
A BILL FOR AN ACT

RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT
EMPLOYEES.

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

1 SECTION 1. The legislature finds that the recent decision
2 in Slingluff v. State of Hawaii, 131 Haw. 239, 317 P.3d 683
3 (2013), created a distinction between medical discretion and
4 governmental discretion for physicians who are employed by the
5 State of Hawaii, unnecessarily putting state-employed
6 professionals, who are acting in the course and scope of their
7 employment, at personal monetary risk.

8 The purpose of this Act is to clarify that professional
9 employees who are required to abide by standards established for
10 their profession, such as physicians, nurses, attorneys,
11 engineers and other professionals, who are employed by the State
12 of Hawaii, when exercising their professional judgment, are
13 deemed to be exercising their governmental discretion as
14 employees of the State of Hawaii.

15 The legislature finds that the provisions of this Act are
16 necessary and appropriate to enable the State to continue to



1 attract and hire employees who are specially licensed or
2 certified to perform services that are essential to good
3 government.

4 SECTION 2. Chapter 662, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§662- Professionally licensed or certified government
8 employees. A person exercising professional discretion while in
9 the course and scope of state employment shall be deemed to be
10 exercising governmental discretion and is, therefore, afforded
11 the same privileges and immunities under the common law, federal
12 law, and statutes of this State, to the same extent as any other
13 government employee who is not a professional.

14 "Professional discretion" as used in this section means an
15 action or inaction of a state employee performing a function for
16 which the employee is licensed or certified, while in the course
17 and scope of state employment."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2091, and
20 shall be effective in all lawsuits filed as of and after its
21 approval.



Report Title:

Professionally Licensed Or Certified Government Employees;
Privilege; Immunity

Description:

Provides professionally licensed or certified government employees with the same privileges and immunities as other state employees. (HB2286 HD1)

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