

## ACT 257

S. B. NO. 809

A Bill for an Act Relating to the Practice of Medicine.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 453-2, Hawaii Revised Statutes, is amended by amending the first paragraph to read:

**“License required; exceptions.** Except as otherwise provided by law, no person shall practice medicine or surgery in the State either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, or shall append the letters ‘DR.’ to his name, with the intent thereby to imply that he is a practitioner of medicine or surgery, without having a valid unrevoked license or a limited and temporary license, obtained from the board of medical examiners, in form and manner substantially as hereinafter set forth.”

SECTION 2. Section 453-3, Hawaii Revised Statutes, is amended in the following respect:

(a) The first paragraph down to the colon in the eighth line is amended to read:

**“Limited and temporary licenses.** The board of medical examiners shall issue a limited and temporary license to an applicant who has not met the residency requirement under section 453-4(2), who has not been examined as required by section 453-4, and against whom no disciplinary proceedings are pending in any state or territory, if the applicant is otherwise qualified to be examined, and upon determination that:”

(b) The paragraph immediately following item (5) is hereby repealed.

SECTION 3. Section 453-4, Hawaii Revised Statutes, is amended by amending the first paragraph to read:

**“Qualifications for examination.** Except as otherwise provided by law, no person shall be licensed to practice medicine or surgery unless he has passed an examination and has been found to be possessed of the necessary qualifications.”

SECTION 4. Section 453-5, Hawaii Revised Statutes, is amended by amending the first paragraph to read:

**“Board of medical examiners; appointment, removal, qualifications.** For the purpose of carrying out this chapter the governor shall appoint in the manner prescribed in section 26-34, a board of medical examiners, whose duty it shall be to examine all applicants for license to practice medicine or surgery.”

SECTION 5. Section 453-7, Hawaii Revised Statutes, is amended to read:

“Form of license. The form of license to practice medicine and surgery shall be substantially as follows:

**State of Hawaii, Board of Medical Examiners  
License to Practice Medicine and Surgery**

....., a native of.....  
....., age..... years, having been duly examined by the Board of Medical Examiners, and having been found to be possessed of the necessary qualifications, is hereby licensed to practice medicine and surgery in the State of Hawaii.

This license is granted and accepted on the express condition that it may be revoked at any time for any of the causes enumerated in Section 453-8, Hawaii Revised Statutes, which cause or causes shall have been proven to the satisfaction of the Board of Medical Examiners.

Given under the seal of the Board of Medical Examiners this..... day of....., A.D. ....

By.....  
Chairman, Board of Medical Examiners

The form of temporary and limited license to practice medicine and surgery shall be substantially as follows:

**State of Hawaii, Board of Medical Examiners  
Limited and Temporary License to Practice  
Medicine and Surgery**

....., a native of.....  
....., age..... years, having been duly considered by the Board of Medical Examiners and having been found to be possessed of the necessary qualifications, is hereby temporarily licensed to practice medicine and surgery in the State of Hawaii, subject to the following conditions and limitations: .....

This temporary and limited license is granted and accepted on the express condition that it may be revoked at any time for any of the causes enumerated in section 453-8, Hawaii Revised Statutes, or for any violation of the conditions and limitations contained herein.

Given under the seal of the Board of Medical Examiners this..... day of..... A.D.....

By.....  
Chairman, Board of Medical Examiners”

SECTION 6. Section 453-8, Hawaii Revised Statutes, is amended in the following respects:

(a) The first paragraph down to the colon in the fifth line is amended to read:

**“Revocation or suspension of licenses.** Any license to practice medicine and surgery may be revoked or suspended by the board of medical examiners at any time in a proceeding before the board for any one or more of the following acts or conditions on the part of the holder of such license:”

(b) The last paragraph is amended to read as follows:

“If any such license is revoked or suspended by the board for any act or condition listed in this section, the holder of the license shall be in writing notified by the board of the revocation or suspension. Any license to practice medicine and surgery which has been revoked under this section may be restored by the board of medical examiners.”

SECTION 7. Section 453-9, Hawaii Revised Statutes, is amended to read:

**“Hearing; procedure.** In any proceeding before the board of medical examiners for the revocation or suspension of a license to practice medicine and surgery for any act or condition listed in Section 453-8, the person whose license is sought to be revoked or suspended shall be given notice and opportunity for hearing in conformity with Chapter 91.”

SECTION 8. Section 453-10, Hawaii Revised Statutes, is amended to read:

**“Witnesses in such proceeding.** In any such proceeding the board and each member thereof may subpoena, administer oaths to, and examine witnesses on any relevant matter in such proceeding. The person whose license is sought in such proceeding to be revoked or suspended shall be entitled to require the board or any member thereof to subpoena and to administer oaths to any witness or witnesses who may be able to present evidence relevant in such proceeding, and shall be entitled to examine any such witness and any other witness in such proceeding. The circuit court of the circuit in which the proceeding is held may enforce by proper proceeding the attendance and testimony of witnesses in such proceeding.”

SECTION 9. Section 453-11, Hawaii Revised Statutes, is amended to read:

**“Recalcitrant witnesses; contempt.** If any person called before the board as a witness in any such proceeding, whether under subpoena or otherwise, except as privileged by law, refuses to answer any question which is relevant to the proceeding and is put to him by the board, a member thereof or the person whose license is sought to be revoked or suspended in such proceeding, or disobeys any order of the circuit court relating to the proceeding, the board shall report the matter in writing to any judge of the circuit court of the circuit in which such proceeding is held and such person shall be cited to appear before the circuit judge to show cause why he should not be punished for con-

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tempt of court under chapter 729.”

SECTION 10. Section 453-12, Hawaii Revised Statutes, is amended to read:

“**Perjury.** Any person who wilfully and knowingly makes under oath any false statement in connection with any such proceeding before the board shall be guilty of perjury and shall be subject to the penalty prescribed by law for perjury. Whenever the board is satisfied that the witness has committed perjury in any proceeding before the board, it shall report the same to the prosecuting officer of the county in which the perjury took place, who shall prosecute the witness for perjury.”

SECTION 11. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 12. This Act shall take effect July 1, 1969.

(Approved July 15, 1969.)

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\* Edited accordingly