

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**SECOND EMERGENCY PROCLAMATION
RELATING TO MEDICAL TRANSPORT AIRCRAFT AND CREWS**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, on December 16, 2022, I issued my Emergency Proclamation Relating to Medical Transport Aircraft and Crews in response to an emergency arising from a missing Hawai'i Life Flight medical transport aircraft and resulting loss of medical airlift capacity within the State;

WHEREAS, to ensure the safety of the public, patients, and flight and medical personnel, the Hawaii-based aircraft and aircrews of Hawai'i Life Flight have not yet been able to resume full operations;

WHEREAS, it is still necessary to supplement Hawaii's medical airlift capacity with aircraft and flight crews from other states, and for those flight crews to be able to immediately perform required medical services while working on medical transport aircraft;

WHEREAS, the Legislature of the State of Hawai'i has appropriated from the general revenues of the State monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the emergency;

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or to any county for the most expeditious and efficient relief of the conditions created by the emergency;

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes (HRS), the Governor may determine whether an emergency or disaster has occurred, or whether there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, HRS, and the expenditure of funds thereunder;

WHEREAS, pursuant to section 127A-13(a)(3), HRS, the Governor may suspend any law that impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or that conflicts with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), HRS, the Governor may relieve hardships and inequities, or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, HRS, by suspending laws, in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose;

NOW, THEREFORE, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, HRS, has occurred and is continuing in the Counties of Hawai'i, Maui, Oahu, Kauai and Maui, State of Hawai'i, and do hereby authorize and invoke the following emergency provisions, which are expressly invoked, if not already in effect upon this declaration of an emergency:

I. Invocation of Laws

Section 121-30, HRS, and I hereby order the National Guard into active service effective immediately, and the Adjutant General is directed and authorized to activate such units of the Hawai'i National Guard as may be necessary to assist and aid civilian authorities in disaster relief and in averting any imminent public danger and threat and to ensure the compliance with the civil laws of the State of Hawai'i.

127A-12 and 127A-13, HRS, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, as a result of and in response to this event.

Section 127A-16, HRS, by continuing the activation of the Major Disaster Fund.

II. Suspension of Laws

The following specific provisions of law are suspended, as allowed by federal law, pursuant to sections 127A-12(b)(8) and 127A-13(a)(3), HRS, to the extent that the

law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by this chapter specifically are made applicable to emergency personnel:

Section 329-32, HRS, **registration requirements**, to the extent that emergency medical personnel, including, physicians, nurses, medical directors, principal practitioners, or other related healthcare workers who come to Hawai'i to serve as crew members or support employees for medical transportation are not required to obtain a registration as contemplated by that section so long as the individual is otherwise licensed and/or registered in another jurisdiction within the United States, and in good-standing therein;

Section 453-2, HRS, **license required; exceptions**, and applicable administrative rules, only to the extent necessary to waive licensure and accompanying requirements to permit out-of-state physicians, osteopathic physicians, and physician assistants with a current and active license, to be employed as certified flight physicians on medical transport aircraft, provided that such personnel shall be actively licensed and certified in good standing to perform such services in another jurisdiction within the United States;

Part II of Chapter 453, HRS, **emergency medical service personnel**, and applicable administrative rules, to the extent necessary to waive licensure and accompanying requirements to permit out-of-state emergency medical personnel to be employed as certified flight paramedics on medical transport aircraft, provided that such personnel shall be actively licensed and certified in good standing to perform such services in another jurisdiction within the United States; and

Chapter 457, HRS, **nurses**, and applicable administrative rules, to the extent necessary to waive licensure and accompanying requirements to permit out-of-state nurses to be employed as certified flight nurses on medical transport aircraft, provided that such personnel shall be actively licensed and certified in good standing to perform such services in another jurisdiction within the United States.

III. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted,


and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

IV. Enforcement

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the Governor, Director of Emergency Management, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the emergency or interfere with the officer's authority to utilize his or her discretion.

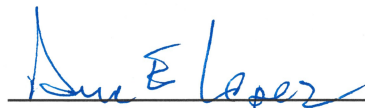
I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through January 6, 2023, unless terminated or superseded by separate proclamation, whichever shall occur first.

Done at the State Capitol, this
27th day of December, 2022



JOSH GREEN, M.D.,
Governor of Hawai'i

APPROVED:



Anne E. Lopez
*Attorney General
State of Hawai'i*