



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Bldg., 250 South Hotel St. 5th Fl., Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Tel 808 586-2594
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David Y. Ige
Governor

Luis P. Salaveria
DBEDT Director

Members

Anthony Borge
Chairperson
Oahu

Wayne Tanaka
Vice Chair
Oahu

Barbara Bennett
2nd Chairperson
Kauai

Kyoko Y. Kimura
Maui

Harris Nakamoto
Oahu

Ashley Leahey
Maui

Director, DBEDT
Voting Ex Officio

AGENDA

Wednesday, April 15, 2015 ★ 9:30 a.m.
No. 1 Capitol District Building
250 South Hotel Street - Conference Room 436

I. Call to Order

II. Approval of March 18, 2015 Meeting Minutes

III. Old Business

- A. Discussion and Action on Proposed Amendments to Hawaii Administrative Rules (HAR) Title 16 Chapter 85, **Medical Examiners**, Section 49, **Degree of Supervision**, and the Small Business Statement After Public Hearing – attached and incorporated as Exhibit 1

IV. Legislative Matters

- A. Discussion and Status on House Bill 774, HD1, “Relating to Small Business” Makes an appropriation to the department of business, economic development and tourism for the small business regulatory review board to acquire additional staff
- B. Discussion and Action on Governor’s Message No. 767, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Anthony B. Borge, for a term to expire June 30, 2019
- C. Discussion and Action on Governor’s Messages No. 768 and 769, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Garth Yamanaka, for terms to expire June 30, 2015, and June 30, 2019, respectively
- D. Discussion and Action on Governor’s Message No. 770, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Nancy Atomspera-Walch, for a term to expire June 30, 2016
- E. Discussion and Action on Governor’s Message No. 860, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Phillip Kasper, for a term to expire June 30, 2018
- F. Discussion and Action on Governor’s Message No. 772, Submitting for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Robert Cundiff, for a term to expire June 30, 2016

V. Administrative Matters

- A. Preliminary Discussion regarding this Board's Future Goals and Plans, in accordance with Chapter 201M, Hawaii Revised Statutes (HRS)
- B. Update on the Distribution of this Board's Newly Created Pre- and Post-Public Small Business Impact Statements for State Agencies and Counties to Use when Submitting Proposed New and Amended Administrative Rules for:
 - 1. Small Business Impact Statement, Section 201M-2, HRS
 - 2. Small Business Statement after Public Hearing, Section 201M-3, HRS

VI. Next Meeting: Scheduled for Wednesday, May 20, 2015, at 9:30 a.m., Conference Room 436, Capitol District Building, Honolulu, Hawaii

VII. Adjournment

If you require special assistance or auxiliary aid and/or services to participate in the public hearing process (i.e., sign language, interpreter, wheelchair accessibility, or parking designated for the disabled), please call (808) 586-2594 at least three (3) business days prior to the meeting so arrangements can be made.

April 15, 2015 ~ SBRRB Meeting Checklist

Member Attendance				
	Airline Preference	From	Details	Attend
Anthony Borge, Chair	NA	Oahu	Parking Pass	X
Barbara Bennett, 2nd Vice Chair	HA	Kauai	Parking Pass	X
Kyoko Kimura	HA	Maui	Parking Pass	X
X Harris Nakamoto	NA	Oahu	NA	X
X Director's ex officio Mark Richey	NA	Oahu	NA	X
X Ashley Leahey	HA	Maui	Parking Pass (Yes OR No)	X
X Wayne Tanaka, Vice Chair	NA	Oahu	NA	X

Pre Meeting Checklist	
Conference Room #436 (Confirm each month)	X
Make 12 - 15 copies of rule packages for board packets	✓
Poll board attendance	X
Barbara ✓ Ashley ✓ Kyoko ✓ Prepare TAF's for Director's approval - ASAP (Linda)	✓ Done
Airline booking ASAP - Linda Barbara / Ashley / Kyoko	✓ Done
Draft Agenda to Chair Approved	✓
Post approved agenda on SBRRB website, State Calendar, 8 Lt. Governor's Office	✓ Done
Send Agendas to those people who requested it - IMPORTANT	✓
Mail approved agenda to Board members, Deputy AG	✓
Mail board packets April 7th, 8th, 9th	✓
Photocopies? Handy	
Include parking permits in Board members' agenda packets.	✓

STAFF				
Margaret Ahn			✓	Yes
Dori Palcovich			✓	Yes

Post Meeting Checklist	

X = Agendas / Envelopes

SBERB
Guests - April 15, 2015
Meeting

<u>Name</u>	<u>Company</u>	<u>Contact Information</u>
Jane Sawyer	District Director	

Exhibit 1

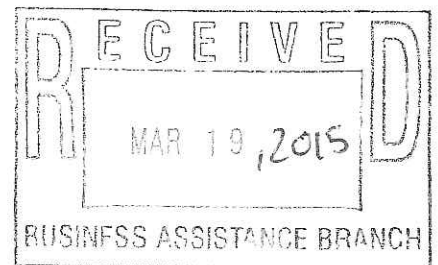
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendments to Chapter 16-85
Hawaii Administrative Rules

February 12, 2015

SUMMARY

1. §16-85-49 is amended.




§16-85-49 Degree of supervision. (a) The supervising physician or osteopathic physician shall:

- (1) Possess a current and unrestricted Hawaii license that is in good standing with the board;
- (2) Submit a statement that the supervising physician or osteopathic physician; will direct and exercise supervision over any subordinate physician assistant in accordance with this subchapter and recognizes that the supervising physician or osteopathic physician retains full professional and legal responsibility for the performance of the physician assistant and the care and treatment of the patient;
- (3) Permit the physician assistant to be utilized in any setting authorized by the supervising physician or osteopathic physician including, but not limited to, clinics, hospitals, ambulatory centers, patient homes, nursing homes, other lodging, and other institutional settings;
- (4) Provide adequate means for direct communication between the physician assistant and the supervising physician or osteopathic physician; provided that where the physical presence of the supervising physician or osteopathic physician is not required, the direct communication may occur through the use of technology which may include but is not limited to, two way radio, telephone, fax machine, modem, or other telecommunication device;
- (5) Personally review the records of each patient seen by the physician assistant within seven working days;
- (6) Designate an alternate supervising physician or osteopathic physician in the absence of the supervising physician or osteopathic physician;
- (7) Supervise no more than four physician assistants at any one time;
- (8) Be registered under section 329-33, HRS, when supervising and delegating to the physician assistant, the authority to prescribe, dispense, and administer Schedule II through V medications; and
- (9) Be authorized to allow the physician assistant to prescribe, dispense, and administer medications and medical devices to the extent delegated by the supervising physician or osteopathic physician and subject to the following requirements:
 - (A) Prescribing, dispensing, or administering of medications may include Schedule II through V and all legend medications;
 - (B) A physician assistant who has been delegated the authority to prescribe Schedule II through V medications shall register with the Narcotics Enforcement Division of the Department of Public Safety and Drug Enforcement Administration (DEA);

Amendments to chapter 16-85, Hawaii Administrative Rules, on the Summary page dated February 12, 2015, were adopted on February 12, 2015, following a public hearing held on February 12, 2015, after public notice was given in the Star-Advertiser, The Garden Island, Hawaii Tribune-Herald, West Hawaii Today, and The Maui News on January 13, 2015.

They shall take effect ten days after filing with the Office of Lieutenant Governor.



NIRAJ S. DESAI, M.D.
Chairperson, Hawaii Medical Board

APPROVED AS TO FORM: Date FEB 20 2015



Deputy Attorney General

APPROVED: Date 3/12/2015



CATHERINE P. AWAKUNI COLÓN
Director of Commerce and Consumer Affairs

APPROVED: Date _____

DAVID Y. IGE
Governor
State of Hawaii

FILED