

A Bill for an Act Relating to Defense of Health Care Providers Under Contract to the Department of Public Safety.

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

SECTION 1. Section 662-16, Hawaii Revised Statutes, is amended to read as follows:

“§662-16 Defense of state employees. The attorney general may defend any civil action or proceeding brought in any court against any employee of the State for damage to property or for personal injury, including death, resulting from the act or omission of any state employee while acting within the scope of [his] the employee’s employment. The employee against whom such civil action or proceeding is brought shall deliver within [such] the time after the date of service or knowledge of service as determined by the attorney general, all process or complaint served upon [him] the employee or an attested true copy thereof to [his] the employee’s immediate superior or to whomever was designated by the head of [his] the employee’s department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the department of the attorney general.

No judgment by default shall be entered against a state employee based on a cause of action arising out of an act or omission of such employee while acting within the scope of [his] the employee’s employment unless the department of the attorney general has received a copy of the complaint or other relevant pleadings and a period of twenty days has elapsed from the date of such receipt.

The attorney general may also defend any civil action or proceeding brought in any court against a county based on an allegedly negligent or wrongful act or omission of persons employed by a county as lifeguards and designated to provide lifeguard services at a designated state beach park under an agreement between the State and a county.

The attorney general may also defend any civil action or proceeding brought in any court against any provider of medical, dental, or psychological services pursuant to contract with the department of public safety when the provider is sued for acts or omissions within the contract’s scope of work.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 8, 1994.)