

## ACT 241

H.B. NO. 1925-84

A Bill for an Act Relating to Tort Liability.

*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- Chiropractic society; peer review committee; no liability; exceptions.** (a) As used in this section:

“Chiropractic society” or “society” means any association or other organization of persons engaged in the practice of chiropractic, where a primary purpose of the society is to maintain the professional standards of chiropractors.

“Peer review committee” or “committee” means a committee created by a chiropractic society, whose function is to maintain the professional standards established by the bylaws of the society.

“Relevant” means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the information.

(b) There shall be no civil liability for any member of a peer review committee for any acts done in furtherance of the purpose for which the committee was established; provided that:

- (1) The member was authorized to perform in the manner in which the member did; and
- (2) The member acted without malice after having made a reasonable effort to ascertain the truth of the facts upon which the member acted.

(c) This section shall not be construed to confer immunity from liability upon any chiropractic society, nor shall it affect the immunity of any shareholder or officer of a chiropractic corporation; provided that there shall be no civil liability for any chiropractic society in communicating any conclusions reached by one of its peer review committees relating to the conformance with professional standards of any person engaged in the same profession or occupation as the members of the communicating chiropractic society to a peer review committee or another chiropractic society whose membership is comprised of persons engaged in the same profession or occupation, or to the board of chiropractic examiners having as one of its duties the licensing of persons engaged in the practice of chiropractic or to a government agency charged with

## ACT 241

the responsibility for administering a program of chiropractic assistance in which services are provided by private practitioners.

(d) The final peer review committee of a chiropractic society shall report in writing every adverse decision made by it to the board of chiropractic examiners. The report shall be filed within thirty business days following an adverse decision. The report shall contain information on the nature of the action, its date, the reasons for, and the circumstances surrounding the action; provided that specific patient identifiers shall be expunged. If prior to an adverse decision there is a resignation or other voluntary action by the person under investigation as may have been requested or bargained for in lieu of chiropractic disciplinary action, the report shall so state. The board shall prescribe forms for the submission of reports required by this section. Failure to comply with this subsection shall be a violation punishable by a fine of not less than \$100 for each member of the committee.

(e) A committee, in writing, may request an insurance company or employer to release to the committee relevant information or evidence deemed important to the committee and relating to the matters within its jurisdiction.

(f) After having received a written request from a company or person providing information to the committee, the committee shall provide to the company or person the results of their decision within thirty business days following a decision.

(g) Any insurance company or person acting on its behalf or employer who releases information to the committee, whether in written or oral form, pursuant to subsection (e), shall be immune from any civil or criminal liability.”

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

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

(Approved June 4, 1984.)

### Note

1. Edited pursuant to HRS §23G-16.5.