

CHAPTER 451D
HEALTH CARE PROFESSIONALS

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Client-patient referrals, health care provider practices regulated, see §431:10C-308.7.

Diversion program for chemically dependent nurses, see chapter 334D.

Health care peer review, see chapter 671D.

Mental health, alcohol, or drug abuse treatment reviews, see chapter 334B.

Primary health care incentive program, see §321-1.5.

" **§451D-1 Construction of laws.** The purpose of licensing health care professionals is to protect the public health and safety and the general welfare of the people of this State. The powers conferred upon licensing boards and the department by the applicable licensing statutes and by this chapter shall be liberally construed to carry out this purpose. Any license issued to a health care professional is a revocable privilege. The provisions of this chapter are not intended to confer any particular professional status upon health care providers mentioned in this chapter for purposes of third party payments for services rendered. [L 1987, c 67, pt of §1; am L 1991, c 138, §1]

" **§451D-2 Definitions.** Solely for the purpose of this chapter:

"Board" means the board of dental examiners, the Hawaii medical board, the board of psychology, the board of nursing, the board of veterinary examiners, the board of acupuncture, the board of massage therapy, the board of naturopathic medicine, the board of chiropractic examiners, and the board of pharmacy.

"Department" means the department of commerce and consumer affairs.

"Health care professional" includes physicians and surgeons and others licensed pursuant to chapter 453, podiatrists licensed pursuant to chapter 463E, dentists licensed pursuant to chapter 448, psychologists licensed pursuant to chapter 465, nurses licensed pursuant to chapter 457, veterinarians licensed pursuant to chapter 471, acupuncturists licensed pursuant to chapter 436E, massage therapists licensed pursuant to chapter 452, naturopathic physicians licensed pursuant to chapter 455, chiropractors licensed pursuant to chapter 442, and pharmacists licensed pursuant to chapter 461. [L 1987, c 67, pt of §1; am L 1990, c 36, §§1, 2; am L 1991, c 138, §2; am L 2008, c 9, §3; am L 2009, c 11, §60; am L Sp 2009, c 22, §11(1)]

" **[\$451D-3] Powers.** (a) In addition to any other powers conferred by law, the boards shall have the following powers:

- (1) To establish by rule an inactive license category for those not currently practicing in the State, including the procedure and conditions for activation of the license;
- (2) To establish by rule a retired license category including the procedure and conditions for activation of the license.

(b) Notwithstanding any other law to the contrary, the boards and the department may communicate or cooperate with any federal, state, or county licensing board or agency, or any other federal, state, or county agency which is investigating an applicant or a licensee, on matters pertaining to the professional qualifications or fitness of the applicant or licensee. All disciplinary actions taken by the boards, including license denials, shall be matters of public record and be promptly reported by the board to any central disciplinary data bank or clearinghouse in the United States, to the state professional societies, to the state hospital association, and, upon request, to any health care facility. Voluntary surrender of, and voluntary limitations on, the license of any person shall be a matter of public record and shall be reported to the disciplinary [data] banks or clearinghouses, to the state professional societies, to the state hospital association, and, upon request, to any health care facility in the State. [L 1987, c 67, pt of §1]

" **[\$451D-4] Advisory committees.** (a) The director of commerce and consumer affairs may establish advisory committees, the members of which shall serve as consultants to the boards in their review of health care professionals referred for possible disciplinary action and as experts to the department for investigations. The advisory committee shall be appointed by the director from a list of health care professionals submitted annually by the board for which an advisory committee is appointed.

The director shall develop an information sheet for each member describing the committee's purpose, roles and responsibilities of members, and procedures used to carry out the committee's work. When the board or director requests assistance from any member of the committee on a case, the board or director, as the case may be, shall make initial inquiries as may be necessary for the purpose of eliminating conflicts of interest prior to submission to any member of the committee.

(b) The membership of the advisory committee shall reflect, insofar as is practical, all areas of professional

practice and include subgroupings of the major specialties. Each member of the committee shall serve until a new committee is established, or until the particular case for which the member was designated a consultant or expert has been concluded.

(c) All members of the advisory committee shall serve voluntarily and without compensation, but shall be paid reasonable allowances for travel and living expenses which may be incurred as a result of performance of their duties on the committee. The costs shall be paid by the department.

(d) There shall be no civil liability for any member of the advisory committee for any act done in furtherance of the purpose for which the advisory committee was established. [L 1987, c 67, pt of §1]

" **[\$451D-5] Filing of electronic mail address.** Every individual applying for or renewing a license as a physician under chapter 453, osteopathic physician under chapter 453, physician assistant under chapter 453, advanced practice registered nurse under chapter 457, or naturopathic physician under chapter 455 shall, at the time of applying for licensure or renewal, provide the licensing authority with a current electronic mail address in the form and manner prescribed by the licensing authority; provided that an applicant or licensee has an established electronic mail address. It shall be the licensee's duty to provide notice to the licensing authority of any change of current electronic mail address within thirty days of the change. The electronic mail addresses may be shared by the licensing authority only with other state or federal agencies, upon request, for purposes of public health and safety and may be used by the licensing authority for any purpose related to the license. Nothing herein shall be construed to modify the method by which the licensing authority provides notice of any matter required by law to be provided to the applicant or licensee. [L 2016, c 115, §1]