

ACT 52

S.B. NO. 1801-78

A Bill for an Act Relating to the Physician-Patient Privilege.

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

SECTION 1. Section 621-20.5, Hawaii Revised Statutes is amended to read:

“Sec. 621-20.5 Physician-patient privilege. (a) No physician shall, without the consent of his patient, divulge in any civil action or proceeding, unless the sanity of the patient be the matter in dispute, any information which he may have

acquired in attending the patient, and which was necessary to enable him to prescribe or act for the patient; provided, that such consent shall be deemed to have been given to any physician (1) in every civil action which has been brought by any person for damages on account of personal injuries; and (2) in all cases in which a party to an action or proceeding offers himself or any physician or any person as a witness to testify to the physical or mental condition of the party.

(b) When the physical or mental condition (including the blood group) of a party to an action or proceeding is in controversy, he may be ordered to submit to a physical or mental examination by a physician as provided by the rules of court, and: (1) and information which may be acquired by such physician may be divulged without the consent of the person examined; (2) by requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege he may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition.

(c) Within the meaning of this section the term "party" includes a person in the custody or under the legal control of a party.

(d) The physician-patient privilege as provided herein shall be inapplicable in any administrative or judicial proceeding in which the competency, medical license, or practice of the physician is at issue, provided that identifying data of the patients whose records are admitted into evidence shall be kept confidential unless waived by the patient. The administrative agency, board, or commission may close the proceeding to the public to protect the confidentiality of the patient."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

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

(Approved May 8, 1978.)

*Edited accordingly.