
A BILL FOR AN ACT

RELATING TO THE INTERSTATE MEDICAL LICENSURE COMPACT.

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

1 SECTION 1. The legislature finds that it is necessary to
2 authorize the Hawaii medical board to conduct criminal history
3 record checks to fully comply with the statutes, rules,
4 policies, and bylaws of the Interstate Medical Licensure
5 Compact. This authorization will enable Hawaii to participate
6 as a state of principal license in the compact. Without the
7 designation as a state of principal license, physicians licensed
8 in Hawaii who are otherwise eligible and seeking to participate
9 in the compact would need to apply for compact licensure through
10 other states serving as their states of principal license.

11 Accordingly, the purpose of this Act is to authorize the
12 Hawaii medical board to perform criminal history record checks,
13 thereby allowing the Hawaii medical board to fully comply with
14 the statute, rules, policies, and bylaws of the Interstate
15 Medical Licensure Compact as a state of principal license.

16 SECTION 2. Section 846-2.7, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:



"(b) Criminal history record checks may be conducted by:

(1) The department of health or its designee on operators

of adult foster homes for individuals with

developmental disabilities or developmental

disabilities domiciliary homes and their employees, as

provided by section 321-15.2;

(2) The department of health or its designee on

prospective employees, persons seeking to serve as

providers, or subcontractors in positions that place

them in direct contact with clients when providing

non-witnessed direct mental health or health care

services as provided by section 321-171.5;

(3) The department of health or its designee on all

applicants for licensure or certification for,

operators for, prospective employees, adult

volunteers, and all adults, except adults in care, at

healthcare facilities as defined in section 321-15.2;

(4) The department of education on employees, prospective

employees, and teacher trainees in any public school

in positions that necessitate close proximity to

children as provided by section 302A-601.5;



(5) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;

(6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;

(7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;

(8) The department of human services on operators and employees of child caring institutions, child placing organizations, and resource family homes as provided by section 346-17;

(9) The department of human services on prospective adoptive parents as established under section 346-19.7;

(10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees and household members of



1 the provider after registration or licensure as
2 provided by section 346-154, and persons subject to
3 section 346-152.5;

4 (11) The department of human services on persons exempt
5 pursuant to section 346-152 to be eligible to provide
6 child care and receive child care subsidies as
7 provided by section 346-152.5;

8 (12) The department of health on operators and employees of
9 home and community-based case management agencies and
10 operators and other adults, except for adults in care,
11 residing in community care foster family homes as
12 provided by section 321-15.2;

13 (13) The department of human services on staff members of
14 the Hawaii youth correctional facility as provided by
15 section 352-5.5;

16 (14) The department of human services on employees,
17 prospective employees, and volunteers of contracted
18 providers and subcontractors in positions that place
19 them in close proximity to youth when providing
20 services on behalf of the office or the Hawaii youth
21 correctional facility as provided by section 352D-4.3;



1 (15) The judiciary on employees and applicants at detention
2 and shelter facilities as provided by section 571-34;

3 (16) The department of corrections and rehabilitation on
4 employees and prospective employees, volunteers,
5 contract service providers, and subcontract service
6 providers who are directly involved with the treatment
7 and care of, or directly involved in providing
8 correctional programs and services to, persons
9 committed to a correctional facility, or placed in
10 close proximity to persons committed when providing
11 services on behalf of the department or the
12 correctional facility, as provided by section 353-1.5
13 and the department of law enforcement on employees and
14 prospective employees whose duties involve or may
15 involve the exercise of police powers including the
16 power of arrest as provided by section 353C-5;

17 (17) The board of private detectives and guards on
18 applicants for private detective or private guard
19 licensure as provided by section 463-9;

20 (18) Private schools and designated organizations on
21 employees and prospective employees who may be in



positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;

(19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;

(20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;

(21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;



1 (22) The department of human services on purchase of
2 service contracted and subcontracted service providers
3 and their employees and volunteers, as provided by
4 sections 346-2.5 and 346-97;

5 (23) The department of human services on foster grandparent
6 program, senior companion program, and respite
7 companion program participants as provided by section
8 346-97;

9 (24) The department of human services on contracted and
10 subcontracted service providers and their current and
11 prospective employees that provide home and community-
12 based services under section 1915(c) of the Social
13 Security Act, title 42 United States Code section
14 1396n(c), or under any other applicable section or
15 sections of the Social Security Act for the purposes
16 of providing home and community-based services, as
17 provided by section 346-97;

18 (25) The department of commerce and consumer affairs on
19 proposed directors and executive officers of a bank,
20 savings bank, savings and loan association, trust



1 company, and depository financial services loan

2 company as provided by section 412:3-201;

3 (26) The department of commerce and consumer affairs on

4 proposed directors and executive officers of a

5 nondepository financial services loan company as

6 provided by section 412:3-301;

7 (27) The department of commerce and consumer affairs on the

8 original chartering applicants and proposed executive

9 officers of a credit union as provided by section

10 412:10-103;

11 (28) The department of commerce and consumer affairs on:

12 (A) Each principal of every non-corporate applicant

13 for a money transmitter license;

14 (B) Each person who upon approval of an application

15 by a corporate applicant for a money transmitter

16 license will be a principal of the licensee; and

17 (C) Each person who upon approval of an application

18 requesting approval of a proposed change in

19 control of licensee will be a principal of the

20 licensee,

21 as provided by sections 489D-9 and 489D-15;



1 (29) The department of commerce and consumer affairs on
2 applicants for licensure and persons licensed under
3 title 24;

4 (30) The Hawaii health systems corporation on:

5 (A) Employees;

6 (B) Applicants seeking employment;

7 (C) Current or prospective members of the corporation
8 board or regional system board; or

9 (D) Current or prospective volunteers, providers, or
10 contractors,

11 in any of the corporation's health facilities as
12 provided by section 323F-5.5;

13 (31) The department of commerce and consumer affairs on:

14 (A) An applicant for a mortgage loan originator
15 license, or license renewal; and

16 (B) Each control person, executive officer, director,
17 general partner, and managing member of an
18 applicant for a mortgage loan originator company
19 license or license renewal,

20 as provided by chapter 454F;



1 (32) The state public charter school commission or public
2 charter schools on employees, teacher trainees,
3 prospective employees, and prospective teacher
4 trainees in any public charter school for any position
5 that places them in close proximity to children, as
6 provided in section 302D-33;

7 (33) The counties on prospective employees who work with
8 children, vulnerable adults, or senior citizens in
9 community-based programs;

10 (34) The counties on prospective employees for fire
11 department positions that involve contact with
12 children or vulnerable adults;

13 (35) The counties on prospective employees for emergency
14 medical services positions that involve contact with
15 children or vulnerable adults;

16 (36) The counties on prospective employees for emergency
17 management positions and community volunteers whose
18 responsibilities involve planning and executing
19 homeland security measures including viewing,
20 handling, and engaging in law enforcement or



1 classified meetings and assisting vulnerable citizens
2 during emergencies or crises;

3 (37) The State and counties on employees, prospective
4 employees, volunteers, and contractors whose position
5 responsibilities require unescorted access to secured
6 areas and equipment related to a traffic management
7 center;

8 (38) The State and counties on employees and prospective
9 employees whose positions involve the handling or use
10 of firearms for other than law enforcement purposes;

11 (39) The State and counties on current and prospective
12 systems analysts and others involved in an agency's
13 information technology operation whose position
14 responsibilities provide them with access to
15 proprietary, confidential, or sensitive information;

16 (40) The department of commerce and consumer affairs on:

17 (A) Applicants for real estate appraiser licensure or
18 certification as provided by chapter 466K;

19 (B) Each person who owns more than ten per cent of an
20 appraisal management company who is applying for



- 1 registration as an appraisal management company,
2 as provided by section 466M-7; and
- 3 (C) Each of the controlling persons of an applicant
4 for registration as an appraisal management
5 company, as provided by section 466M-7;
- 6 (41) The department of health or its designee on:
- 7 (A) Individual applicants or individuals acting on
8 behalf of applying entities for hemp processor
9 permits as provided under section 328G-2; and
- 10 (B) All license applicants, licensees, employees,
11 contractors, and prospective employees of medical
12 cannabis dispensaries, and individuals permitted
13 to enter and remain in medical cannabis
14 dispensary facilities as provided under sections
15 329D-15(a)(4) and 329D-16(a)(3);
- 16 (42) The department of commerce and consumer affairs on
17 applicants for nurse licensure or license renewal,
18 reactivation, or restoration as provided by sections
19 457-7, 457-8, 457-8.5, and 457-9;
- 20 (43) The county police departments on applicants for
21 permits to acquire firearms pursuant to section 134-2,



1 on individuals registering their firearms pursuant to
2 section 134-3, and on applicants for new or renewed
3 licenses to carry a pistol or revolver and ammunition
4 pursuant to section 134-9;

5 (44) The department of commerce and consumer affairs on:

6 (A) Each of the controlling persons of the applicant
7 for licensure as an escrow depository, and each
8 of the officers, directors, and principals who
9 will be in charge of the escrow depository's
10 activities upon licensure; and

11 (B) Each of the controlling persons of an applicant
12 for proposed change in control of an escrow
13 depository licensee, and each of the officers,
14 directors, and principals who will be in charge
15 of the licensee's activities upon approval of the
16 application,

17 as provided by chapter 449;

18 (45) The department of taxation on current or prospective
19 employees or contractors who have access to federal
20 tax information in order to comply with requirements



1 of federal law, regulation, or procedure, as provided
2 by section 231-1.6;

3 (46) The department of labor and industrial relations on
4 current or prospective employees or contractors who
5 have access to federal tax information in order to
6 comply with requirements of federal law, regulation,
7 or procedure, as provided by section 383-110;

8 (47) The department of human services on current or
9 prospective employees or contractors who have access
10 to federal tax information in order to comply with
11 requirements of federal law, regulation, or procedure,
12 and on current or prospective employees, volunteers,
13 contractors, or contractors' employees or volunteers,
14 subcontractors, or subcontractors' employees or
15 volunteers, whose position places or would place them
16 in close proximity to minors, young adults, or
17 vulnerable adults, as provided by section 346-2.5;

18 (48) The child support enforcement agency on current or
19 prospective employees or contractors who have access
20 to federal tax information in order to comply with



1 federal law, regulation, or procedure, as provided by
2 section 576D-11.5;

3 (49) The department of the attorney general on current or
4 prospective employees or employees or agents of
5 contractors who have access to federal tax information
6 to comply with requirements of federal law,
7 regulation, or procedure, as provided by section 28-
8 17;

9 (50) The department of commerce and consumer affairs on
10 each control person, executive officer, director,
11 general partner, and managing member of an installment
12 loan licensee, or an applicant for an installment loan
13 license, as provided in chapter 480J;

14 (51) The university of Hawaii on current and prospective
15 employees and contractors whose duties include
16 ensuring the security of campus facilities and
17 persons; [~~and~~]

18 (52) The department of commerce and consumer affairs on
19 applicants for physician licensure or license renewal,
20 through the Interstate Medical Licensure Compact as
21 provided by section 453B-2; and



1 ~~[+52+]~~ (53) Any other organization, entity, or the State,
2 its branches, political subdivisions, or agencies as
3 may be authorized by state law."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2025;
7 provided that the amendments made to section 846-2.7, Hawaii
8 Revised Statutes, by section 2 of this Act shall not be repealed
9 when section 846-2.7, Hawaii Revised Statutes, is reenacted on
10 July 1, 2027, pursuant to section 4 of Act 110, Session Laws of
11 Hawaii 2024.



Report Title:

Department of Commerce and Consumer Affairs; Hawaii Criminal Justice Data Center; Hawaii Medical Board; Interstate Medical Licensure Compact; Criminal History Record Checks

Description:

Authorizes the Hawaii Medical Board, as a state of principal license, to investigate and request criminal history records of qualified physicians seeking licensure or license renewal through the Interstate Medical Licensure Compact. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

