
A BILL FOR AN ACT

RELATING TO PHYSICIAN DISCIPLINE.

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

1 SECTION 1. Chapter 453, Hawaii Revised Statutes, is
2 amending by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453- Discipline based on action taken by another state
5 or federal agency; conditions; prohibition on practice. (a)
6 Upon receipt of evidence of revocation, suspension, or other
7 disciplinary action against a licensee by another state or
8 federal agency, the board may issue an order imposing the same
9 disciplinary action upon the licensee on the following
10 conditions:

11 (1) The board shall serve the licensee with a proposed
12 order imposing disciplinary action as required by
13 chapter 91;

14 (2) The licensee shall have the right to request a hearing
15 pursuant to chapter 91 to show cause why the action
16 described in the proposed order should not be imposed;



1 (3) Any request for a hearing shall be made in writing and
2 filed with the board within twenty days after mailing
3 of the proposed order to the licensee; and

4 (4) If the licensee does not submit a written request for
5 a hearing within twenty days after mailing of the
6 proposed order, the board may issue a final order
7 imposing the disciplinary action described in the
8 proposed order.

9 (b) A certified copy of the disciplinary action by another
10 state or federal agency shall constitute prima facie evidence of
11 the disciplinary action.

12 (c) A licensee against whom the board has issued a
13 proposed order under this section shall be prohibited from
14 practicing in this State until the board issues a final order
15 if:

16 (1) The licensee was the subject of disciplinary action by
17 another state; and

18 (2) The disciplinary action by another state prohibits the
19 licensee from practicing in that state.



1 (d) In addition to the provisions of this section, the
2 board may take any other action authorized by this chapter or
3 chapter 436B."

4 SECTION 2. Section 453-8, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) In addition to any other actions authorized by law,
7 any license to practice medicine and surgery may be revoked,
8 limited, or suspended by the board at any time in a proceeding
9 before the board, or may be denied, for any cause authorized by
10 law, including but not limited to the following:

11 (1) Procuring, or aiding or abetting in procuring, a
12 criminal abortion;

13 (2) Employing any person to solicit patients for one's
14 self;

15 (3) Engaging in false, fraudulent, or deceptive
16 advertising, including but not limited to:

17 (A) Making excessive claims of expertise in one or
18 more medical specialty fields;

19 (B) Assuring a permanent cure for an incurable
20 disease; or



- 1 (C) Making any untruthful and improbable statement in
- 2 advertising one's medical or surgical practice or
- 3 business;

- 4 (4) Being habituated to the excessive use of drugs or
- 5 alcohol; or being addicted to, dependent on, or a
- 6 habitual user of a narcotic, barbiturate, amphetamine,
- 7 hallucinogen, or other drug having similar effects;

- 8 (5) Practicing medicine while the ability to practice is
- 9 impaired by alcohol, drugs, physical disability, or
- 10 mental instability;

- 11 (6) Procuring a license through fraud, misrepresentation,
- 12 or deceit, or knowingly permitting an unlicensed
- 13 person to perform activities requiring a license;

- 14 (7) Professional misconduct, hazardous negligence causing
- 15 bodily injury to another, or manifest incapacity in
- 16 the practice of medicine or surgery;

- 17 (8) Incompetence or multiple instances of negligence,
- 18 including but not limited to the consistent use of
- 19 medical service, which is inappropriate or
- 20 unnecessary;



- 1 (9) Conduct or practice contrary to recognized standards
2 of ethics of the medical profession as adopted by the
3 Hawaii Medical Association, the American Medical
4 Association, the Hawaii Association of Osteopathic
5 Physicians and Surgeons, or the American Osteopathic
6 Association;
- 7 (10) Violation of the conditions or limitations upon which
8 a limited or temporary license is issued;
- 9 (11) Revocation, suspension, or other disciplinary action
10 by another state or federal agency of a license,
11 certificate, or medical privilege [~~for reasons as~~
12 ~~provided in this section~~];
- 13 (12) Conviction, whether by nolo contendere or otherwise,
14 of a penal offense substantially related to the
15 qualifications, functions, or duties of a physician or
16 osteopathic physician, notwithstanding any statutory
17 provision to the contrary;
- 18 (13) Violation of chapter 329, the uniform controlled
19 substances act, or any rule adopted thereunder except
20 as provided in section 329-122;



1 (14) Failure to report to the board, in writing, any
 2 disciplinary decision issued against the licensee or
 3 the applicant in another jurisdiction within thirty
 4 days after the disciplinary decision is issued; or

5 (15) Submitting to or filing with the board any notice,
 6 statement, or other document required under this
 7 chapter, which is false or untrue or contains any
 8 material misstatement or omission of fact."

9 SECTION 3. Section 453-8.4, Hawaii Revised Statutes, is
 10 amended by amending subsection (a) to read as follows:

11 "(a) The board may summarily suspend any license issued
 12 under this chapter [~~upon~~]:

13 (1) Upon a specific determination that the failure to take
 14 such an action may result in an immediate and
 15 unreasonable threat to personal safety or of fraud
 16 that jeopardizes or endangers the health or safety of
 17 patients as determined by the professional standards
 18 of care upon consumers, and that, for the protection
 19 of the public from the possible consequences of such
 20 practices, the license should be immediately suspended
 21 or restricted[-]; or



1 (2) Within forty-eight hours upon receipt of evidence of
2 revocation, suspension, or other disciplinary action
3 against a licensee by another state or federal agency
4 and a determination that, for the protection of the
5 public, the license should be immediately suspended or
6 restricted."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2016.



Report Title:

Physician Discipline; Conditions

Description:

Authorizes the Hawaii Medical Board to impose the same disciplinary action, including prohibiting the practice of medicine, against a licensee as was taken by another state or federal agency. Authorizes the Board to summarily suspend a licensee's license within forty-eight hours upon receipt of evidence of disciplinary action by another state or federal agency.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

