

**ACT 217**

H.B. NO. 1831

A Bill for an Act Relating to the Department of Health.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 302A-1155, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A child may enter school provisionally upon submitting written proof from a licensed physician or an authorized representative of the department of health stating that the child is in the process of receiving the required immunizations. Further certification showing that the required immunizations have been completed must be submitted to the appropriate school official no later than three months after the child first entered the school. If all of the required immunizations cannot be

completed within three months due to the length of the minimum intervals between doses of a particular vaccine required by the department of health, provisional admission may be extended so long as the child's parent or guardian provides proof that appointments for required immunizations have been made and that progress toward completing the immunizations continues in accordance with the requirements of the department of health."

SECTION 2. Section 302A-1161, Hawaii Revised Statutes, is amended to read as follows:

**"§302A-1161<sup>1</sup> Notification for noncompliance.** If a child does not complete the immunizations required under section 302A-1154 or the physical examination required under section 302A-1159 within the [three-month] period provided by section 302A-1155 after provisional entry into school, the [department of education shall refer the child to the department of health. The department of health] administrator of the school shall cause a notice to be sent to the parent or guardian of the child stating that if the required immunizations or physical examination is not completed within thirty days of the date of the notice, the child shall not be admitted to school."

SECTION 3. Section 321-242, Hawaii Revised Statutes, is amended to read as follows:

**"§321-242 Department of health; implementation.** The department of health shall implement this program with the present health services now provided to those schools under the pilot project established under Act 130, Session Laws of Hawaii 1970, to each public school, and shall further provide the necessary number of health aides in order to service each public school. The department of health may provide health related screening services at each public school.

School health aides may assist the student by administering oral and topical medication, and in emergency situations, other premeasured medication; provided that:

- (1) If the student receiving the medication is a minor, a parent or guardian requests and authorizes such administration of medication;
- (2) The medication has been prescribed by a licensed physician[;], as defined in 334-1 or by a practitioner with prescriptive authority;
- (3) The administration of such medication is with the approval of the department of health; and
- (4) The administration of the medication is necessary for the health of the student and for the student's attendance at school."

SECTION 4. Section 325-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

**"(a)** All laboratories performing screening and diagnostic tests for the presence of the antibody to HIV (Human Immunodeficiency Virus) shall follow the recommended protocols as set forth below. Any test used for other than experimental purposes shall be approved by the Food and Drug Administration (FDA) of the United States for the use to which it is put. Any initially reactive [ELISA (Enzyme-linked Immunosorbant Assay)] FDA-approved screening test must be confirmed by a second [ELISA.] test of the same type. Any [sera] specimen yielding reactive results to both [ELISA] FDA-approved screening tests must have a supplemental test performed such as a Western Blot, an IFA (Immunofluorescence Assay), or an

antigen detection assay; provided that these standards may be superseded by rules adopted by the department pursuant to chapter 91.”

SECTION 5. Section 325-35, Hawaii Revised Statutes, is amended to read as follows:

“**§325-35 Forms and procedures.** The department of health may prescribe forms and procedures to achieve the purposes of sections 325-32 to 325-34 and shall maintain [in the offices of the department in Honolulu, Hilo, Wailuku, Lihue, and Kaunakakai,] a complete roster of all exemptions from vaccination or immunization [granted by that office].”

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

“**§457-13 Exceptions.** This chapter does not prohibit:

- (1) The furnishing of nursing assistance in an emergency;
- (2) The practice of nursing which is incidental to their program of study by students enrolled in nursing education programs accredited by the board;
- (3) The practice of nursing under a nonrenewable permit by:
  - (A) A graduate of; or
  - (B) An applicant who has provided proof that the applicant has completed the entire educational curriculum required for graduation for a nursing license from a school which is in or under the jurisdiction of the United States, and whose accreditation is recognized by the board; provided that following completion of (A) or (B), the candidate takes the first licensing examination scheduled by any board of nursing recognized by the board and has submitted to the board an application for a license to practice nursing in this State; and provided further that the permit shall be valid for three months or until the results of the licensing examination are received by the board;
- (4) The practice of any legally qualified nurse of another state who is employed by the United States or any bureau, division, or agency thereof, while in the discharge of the nurse’s official duties;
- (5) The practice of nursing in connection with healing by prayer or spiritual means alone in accordance with the tenets and practice of any well recognized church or religious denomination, provided that no person practicing such nursing claims to practice as a registered nurse or a licensed practical nurse; or
- (6) The administration of oral and topical medication and in emergency situations, other premeasured medication, by school health aides as provided in section 321-242.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 16, 1997.)

**Note**

1. So in original.