
A BILL FOR AN ACT

RELATING TO HEALTH.

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, unnecessarily extending personal liability to state
6 employed physicians who are acting in the course and scope of
7 their employment.

8 The purpose of this Act is to clarify that physicians and
9 other medical health professionals who are employed by the State
10 enjoy a qualified immunity against personal liability when
11 exercising their professional medical discretion in their state
12 employment.

13 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§321- Medical health professionals; qualified immunity.
17 State employees who exercise professional medical discretion
18 within the course and scope of their government employment shall



1 receive qualified immunity from any personal liability. Medical
2 health professionals shall also be afforded any other privileges
3 and immunities that are available under common law, federal law,
4 or state law for other government employees who are not medical
5 health professionals, when those other government employees are
6 acting in the course and scope of their government employment."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Professional Medical Discretion; State Employees

Description:

Clarifies that medical health professionals who are employed by the State receive a qualified immunity from personal liability when exercising their governmental discretion as employees of the State when acting in the course and scope of their state employment. (Proposed SD1)

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