

ACT 67

S.B. NO. 442

A Bill for an Act Relating to Health Care Professionals.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
HEALTH CARE PROFESSIONALS**

§ -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.

§ -2 **Definitions.** As used in this chapter:  
“Board” means the board of dental examiners, the board of medical examiners, the board of nursing, the board of osteopathic examiners, and the board of veterinary examiners.  
“Department” means the department of commerce and consumer affairs.

"Health care professional" includes physicians and surgeons and others licensed pursuant to chapters 453 and 460, podiatrists licensed pursuant to chapter 463E, dentists licensed pursuant to chapter 448, nurses licensed pursuant to chapter 457, and veterinarians licensed pursuant to chapter 471.

§ -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 banks or clearinghouses, to the state professional societies, to the state hospital association, and, upon request, to any health care facility in the State.

§ -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."

SECTION 2. Section 453-8.5, Hawaii Revised Statutes, is repealed.

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SECTION 3. Section 453-17, Hawaii Revised Statutes, is amended to read as follows:

**“§453-17 Subpoena of peer review adverse decision report.** In connection with an investigation under section 453-7.5, the director of commerce and consumer affairs may issue subpoenas, pursuant to section 26-9(i), compelling the production of hospital records of patients whose cases were reviewed by a peer review committee that filed a report pursuant to section 663-1.7, as well as the full report reflecting the committee’s decision and the basis of that decision, notwithstanding section 624-25.5. A medical society, hospital, or health care facility shall expunge from the documents [specific] only the following patient identifiers[.]: name, address, telephone number, hospital identification number, and social security number. Information for investigation which was obtained through a subpoena shall be for the sole use by the department of commerce and consumer affairs to carry out its responsibilities and functions and shall be held confidential by the department, unless the information is admissible evidence at a hearing held under section 453-9. This investigation shall be deemed a sensitive matter related to public safety under section 92-5.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved May 29, 1987.)

### Note

1. Edited pursuant to HRS §23G-16.5.