

ACT 114

S.B. NO. 1553

A Bill for an Act Relating to Public Officers and Employees.

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

SECTION 1. Section 88-82, Hawaii Revised Statutes, is amended to read as follows:

“§88-82 Appeal of decision of medical board[.]; attorney’s fees and costs reimbursable. (a) A member who is not satisfied with the decision of the medical board may appeal the decision to the board of trustees within sixty days after receiving notification of the decision of the medical board. [The board of trustees, after hearing the appeal, may refer the matter to the medical review board, whose decision shall be final and binding.] The right of appeal to the board of trustees shall apply to all decisions and recommendations which the medical board is authorized to make. [The provisions of sections 91-9 to 91-13 shall not apply to reviews or proceedings of the medical review board.]

(b) If, in the event of an appeal of a decision of the medical board, retirement benefits are awarded to a member by the board of trustees or court of the appropriate jurisdiction under sections 88-75, 88-77, 88-79, 88-85, 88-284, or 88-285, the member shall be reimbursed reasonable attorney’s fees together with any costs payable by the system. If an appeal is had, the attorney’s fees or costs shall be subject to the approval of the board of trustees or by the appellate court deciding the appeal.”

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause

the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$50,000, or 0.0021 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general funds of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary for fiscal year 1989-1990, to carry out the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the department of budget and finance.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 1989.

(Approved June 7, 1989.)