
A BILL FOR AN ACT

RELATING TO EMERGENCY HEALTHCARE LICENSURE WAIVERS.

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

1 SECTION 1. The legislature finds that the State faces
2 escalating threats from natural disasters, including wildfires,
3 hurricanes, flooding, and public health emergencies
4 necessitating the rapid deployment of healthcare professionals
5 for medical and behavioral health needs. Past reliance on
6 gubernatorial proclamations for out-of-state license waivers has
7 proven effective but has caused delays and hampered coordination
8 with partners, including the military and the American Red
9 Cross.

10 The purpose of this Act is to codify streamlined emergency
11 licensure flexibilities to enable the swift mobilization of
12 qualified healthcare professionals, thereby enhancing the
13 State's disaster response capabilities.

14 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
15 amended by adding a new section to part I to be appropriately
16 designated and to read as follows:



- 1 "§321- Emergency healthcare licensure flexibility. (a)
- 2 Notwithstanding any law to the contrary, during a state of
- 3 emergency or local state of emergency declared by the governor
- 4 or a county mayor pursuant to chapter 127A, the following
- 5 professionals may engage in the practice of their respective
- 6 professions in the State without a Hawaii-issued license,
- 7 subject to the conditions in this section:
- 8 (1) Physicians and osteopathic physicians;
- 9 (2) Physician assistants;
- 10 (3) Registered nurses, licensed practical nurses, and
- 11 advanced practice registered nurses, including those
- 12 with prescriptive authority;
- 13 (4) Emergency medical service personnel;
- 14 (5) Pharmacists;
- 15 (6) Mental health counselors; and
- 16 (7) Other healthcare professionals as designated by the
- 17 department of health in consultation with the
- 18 department of commerce and consumer affairs.
- 19 (b) To qualify to practice under this section, individuals
- 20 shall:



- 1 (1) Hold a current and active license in good standing in
2 another state, territory, or the District of Columbia,
3 or have previously held a license in good standing in
4 Hawaii that was not revoked or surrendered under
5 discipline;
- 6 (2) Have no history of license revocation, suspension, or
7 voluntary surrender due to disciplinary action in any
8 jurisdiction;
- 9 (3) Be affiliated with a state or county government
10 agency, hospital, licensed healthcare facility,
11 federally qualified health center, or nationally
12 recognized emergency response organization, including
13 the American Red Cross, Federal Emergency Management
14 Agency, or any military medical unit; and
- 15 (4) Comply with the scope of practice, standards of care,
16 and prescribing authority of the person's home
17 jurisdiction, not exceeding the State's standards.
- 18 (c) Telehealth services may be provided by eligible
19 out-of-state practitioners without requiring an in-person
20 consultation or existing provider-patient relationship; provided
21 that the services comply with the provider's home jurisdiction's



1 laws and standards of care, and federal privacy laws. All
2 patient records shall be transferred to a Hawaii-licensed
3 provider upon request or during a transition of care.

4 (d) The department of health shall:

5 (1) Establish and publicly maintain an online registry of
6 professionals practicing under this section, including
7 verification of credentials and affiliation;

8 (2) Require self-registration via a secure portal within
9 twenty-four hours of the deployment in the State of a
10 professional pursuant to this section, with expedited
11 department verification within forty-eight hours;

12 (3) Coordinate with the department of commerce and
13 consumer affairs for license checks; and

14 (4) Adopt administrative rules under chapter 91 to
15 implement this section, including reporting on
16 utilization and outcomes.

17 (e) Authorization under this section shall expire upon
18 termination of the emergency declaration or sixty days after
19 activation, whichever is sooner, unless extended by the
20 governor. The department of health may immediately revoke



1 authorization for violations, malpractice, or criminal conduct,
2 with notice to the practitioner's home jurisdiction.

3 (f) No civil liability shall attach to the State,
4 counties, or facilitating entities for good-faith actions under
5 this section. Practitioners shall remain subject to the State's
6 malpractice laws and insurance requirements.

7 (g) The department of health shall submit a report to the
8 legislature no later than twenty days prior to the convening of
9 each regular session on program usage, which shall include the
10 number of professionals authorized to practice, services
11 provided, recommendations for improvements, and any proposed
12 legislation."

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2050.

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S.B. NO. 3192
S.D. 1

Report Title:

DOH; Emergency; Healthcare; Licenses; Waivers; Reports

Description:

Authorizes the waiver of certain healthcare worker licensure requirements during emergencies. Requires the Department of Health to submit an annual report to the Legislature. Effective 7/1/2050. (SD1)

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

