

ACT 119

S.B. NO. 1340

A Bill for an Act Relating to Emergency Medical Services.

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

SECTION 1. The legislature finds that existing laws relating to the licensing or certification of emergency medical personnel address only emergency ambulance personnel, including licensed emergency medical technicians, advanced emergency medical technicians, mobile intensive care technicians, and paramedics. There is currently no licensure category for emergency medical technicians with National Registry Emergency Medical Technician certification only. The legislature further finds that emergency medical technicians with National Registry Emergency Medical Technician certification provide at-the-scene, life-saving care with minimal equipment to critical care patients and have the knowledge and skills necessary to provide immediate interventions while awaiting arrival of additional emergency medical services. Emergency medical technicians are a vital part of a comprehensive emergency medical services system response and includes firefighters and ocean safety lifeguards who provide

immediate life-saving interventions to patients but do not provide emergency ambulance services.

The purpose of this Act is to align the State with national trends and mitigate the unintended consequences associated with the deregulation of the State's emergency medical services system by:

- (1) Requiring the Hawaii medical board to establish a pilot program to issue licenses for emergency medical technicians with National Registry Emergency Medical Technician certification only and whose practice is limited to populations greater than 500,000, which shall be based on certain requirements;
- (2) Requiring the Hawaii medical board to issue licenses for emergency ambulance personnel, which shall be based on certain requirements; and
- (3) Appropriating funds from the compliance resolution fund for hiring a 0.5 full time equivalent permanent position for the purposes of this Act.

SECTION 2. Chapter 453, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§453- Licensure consistent with levels of practice; licensure of emergency medical technician 1. (a) The Hawaii medical board shall issue licenses upon application therefor, consistent with the following levels of practice:

- (1) Emergency medical technician 1;
- (2) Emergency medical technician;
- (3) Advanced emergency medical technician; or
- (4) Mobile intensive care technician or paramedic.

(b) Beginning July 1, 2022, the Hawaii medical board shall accept applications for licensure as an emergency medical technician 1; provided that the applicant shall:

- (1) Demonstrate successful completion of a Hawaii medical board-approved emergency medical technician course that meets or exceeds the National Emergency Medical Services Education Standards for Emergency Medical Technicians;
- (2) Provide a current cardiopulmonary resuscitation certification;
- (3) Demonstrate proficiency in basic life support for health care providers;
- (4) Demonstrate successful completion of the National Registry of Emergency Medical Technician emergency medical technician cognitive examination and National Registry of Emergency Medical Technician psychomotor examination;
- (5) Pay any fees assessed in amounts equivalent to fees paid by emergency medical technicians pursuant to section 16-53-21.5, Hawaii Administrative Rules; and
- (6) Meet any other requirements determined by the Hawaii medical board.

(c) Any emergency medical technician 1 licensed under this part shall document care in a pre-hospital emergency medical records system compatible with the emergency medical services system's pre-hospital medical records system. Emergency medical technicians 1 shall:

- (1) Practice under a physician or osteopathic physician licensed pursuant to this chapter; and
- (2) Restrict their scope of practice to the performance of basic emergency medical care of patients.

(d) Licensure under this section is limited to individuals whose practice is performed in a county with a population of 500,000 or greater.”

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

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

(b) The University of Hawaii, or other accredited community college, college, or university, or any professional organization that is approved by the department of health to provide emergency medical services training, shall consult with the department of health to determine the number and type of emergency medical services courses necessary to support the staffing requirements for emergency medical services. The basic life support and advanced life support training programs shall be relevant to and consistent with the training course required for [~~certification~~] licensure under chapter 453.

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

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

“(b) Nothing herein shall:

- (1) Apply to so-called Christian Scientists; provided that the Christian Scientists practice the religious tenets of their church without pretending a knowledge of medicine or surgery;
- (2) Prohibit service in the case of emergency or the domestic administration of family remedies;
- (3) Apply to any commissioned medical officer in the United States armed forces or public health service engaged in the discharge of one’s official duty, including a commissioned medical officer employed by the United States Department of Defense, while providing direct telehealth support or services to neighbor island beneficiaries within a Hawaii National Guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the commissioned medical officer employed by the United States Department of Defense is credentialed by Tripler Army Medical Center;
- (4) Apply to any practitioner of medicine and surgery from another state when in actual consultation, including in-person, mail, electronic, telephonic, fiber-optic, or other telehealth consultation with a licensed physician or osteopathic physician of this State, if the physician or osteopathic physician from another state at the time of consultation is licensed to practice in the state in which the physician or osteopathic physician resides; provided that:
 - (A) The physician or osteopathic physician from another state shall not open an office, or appoint a place to meet patients in

this State, or receive calls within the limits of the State for the provision of care for a patient who is located in this State;

- (B) The licensed physician or osteopathic physician of this State retains control and remains responsible for the provision of care for the patient who is located in this State; and
 - (C) The laws and rules relating to contagious diseases are not violated;
- (5) Prohibit services rendered by any person [~~certified~~] licensed under part II of this chapter to provide emergency medical services, or any physician assistant, when the services are rendered under the direction and control of a physician or osteopathic physician licensed in this State except for final refraction resulting in a prescription for spectacles, contact lenses, or visual training as performed by an oculist or optometrist duly licensed by the State. The direction and control shall not be construed in every case to require the personal presence of the supervising and controlling physician or osteopathic physician. Any physician or osteopathic physician who employs or directs a person [~~certified~~] licensed under part II of this chapter to provide emergency medical services, or a physician assistant, shall retain full professional and personal responsibility for any act that constitutes the practice of medicine when performed by the [~~certified~~] licensed person or physician assistant;
- (6) Prohibit automated external defibrillation by:
- (A) Any first responder personnel certified by the department of health to provide automated external defibrillation when it is rendered under the medical oversight of a physician or osteopathic physician licensed in this State; or
 - (B) Any person acting in accordance with section 663-1.5(e); or
- (7) Prohibit a radiologist duly licensed to practice medicine and provide radiology services in another state from using telehealth while located in this State to provide radiology services to a patient who is located in the state in which the radiologist is licensed. For the purposes of this paragraph:

“Distant site” means the location of the radiologist delivering services through telehealth at the time the services are provided.

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a radiologist through telehealth, including but not limited to a radiologist’s or health care provider’s office, hospital, health care facility, a patient’s home, and other non-medical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Radiologist” means a doctor of medicine or a doctor of osteopathy certified in radiology by the American Board of Radiology or the American Board of Osteopathy.

“Telehealth” means the use of telecommunications, as that term is defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the pur-

pose of delivering enhanced health care services and information while a patient is at an originating site and the radiologist is at a distant site. Standard telephone contacts, facsimile transmissions, or e-mail texts, in combination or by themselves, do not constitute a telehealth service for the purposes of 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 of emergency ambulance personnel~~] License requirements for emergency medical services.** (a) The Hawaii medical board shall ~~[certify]~~ issue licenses to individuals ~~[as]~~ qualified in emergency medical services, upon application therefor; provided that the applicant for ~~[certification]~~ licensure:

- (1) Holds a current certificate from the National Registry of Emergency Medical Technicians~~[-has]~~ for the requisite level of practice, has satisfactorily passed a course of training in emergency medical services for emergency ambulance services personnel ~~[which]~~ that shall be based on and may exceed the national curriculum of the United States Department of Transportation and approved by the board~~[-]~~ if required for the applicable level of practice, and meets other standards and qualifications, including passage of an examination, set by the Hawaii medical board pertinent to the practice of emergency medical services in Hawaii;
- (2) Meets continuing education requirements ~~[which]~~ that shall be set by the Hawaii medical board; and
- (3) Meets other qualifications set by the Hawaii medical board.

(b) 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 employee of an emergency ambulance service.

(c) The Hawaii medical board shall provide standard application forms for the ~~[certification of emergency ambulance personnel]~~ licensure under this part, and shall provide for the periodic renewal of such ~~[certification]~~ license. 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.

(d) For purposes of this section, “emergency ambulance personnel” means emergency medical technicians, advanced emergency medical technicians, mobile intensive care technicians, or paramedics.”

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

“§453-32.1 Renewal of [~~certification~~] licensure. (a) Every person holding a [~~certificate~~] license under this part shall renew the [~~certificate~~] license with the board no later than January 31 of each even-numbered year, pay a renewal fee, and comply with the continuing education requirements set forth in the board’s rules.

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

(c) Failure to renew, pay the renewal fee, and, in the case of audited persons, provide documentation of compliance shall constitute a forfeiture of the [~~certificate~~] license which may only be restored upon the submission of written application, payment to the board of a restoration fee, and in the case of audited persons, documentation of compliance.

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

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

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

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

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

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

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

- (1) Has graduated from a board or state-approved training program as developed and promulgated by the United States Department of Transportation[;], if required 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, advanced emergency medical technician, [ø] mobile intensive care technician, or paramedic;
 - (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. There is appropriated out of the compliance resolution fund the sum of \$31,000 or so much thereof as may be necessary for fiscal year 2021-2022 and the same sum or so much thereof as may be necessary for fiscal year 2022-2023 for the Hawaii medical board to establish and hire a 0.5 full-time equivalent (0.5 FTE) permanent position for the purposes of this Act.

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

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 13. This Act shall take effect on July 1, 2021; provided that section 2 shall be repealed on July 1, 2027.

(Approved June 28, 2021.)

Note

- 1. Edited pursuant to HRS §23G-16.5.