establishing the public health standing orders working
- 8 group to provide advice and recommendations to the
- 9 department of health regarding public health standing
- 10 orders.

11 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
12 amended by adding a new section to part II to be appropriately  
13 designated and to read as follows:

14 "§321- Public health standing orders; screening. (a)  
15 The director of health may issue public health standing orders  
16 authorizing patients who are eighteen years of age or older to  
17 receive evidence-based items or services that have in effect a  
18 grade of A or B in the current recommendations of the United  
19 States Preventive Services Task Force, as defined by section  
20 4106 of the federal Patient Protection and Affordable Care Act,



1 P.L. 111-148, without patient-specific orders from a licensed  
2 health care provider.

3 (b) The director of health shall annually review the items  
4 or services that have in effect a grade of A or B as recommended  
5 by the United States Preventive Services Task Force and amend  
6 public health standing orders as necessary.

7 (c) The duration of public health standing orders issued  
8 pursuant to this section shall remain in effect until repealed  
9 by the director of health.

10 (d) The public health standing orders shall include  
11 language informing patients that there may be potential out-of-  
12 pocket costs associated with receiving recommended services,  
13 including if:

14 (1) The patient does not have health insurance coverage;  
15 or

16 (2) The patient obtains services from a provider outside  
17 of the patient's health insurer's or health plan's  
18 provider network.

19 (e) The director of health shall post public health  
20 standing orders on the department of health's website in an  
21 easily accessible manner.



1        (f) The entity providing the items or services pursuant to  
2 a public health standing order shall:

3        (1) Obtain from the patient the patient's health insurer  
4 or health plan information and only provide services  
5 if:

6        (A) The provider is a participating, contracted, or  
7 in-network provider with the patient's health  
8 insurer or health plan; or

9        (B) The patient consents to any potential out-of-  
10 pocket costs;

11       (2) Obtain from the patient the name of the patient's  
12 primary care provider and make a good faith effort to  
13 transmit the results of the screening to the primary  
14 care provider or other licensed health care provider  
15 identified by the patient; and

16       (3) Contact the patient's health insurer or health plan if  
17 the patient does not have or does not know their  
18 primary care provider so that the patient's health  
19 insurer or health plan can inform the patient of the  
20 patient's primary care provider assignment or  
21 selection options.



1        (g) The entity providing the items or services pursuant to  
2 a public health standing order shall provide any results to the  
3 patient in writing. The results shall:

- 4        (1) Be written in plain language;  
5        (2) Clearly indicate if the results are normal, abnormal,  
6        or undetermined; and  
7        (3) Provide instructions for follow up with a health care  
8        provider, as appropriate.

9        (h) For purposes of this section "licensed health care  
10 provider" means physicians and osteopathic physicians licensed  
11 under chapter 453, physician assistants licensed under chapter  
12 453, and advanced practice registered nurses licensed under  
13 chapter 457."

14        SECTION 3. (a) There shall be established a public health  
15 standing orders working group within the department of health to  
16 provide advice and recommendations to the department of health  
17 for the implementation of this Act.

18        (b) The director of health, or the director's designee,  
19 shall serve as the chairperson of the public health standing  
20 orders working group. The working group shall consist of the



1 following additional members, who shall be invited to  
2 participate by the director of health:

3 (1) A representative from the Hawaii Association of Health  
4 Plans;

5 (2) A representative from the Hawaii Medical Association;

6 (3) A representative from the Hawaii Primary Care  
7 Association;

8 (4) A representative from a health plan primarily serving  
9 medicaid beneficiaries; and

10 (5) Any other members deemed necessary by the director of  
11 health.

12 (c) A majority of members of the public health standing  
13 orders working group present at any given meeting shall  
14 constitute a quorum to conduct business.

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2024, and  
17 shall be repealed on June 30, 2027.



**Report Title:**

Public Health Standing Orders; United States Preventive Services Task Force; Screenings; Out-of-Pocket Costs; Working Group

**Description:**

Authorizes the Director of Health to issue public health standing orders for patients to self-refer to certain health care screening services. Establishes requirements for the provision of items or services pursuant to a public health standing order. Establishes the Public Health Standing Orders Working Group. Sunsets 6/30/2027. (HD2)

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