

## ACT 334

H.B. NO. 2254-86

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 the limited supply of physicians and attractiveness of private practice inhibit the efforts of the department of health to provide primary medical care in certain rural communities of the State and lessens the ability of the department of social services and housing to recruit physicians to serve in correctional facilities. The legislature further finds that an opportunity should be made available to attract physicians to fill positions in the department of health and department of social services and housing.

The purpose of this Act is to establish an innovative program which seeks to provide an opportunity for physicians to serve with the State and, consequently, ease the difficulty of the department of health and department of social services and housing in recruiting physicians. This Act does not change the standards of any medical residency program nor affect the existing relationship between the school of medicine and the various hospitals that take part in any residency program.

SECTION 2. The school of medicine of the University of Hawaii shall recommend that two positions within the University of Hawaii medical residency program be filled each year commencing in 1987, in accordance with this Act, by persons who have the necessary qualifications, other than the qualification of residency training, to take the examination for licensure as physicians under chapter 453, Hawaii Revised Statutes, and who volunteer to enter into contracts under section 3, whether or not they are graduates of the school of medicine of the University of Hawaii. The department of social services and housing and the department of health shall notify the school of medicine of the type of physicians needed by the correctional facilities and by rural communities. The school of medicine shall establish procedures to provide for applications by, and selection of, persons who are qualified and interested to fill the positions.

SECTION 3. Contract necessary for filling of positions. In order to fill a position under this Act, a person shall enter into a contract with the school of medicine stating that the person:

- (1) Agrees to participate in the residency program for the minimum period required to qualify for the licensure examination under chapter 453, Hawaii Revised Statutes;
- (2) Agrees to obtain a permanent license to practice medicine under chapter 453, Hawaii Revised Statutes, as soon as possible following termination of participation in the residency program;
- (3) Agrees to serve for two years as:
  - (A) An officer or employee of the department of social services and housing who is based in a correctional facility and whose normal course of duty requires medical treatment of inmates of the facility, another correctional facility, or both; or
  - (B) An officer or employee of the department of health who is employed to provide primary medical care to residents of and be based in a rural community with a shortage of physicians; and
- (4) Agrees to commence fulfilling the requirement under paragraph (3) immediately following the termination of participation in the residency program and licensure.

SECTION 4. Penalty for breach of contract. A person who is placed in the residency program under this Act, but who breaches any term of the contract under section 3, shall pay to the State damages of \$10,000; provided that a contract shall not be deemed breached if the person has obtained a permanent license to practice medicine under chapter 453, Hawaii Revised Statutes, but could not fulfill the requirements of section 3(3) and (4) because no employment vacancy existed in the correctional facilities of the department of social services and housing or no shortage of physicians existed in any rural community and the department of social services and housing or department of health, as applicable, certifies that no employment vacancy or shortage existed.

SECTION 5. Residency program; defined. For the purpose of this Act, "residency program" means a graduate medical education program in a hospital in this State which is accredited as a medical school residency program by the school of medicine of the University of Hawaii. The school of medicine may develop a special residency program for the purpose of this Act; provided that the program, upon completion by the person, qualifies the person to take the licensure examination under chapter 453, Hawaii Revised Statutes.

**SECTION 6. This Act shall take effect upon its approval.**

(Approved June 12, 1986.)