A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that postgraduate medical students, such as resident and fellow physicians, are required by their training programs' national accrediting body and their specialty boards to actively learn about and participate in health care quality improvement activities in close alignment with the health care entities that provide the clinical learning environment for these trainee physicians. One of the core competencies that all physicians are expected to attain by the end of residency training is to continuously improve patient care based on constant self-evaluation and life-long learning. Resident and fellow physicians are expected to incorporate formative evaluation feedback, such as peer review as defined in chapter 671D, Hawaii Revised Statutes, in their daily practice. They are also expected to participate in identifying system errors and implementing potential systems solutions, which mirrors the intent of chapter 671D, Hawaii Revised Statutes.
The legislature finds that although postgraduate medical students practicing as resident or fellow physicians are currently subject to being named in lawsuits, they are unable to participate in and attain the protections granted by peer-review processes intended to improve the quality of medical care delivery. Accordingly, the purpose of this Act is to encourage postgraduate medical student physicians to participate in peer-review processes by affording them the same incentives and protections as licensed physicians engaging in effective peer review.

SECTION 2. Section 671D-4, Hawaii Revised Statutes, is amended by amending the definition of "physician" to read as follows:

"Physician" means an individual licensed under chapter 453 or section 463E-1, to practice medicine or surgery or osteopathy or podiatric medicine[†], including those physicians participating in nationally-recognized accredited graduate medical training programs that are sited at a health care entity as defined in this chapter; an individual licensed under chapter 448 to practice dentistry or dental surgery; or any individual who, without authority, holds oneself out to be so authorized."
SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.
Report Title:
Physicians; Post-Graduates; Peer-Review Process; Protections

Description:
Provides the same protections under the peer-review process that are afforded to licensed physicians to residents and fellow physicians. (HB140 HD1)

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