

ACT 302

H.B. NO. 583

A Bill for an Act Relating to Medical Peer Review.

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

SECTION 1. Chapter 663, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§663- Payment of reasonable attorney’s fees and costs in defense of suit.** In any case brought by one health care professional against another for defamation, damage to reputation, or any other loss resulting from information provided by the second health care professional in any situation relating to a medical peer review proceeding, including the providing of information that may lead to the initiation of such a proceeding, if the second health care professional substantially prevails in the action, and if the action brought by the first health care professional was frivolous, unreasonable, without foundation, or in bad faith, then the court, at the conclusion of the action, shall award to the second health care professional the cost of defending against the action, including a reasonable attorney’s fee.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect upon its approval.

(Approved June 13, 1989.)

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### **Note**

1. Edited pursuant to HRS §23G-16.5.