

BOARD OF DENTISTRY

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

AGENDA

Date: February 3, 2025 – Special Legislative Meeting

Time: 10:00 a.m.

In-person Meeting Location: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting - Zoom Meeting
(use link below)
<https://dcca-hawaii.gov.zoom.us/j/82528418902?pwd=r0MPGHnFpRk7nEx8KxFVpo6bdgp0Zb.1>

Zoom Phone Number: (669) 900 6833
Meeting ID: 825 2841 8902
Passcode: 205811

Agenda: Posted on the State electronic calendar as required by Hawaii Revised Statutes section 92-7(b).

If you wish to submit written testimony on any agenda item, please submit your testimony to dental@dcca.hawaii.gov or by hard-copy mail to Attn: Board of Dentistry, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

INTERNET ACCESS:

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking.

Upon request, your Zoom video or similar on-camera option will be enabled to allow you to be visible to the Board members and other meeting participants while presenting oral testimony. Please turn off your camera after you conclude your testimony. It is the individual testifier's responsibility to ensure they have the video and internet capabilities to successfully stream or remotely testify. The Board maintains the authority to remove and block individuals who willfully disrupt or compromise the conduct of the meeting.

PHONE ACCESS:

If you cannot get internet access, you may get audio-only access by calling the phone number listed at the top on the agenda.

Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering "*" and then "9" on your phone's keypad. After entering "*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specified date and time. This

information will be provided on the Board's website at <https://cca.hawaii.gov/pvl/boards/dentist/board-meeting-schedule/>.

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

1. Roll Call, Quorum, Call to Order, Public Notice – HRS §92-3 Open Meetings and HAR §16-79-85 Oral Testimony
2. 2025 Legislative Session – Discussion of Bills

The Board will discuss its positions on the attached list of bills introduced for the 2025 Legislative Session.

The Board may move into Executive Session in accordance with HRS §92-4 and §92-5(a)(1) and (4) "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities."

3. Next Meeting: Date: Monday, March 10, 2025
 Time: 10:00 a.m.
 In-Person: Queen Liliuokalani Conference Room
 King Kalakaua Building, 1st Floor
 335 Merchant Street
 Honolulu, Hawaii 96813
 Virtual: Zoom Meeting

4. Adjournment

1/28/25

If you need an auxiliary aid/service or other accommodation due to a disability, contact Sheena Choy at (808) 586-2702, Monday through Friday from 7:45 a.m. to 4:30 p.m., or email dental@dcca.hawaii.gov as soon as possible, preferably by January 30, 2025. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

2025 Dental-Related Bills for Discussion

BILL	COMPANION	MEASURE TITLE	REPORT TITLE	DESCRIPTION	CURRENT REFERRAL	INTRODUCER(S)	STATUS
SB 481		RELATING TO COMMUNITY SERVICE LICENSES	Board of Dentistry; Community Service License; Accreditation; Unrestricted Dental Practice License; Commission on Dental Accreditation of Canada	Allows a dental graduate from a dental college accredited by the Commission on Dental Accreditation of Canada to be an eligible candidate for a community service license (CSL). Repeals the requirement that the licensing examinations be completed within five years of a request for a CSL. Repeals the requirement that a CSL applicant provide a copy of an active, unrestricted dental practice license from another state. Repeals the prohibition against a person who failed the license examination from obtaining a CSL. Requires a CSL to be eligible for conversion to an unrestricted dental practice license when a dental provider who holds a CSL completes at least five thousand hours of community service to patients in the State.	HHS, CPN	SAN BUENAVENTURA, RHOADS	
HB311	SB1241	RELATING TO GENERAL EXCISE TAX EXEMPTION.	General Excise Tax; Exemptions; Medical Services; Dental	Establishes general excise tax exemptions for various medical services, including dental services.	HLT, ECD, FIN	GARCIA, ALCOS, IWAMOTO, KILA, LAMOSAO, PIERICK, SHIMIZU, WARD, Reyes Oda	
SB1241	HB311	RELATING TO GENERAL EXCISE TAX EXEMPTION.	General Excise Tax; Exemptions; Medical Services; Dental	Establishes general excise tax exemptions for various medical services, including dental services.	HHS, WAM	AWA, DECORTE, GABBARD	
HB281		RELATING TO GENERAL EXCISE TAX.	GET; Exemption; Food; Medical Services; Dental; Minority Caucus Package	Exempts food and groceries from the general excise tax. Expands a 2024 session law exempting certain medical and dental services to include all medical and dental services.	HLT, ECD, FIN	SHIMIZU, ALCOS, GARCIA, MATSUMOTO, MURAOKA, PIERICK, REYES ODA, WARD	
HB572		RELATING TO GENERAL EXCISE TAX.	GET; Exemption; Food; Medical Services; Dental Services	Exempts food and groceries from the general excise tax. Expands a 2024 session law exempting certain medical and dental services to include all medical and dental services.	ECD, FIN	MATSUMOTO, ALCOS, GARCIA, KONG, PIERICK, WARD	
SB1172		RELATING TO EMPLOYER HEALTH CARE REQUIREMENTS.	Health Insurance; Mandated Coverage	Requires all health insurers in the State, including Medicaid managed care programs, to cover dental and vision treatment.	HHS, CPN	MCKELVEY, CHANG, RHOADS, Kanuha	
SB557		RELATING TO HEALTH.	Health; JABSOM; UH; Huli Au Oli; Physician and Dentist Retention; Molokai; Study; Appropriation	Requires University of Hawaii John A. Burns School of Medicine (JABSOM) to direct Huli Au Oli to conduct a study on physician and dentist recruitment and retention to serve the island of Molokai. Appropriates moneys.	HRE, WAM	DECOITE, CHANG, FEVELLA, HASHIMOTO, INOUE, MCKELVEY, RHOADS, SAN BUENAVENTURA, Gabbard	
SB1373	HB1054	RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.	DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstate	Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.		KOUCHI	INTRODUCED & PASSED FIRST READING
HB1054	SB1373	RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.	DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstate	Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.	CPC, JHA	NAKAMURA	
HB1339		RELATING TO GENERAL EXCISE TAX.	GET; Exemption; Food; Medical Services; Dental	Exempts food and groceries from the general excise tax. Expands a 2024 session law exempting certain medical and dental services to include all medical and dental services.	ECD, FIN	SHIMIZU, ALCOS, GARCIA, IWAMOTO, MATSUMOTO, MURAOKA, PIERICK, WARD	

2025 Dental-Related Bills for Discussion

HB1431	SB1516	RELATING TO ORAL HEALTH.	Department of Health; Oral Health Task Force; Positions; Reports; Appropriations	Establishes an Oral Health Task Force to review the status of oral health in the State and make recommendations to improve the State's oral health infrastructure. Establishes one full-time equivalent program specialist V position. Appropriates funds.	HLT, FIN	NAKAMURA	
SB1516	HB1431	RELATING TO ORAL HEALTH.	Department of Health; Oral Health Task Force; Positions; Reports; Appropriations	Establishes an Oral Health Task Force to review the status of oral health in the State and make recommendations to improve the State's oral health infrastructure. Establishes one full-time equivalent program specialist V position. Appropriates funds.		KOUCHI	INTRODUCED & PASSED FIRST READING

JAN 17 2025

A BILL FOR AN ACT

RELATING TO COMMUNITY SERVICE LICENSES.

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

1 SECTION 1. The legislature finds that access to
2 comprehensive dental care in the State is critically limited for
3 adults and children who are uninsured, under insured, or of
4 Native Hawaiian or Pacific Islander ancestry, including Compact
5 of Free Association migrants.

6 The legislature further finds that on April 3, 2024,
7 Dr. Diane Paloma, the chief executive officer of the Hawaii
8 Dental Service, a Hawaii nonprofit corporation providing dental
9 insurance in the State, testified before the house of
10 representatives standing committee on finance that only fifty
11 per cent of the State's med-QUEST eligible children received
12 dental care in 2023, even though the majority of pediatric
13 dental practices in the State accept med-QUEST patients.
14 Dr. Paloma further testified that only eleven per cent of the
15 State's med-QUEST eligible adults received dental care in 2023.
16 The majority of med-QUEST eligible adult dental patients are
17 treated at the fourteen federally qualified health centers



1 located throughout the State. From 2009 to 2022, the State
2 offered limited emergency adult dental med-QUEST benefits,
3 resulting in the accumulated, untreated dental infections and
4 diseases during this time period exceeding all currently
5 available dental service capacity for the next several years.

6 The legislature also finds that the State has made progress
7 in addressing this need. In 2022, the State introduced measures
8 to re-instate most adult dental med-QUEST benefits and to
9 appropriate funds for dental care. In 2023, Act 100, Session
10 Laws of Hawaii 2023, added community health centers, rural
11 health clinics, and mobile dental outreach programs to the list
12 of eligible organizations at which persons with community
13 service licenses may practice. However, due to the high cost of
14 living in the State, the med-QUEST dental benefit reimbursement
15 is lower than the cost for private practice dental providers to
16 provide care to med-QUEST patients.

17 The legislature additionally finds that one way to improve
18 access to dental care for eligible med-QUEST dental patients is
19 to increase the number of dental providers with a community
20 service license (CSL). According to the State's board of
21 dentistry, there has been one hundred and six CSLs issued since



1 2004, with only fifteen verified as "Current, Valid & In Good
2 Standing."

3 The legislature finds that section 448-9.6, Hawaii Revised
4 Statutes, contributes to this shortage of CSL availability as it
5 limits the board of dentistry's authority to issue CSL to
6 graduates of dental schools accredited by the American Dental
7 Association Commission on Dental Accreditation (ADA CODA). This
8 provision restricts the board of dentistry's fiduciary
9 responsibility to provide access to comprehensive dental care
10 for all med-QUEST beneficiaries. This restriction also prevents
11 Hawaii Dental Service and other dental insurance companies from
12 fulfilling their statutory obligations under section 431:26-103,
13 Hawaii Revised Statutes, relating to network adequacy.

14 The legislature believes that by repealing certain
15 restrictions and requirements for the issuance of CSLs in the
16 State, the board of dentistry can license Canadian dental school
17 graduates, as was allowed in 2005 pursuant to Act 121, Session
18 Laws of Hawaii 2005. According to the ADA CODA, Canadian dental
19 schools are equivalent to those in the United States and no
20 further education is required for eligibility for licensure in
21 the United States. In addition, the United States Department of



1 Education grants authority to ADA CODA to approve or accredit
2 United States dental school programs. However, because Canada
3 does not fall under the jurisdiction of the United States
4 Department of Education, neither ADA CODA nor the United States
5 Department of Education can accredit Canadian dental programs.

6 The legislature finds that allowing Canadian dental school
7 graduates to apply for a CSL in the State without examination
8 increases the potential pool of applicants. As an incentive to
9 attract candidates, the CSL should automatically convert to an
10 unrestricted general dental license after the provider has
11 served five thousand hours in patient care to the med-QUEST
12 population. As proof of concept, the five current CSL providers
13 with five thousand hours of community service to the State's
14 dental patients should have their CSLs converted to a general
15 dental license.

16 The legislature additionally finds that existing law
17 requires dental license applicants to pass the American Board of
18 Dental Examiners (ADEX) as proof of minimum competency for
19 licensure. Interestingly, the ADEX clinical restorative
20 examination is a simulated examination, which does not test on a
21 live patient but rather, a mannequin. Current dental providers



1 in the State with a CSL have graduated from an ADA CODA-
2 accredited dental school years ago. Those with five thousand
3 hours of patient care, at an average of one patient per hour,
4 have treated about five thousand patients. Treating live
5 patients is a much better standard for proof of competency than
6 testing on a mannequin and, therefore, those dental providers
7 with a CSL and over five thousand hours of patient care have
8 proven their competency beyond a doubt and, therefore, should be
9 automatically granted an unrestricted general dental license in
10 the State.

11 Accordingly, the purpose of this Act is to increase the
12 number of dental service providers in the State by:

- 13 (1) Allowing a dental graduate from a dental college
14 accredited by the Commission on Dental Accreditation
15 of Canada to be an eligible candidate for CSL;
- 16 (2) Repealing the requirement that the licensing
17 examinations be completed within five years of a
18 request for a CSL;
- 19 (3) Repealing the requirement that a CSL applicant provide
20 a copy of an active, unrestricted dental practice
21 license from another state;



- 1 (4) Repealing the prohibition against a person who failed
2 the license examination from obtaining a CSL; and
3 (5) Requiring a CSL to be eligible for conversion to a
4 general unrestricted dental license when a dental
5 provider holding a CSL completes at least five
6 thousand hours of community service to patients in the
7 State.

8 SECTION 2. Section 448-9.6, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§448-9.6 Community service license.** (a) The board may
11 issue, without examination, a community service license to
12 practice dentistry in the employment of the department of
13 health, a federally qualified health center, Native Hawaiian
14 health center, community health center, rural health clinic,
15 mobile dental outreach program, or post-secondary dental
16 auxiliary training program accredited by the American Dental
17 Association Commission on Dental Accreditation. Community
18 service licensees under this section shall abide by the
19 requirements and conditions placed upon those fully licensed
20 under this chapter.

21 Eligible candidates shall:



- 1 (1) Provide copies of documentation and credentials that
2 include but are not limited to:
- 3 (A) A diploma or certificate of graduation from a
4 dental college accredited by [~~or that has a~~
5 ~~reciprocal agreement with~~] the American Dental
6 Association Commission on Dental Accreditation,
7 or the Commission on Dental Accreditation of
8 Canada, recognized and approved by the board; and
- 9 (B) Either of the following:
- 10 (i) A certificate or other evidence satisfactory
11 to the board of having passed part II of the
12 National Board Dental Examination or the
13 Integrated National Board Dental Examination
14 [~~within five years of the date of request~~];
15 or
- 16 (ii) Evidence of active practice of clinical
17 dentistry of not less than one thousand
18 hours per year for the three years
19 immediately prior to the date of request;
- 20 [~~(2) Provide a copy of an active, unrestricted dental~~
21 ~~practice license from another state;~~



1 ~~(3)~~ (2) Disclose to the board all previous and pending
2 legal or regulatory action relating to claims of
3 malpractice, or personal or professional misconduct;
4 and

5 ~~(4)~~ (3) Pay applicable registration fees, which shall be
6 one half of the prevailing biennial registration fee
7 for dentists.

8 ~~[No person who, after July 2, 2004, has failed to pass the~~
9 ~~license examination administered under this chapter shall have~~
10 ~~the benefit of a community service license.]~~

11 (b) Community service licensees shall actively participate
12 in a formal and ongoing program of clinical quality assurance.

13 (c) A license may be renewed biennially, pending review
14 and reauthorization of the board of dentistry.

15 (d) A community service license authorizes the licensee to
16 practice dentistry only within the employment of an eligible
17 organization and shall be in force until the earliest of the
18 following occurs:

19 (1) The date the person leaves the employment authorized
20 under the community service license;



1 (2) The date on which the results of the license
2 examination taken by the person under this chapter are
3 posted by the board;

4 (3) The date the community service license expires; or

5 (4) The date on which the board revokes the community
6 service license; provided that the board may revoke
7 the community service license at any time for cause.

8 (e) Commissioned officers of the United States Army, the
9 United States Navy, the United States Air Force, the United
10 States Public Health Service, or the United States Department of
11 Veterans Affairs practicing in the department of health, a
12 federally qualified health center, or Native Hawaiian health
13 systems center shall qualify for a community service license to
14 practice dentistry, which may be issued for the term of the
15 officer's federal duty assignment. Officers shall provide to
16 the board of dentistry:

17 (1) A copy of an active, unrestricted dental practice
18 license from another state; and

19 (2) A copy of documentation reflecting official duty
20 assignment to a qualifying community service dental
21 license site.



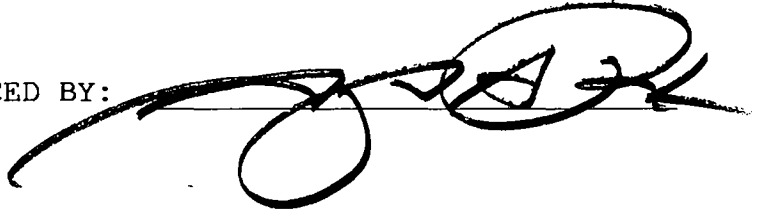
1 (f) Notwithstanding any other law to the contrary, a
2 dental provider holding a community service license who
3 completes or has completed at least five thousand hours of
4 community service to patients in the State, shall be eligible
5 for automatic conversion of the provider's community service
6 license to an unrestricted dental practice license."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to consist of several loops and flourishes.

S.B. NO. 481

Report Title:

Board of Dentistry; Community Service License; Accreditation; Unrestricted Dental Practice License; Commission on Dental Accreditation of Canada

Description:

Allows a dental graduate from a dental college accredited by the Commission on Dental Accreditation of Canada to be an eligible candidate for a community service license (CSL). Repeals the requirement that the licensing examinations be completed within five years of a request for a CSL. Repeals the requirement that a CSL applicant provide a copy of an active, unrestricted dental practice license form another state. Repeals the prohibition against a person who failed the license examination from obtaining a CSL. Requires a CSL to be eligible for conversion to an unrestricted dental practice license when a dental provider who holds a CSL completes at least five thousand hours of community service to patients in the State.

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



A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAX EXEMPTION.

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

1 SECTION 1. Chapter 237, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§237- Exemption for medical services. (a) There shall
5 be exempted from, and excluded from the measure of, the taxes
6 imposed by this chapter all of the gross proceeds arising from
7 the sale of medical services.

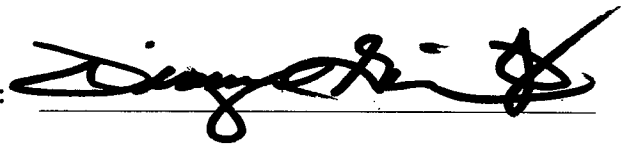
8 (b) As used in this section, "medical services" means
9 services provided by a person licensed under chapter 436E, 442,
10 447, 448, 448B, 451A, 451J, 451K, 452, 453, 453D, 455, 457, 457A,
11 457G, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 466J, or 468E."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval and
14 shall apply to taxable years beginning after December 31, 2025.

15

INTRODUCED BY:



JAN 16 2025



H.B. NO. 311

Report Title:

General Excise Tax; Exemptions; Medical Services; Dental

Description:

Establishes general excise tax exemptions for various medical services, including dental services.

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



JAN 23 2025

A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAX EXEMPTION.

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

1 SECTION 1. Chapter 237, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§237- Exemption for medical services. (a) There shall
5 be exempted from, and excluded from the measure of, the taxes
6 imposed by this chapter all of the gross proceeds arising from
7 the sale of medical services.

8 (b) As used in this section, "medical services" means
9 services provided by a person licensed under chapter 436E, 442,
10 447, 448, 448B, 451A, 451J, 451K, 452, 453, 453D, 455, 457, 457A,
11 457G, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 466J, or 468E."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval and
14 shall apply to taxable years beginning after December 31, 2025.

15

INTRODUCED BY: 



S.B. NO. 1241

Report Title:

General Excise Tax; Exemptions; Medical Services; Dental

Description:

Establishes general excise tax exemptions for various medical services, including dental services.

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



A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAX.

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

1 SECTION 1. The legislature finds that Hawaii has the
2 highest cost of living in the nation. The general excise tax is
3 levied on nearly all economic activity, which is passed on to
4 customers in the form of higher prices. This can be alleviated
5 by exempting food and medical services.

6 According to the Consumer Price Index, grocery prices in
7 Hawaii are fifty per cent higher than the national average.
8 Between 2021 and 2022 households in the Honolulu area spent an
9 average of 17.3 per cent of their expenditure on food. In
10 comparison, the average American spent 12.6 per cent on food.
11 According to the United States Department of Agriculture, a
12 Hawaii family of four on the Thrifty Food Plan spending
13 \$1,431.00 per month on food would save over \$687 each year if
14 food were exempt from the general excise tax.

15 Thirty-nine states plus the District of Columbia exempt
16 groceries from their sales taxes, and another five states tax



1 groceries at lower rates than other goods. The legislature
2 finds that it is time for Hawaii to join this majority.

3 Health care further contributes to the higher cost of
4 living. Hawaii is one of only a handful of states that tax
5 medical services and, until Act 47 passed in 2024, the only
6 state to tax Medicare services. Act 47 (2024) exempted medical
7 and dental services covered by Medicare, Medicaid, and TRICARE
8 from the General Excise Tax. A broader exemption on all medical
9 and dental services would lighten the tax burden on privately
10 practicing medical providers and address Hawaii's health
11 professional shortage by incentivizing qualified physicians to
12 practice in the State, thus resulting in lower healthcare costs
13 to patients. According to a study commissioned by the Grassroot
14 Institute of Hawaii, Hawaii residents and healthcare
15 professionals would receive a \$222 million tax cut if medical
16 services were exempt from the general excise tax.

17 The State's current general surplus of one billion dollars
18 and projected continued surplus over the next three fiscal years
19 position the State to responsibly adopt the proposed tax
20 exemptions. The purpose of this Act is to exempt food and



1 medical services from the general excise tax to lower the cost
2 of living for Hawaii families.

3 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§237- Exemption of gross proceeds of sales on food and
7 groceries. (a) There shall be exempted from, and excluded from
8 the measure of, the taxes imposed by this chapter all of the
9 gross proceeds arising from the sale of food and groceries.

10 (b) This chapter shall apply to food or groceries that are
11 furnished, prepared, or served as meals, except:

12 (1) In the case of persons sixty years of age or over, or
13 who receive supplemental security income benefits, or
14 disability or blindness payments under Title I, II, X,
15 XIV, or XVI or the Social Security Act (42 U.S.C. 301
16 et set., 401 et seq., 1201 et seq., 1351 et seq., 1381
17 et seq.) and their spouses, meals prepared by and
18 served in senior citizen's centers, apartment
19 buildings occupied primarily by such persons, public
20 or private nonprofit establishments, eating or
21 otherwise, that feed such persons, private



1 establishments that contract with the appropriate
2 agency of the State to offer meals for such persons at
3 concessional prices, and meals prepared for and served
4 to residents of federally subsidized housing for the
5 elderly;

6 (2) In the case of persons sixty years of age or over and
7 persons who are physically or mentally handicapped or
8 otherwise disabled that they are unable to adequately
9 prepare all of their meals, meals prepared for and
10 delivered to them and their spouses at their home by a
11 public or private nonprofit organization or by a
12 private establishment that contracts with the
13 appropriate state agency to perform such services at
14 concessional prices;

15 (3) In the case of disabled or blind recipients of
16 benefits under Title I, II, X, XIV, or XVI or the
17 Social Security Act (42 U.S.C. 301 et set., 401 et
18 seq., 1201 et seq., 1351 et seq., 1381 et seq.), who
19 are residents in a public or private nonprofit group
20 living arrangement that serves no more than sixteen
21 residents and is certified by the appropriate state



1 agency or agencies, meals prepared and served under
2 such arrangement;

3 (4) In the case of women and children temporarily residing
4 in public on private nonprofit shelters for battered
5 women and children, meals prepared and served by such
6 shelters; and

7 (5) In the case of households that do not reside in
8 permanent dwellings and households that have no fixed
9 mailing addresses, meals prepared for and served by a
10 public or private nonprofit establishment approved by
11 an appropriate state or local agency that feeds such
12 individuals by private establishments that contract
13 with the appropriate agency of the State to offer
14 meals for such individuals at concessional prices.

15 (c) As used in this section:

16 "Groceries" means any food or food product for home
17 consumption. "Groceries" may be further defined by the
18 department by rule through the enumeration of items in rules or
19 tax informational release.

20 "Food" means substances, whether in liquid, concentrated,
21 solid, frozen, dried, or dehydrated form, that are sold for



1 their ingestion or chewing by humans and are consumed for their
2 taste or nutritional value. Food or food ingredients does not
3 include alcoholic beverages, tobacco, prepared food, soft
4 drinks, dietary supplements, or food or food ingredients sold
5 from a vending machine, whether cold or hot; provided that food
6 or food ingredients sold from a vending machine that is
7 subsequently heated shall be subject to this chapter.

8 "Prepared food" means:

- 9 (1) Food sold in a heated state or heated in by the
10 seller;
11 (2) Food sold with eating utensils provided by the seller,
12 including plates, knives, forks, spoons, chopsticks,
13 glasses, cups, napkins, or straws. A plate does not
14 include a container or packaging used to transport the
15 food; or
16 (3) Two or more food ingredients mixed or combined by the
17 seller for sale as a single item, except:
18 (A) Food that is only cut, repackaged, or pasteurized
19 by the seller; or
20 (B) Raw eggs, meat, poultry, or foods containing
21 these raw animal foods requiring cooking by the



1 consumer as recommended by the federal Food and
2 Drug Administration in Chapter 3, part 401.11 of
3 the Food Code, published by the Food and Drug
4 Administration, as amended or renumbered, to
5 prevent foodborne illness."

6 SECTION 3. Act 47, Session Laws of Hawaii 2024, section 2,
7 is amended by amending subsection (12) to read as follows:

8 "(12) Amounts received by a hospital, infirmary, medical
9 clinic, health care facility, or pharmacy, or a
10 medical or dental practitioner, for healthcare-related
11 goods or services purchased [~~under the medicare,~~
12 ~~medicaid, or TRICARE programs~~]. For the purposes of
13 this paragraph, the healthcare-related services need
14 not be performed by a medical or dental practitioner
15 but may be performed by a physician's assistant,
16 nurse, or other employee under the medical or dental
17 practitioner's direction. As used in this paragraph:

18 ~~["Medicaid" means the program established under~~
19 ~~Title XIX of the Social Security Act of 1935, as~~
20 ~~amended;]~~



H.B. NO. 281

1 "Medical or dental practitioner" means a
 2 physician or osteopathic physician licensed pursuant
 3 to chapter 453; a dentist licensed under chapter 448;
 4 an advanced practice registered nurse licensed
 5 pursuant to chapter 457; or a pharmacist licensed
 6 pursuant to chapter 461[+]

7 ~~["Medicare" means the program established under~~
 8 ~~Title XVIII of the Social Security Act of 1935, as~~
 9 ~~amended; and~~

10 ~~"TRICARE" means the program of the Department of~~
 11 ~~Defense military health system managed by the Defense~~
 12 ~~Health Agency, or any successor program]."~~

13 SECTION 4. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on January 1, 2027.

16

INTRODUCED BY:

James M. Shively
[Signature]
[Signature]



Jan Mills
Elizabeth
Dan
Gene Work
[Signature]

JAN 16 2025



H.B. NO. 281

Report Title:

GET; Exemption; Food; Medical Services; Dental; Minority Caucus Package

Description:

Exempts food and groceries from the general excise tax. Expands a 2024 session law exempting certain medical and dental services to include all medical and dental services.

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



A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAX.

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

1 SECTION 1. The legislature finds that Hawaii has the
2 highest cost of living in the nation. The general excise tax is
3 levied on nearly all economic activity, which is passed on to
4 customers in the form of higher prices. This can be alleviated
5 by exempting food and medical services.

6 According to the Consumer Price Index, grocery prices in
7 Hawaii are fifty per cent higher than the national average.
8 Between 2021 and 2022 households in the Honolulu area spent an
9 average of 17.3 per cent of their expenditure on food. In
10 comparison, the average American spent 12.6 per cent on food.
11 According to the United States Department of Agriculture, a
12 Hawaii family of four on the Thrifty Food Plan spending
13 \$1,431.00 per month on food would save over \$687 each year if
14 food were exempt from the general excise tax.

15 Thirty-nine states plus the District of Columbia exempt
16 groceries from their sales taxes, and another five states tax



1 groceries at lower rates than other goods. The legislature
2 finds that it is time for Hawaii to join this majority.

3 Health care further contributes to the higher cost of
4 living. Hawaii is one of only a handful of states that tax
5 medical services and, until Act 47 passed in 2024, the only
6 state to tax Medicare services. Act 47 (2024) exempted medical
7 and dental services covered by Medicare, Medicaid, and TRICARE
8 from the General Excise Tax. A broader exemption on all medical
9 and dental services would lighten the tax burden on privately
10 practicing medical providers and address Hawaii's health
11 professional shortage by incentivizing qualified physicians to
12 practice in the State, thus resulting in lower healthcare costs
13 to patients. According to a study commissioned by the Grassroot
14 Institute of Hawaii, Hawaii residents and healthcare
15 professionals would receive a \$222 million tax cut if medical
16 services were exempt from the general excise tax.

17 The State's current general surplus of one billion dollars
18 and projected continued surplus over the next three fiscal years
19 position the State to responsibly adopt the proposed tax
20 exemptions. The purpose of this Act is to exempt food and



1 medical services from the general excise tax to lower the cost
2 of living for Hawaii families.

3 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§237- Exemption of gross proceeds of sales on food and
7 groceries. (a) There shall be exempted from, and excluded from
8 the measure of, the taxes imposed by this chapter all of the
9 gross proceeds arising from the sale of food and groceries.

10 (b) This chapter shall apply to food or groceries that are
11 furnished, prepared, or served as meals, except:

12 (1) In the case of persons sixty years of age or over, or
13 who receive supplemental security income benefits, or
14 disability or blindness payments under Title I, II, X,
15 XIV, or XVI or the Social Security Act (42 U.S.C. 301
16 et set., 401 et seq., 1201 et seq., 1351 et seq., 1381
17 et seq.) and their spouses, meals prepared by and
18 served in senior citizen's centers, apartment
19 buildings occupied primarily by such persons, public
20 or private nonprofit establishments, eating or
21 otherwise, that feed such persons, private



1 establishments that contract with the appropriate
2 agency of the State to offer meals for such persons at
3 concessional prices, and meals prepared for and served
4 to residents of federally subsidized housing for the
5 elderly;

6 (2) In the case of persons sixty years of age or over and
7 persons who are physically or mentally handicapped or
8 otherwise disabled that they are unable to adequately
9 prepare all of their meals, meals prepared for and
10 delivered to them and their spouses at their home by a
11 public or private nonprofit organization or by a
12 private establishment that contracts with the
13 appropriate state agency to perform such services at
14 concessional prices;

15 (3) In the case of disabled or blind recipients of
16 benefits under Title I, II, X, XIV, or XVI or the
17 Social Security Act (42 U.S.C. 301 et seq., 401 et
18 seq., 1201 et seq., 1351 et seq., 1381 et seq.), who
19 are residents in a public or private nonprofit group
20 living arrangement that serves no more than sixteen
21 residents and is certified by the appropriate state



1 agency or agencies, meals prepared and served under
2 such arrangement;

3 (4) In the case of women and children temporarily residing
4 in public on private nonprofit shelters for battered
5 women and children, meals prepared and served by such
6 shelters; and

7 (5) In the case of households that do not reside in
8 permanent dwellings and households that have no fixed
9 mailing addresses, meals prepared for and served by a
10 public or private nonprofit establishment approved by
11 an appropriate state or local agency that feeds such
12 individuals by private establishments that contract
13 with the appropriate agency of the State to offer
14 meals for such individuals at concessional prices.

15 (c) As used in this section:

16 "Groceries" means any food or food product for home
17 consumption. "Groceries" may be further defined by the
18 department by rule through the enumeration of items in rules or
19 tax informational release.

20 "Food" means substances, whether in liquid, concentrated,
21 solid, frozen, dried, or dehydrated form, that are sold for



1 their ingestion or chewing by humans and are consumed for their
2 taste or nutritional value. Food or food ingredients does not
3 include alcoholic beverages, tobacco, prepared food, soft
4 drinks, dietary supplements, or food or food ingredients sold
5 from a vending machine, whether cold or hot; provided that food
6 or food ingredients sold from a vending machine that is
7 subsequently heated shall be subject to this chapter.

8 "Prepared food" means:

- 9 (1) Food sold in a heated state or heated in by the
10 seller;
- 11 (2) Food sold with eating utensils provided by the seller,
12 including plates, knives, forks, spoons, chopsticks,
13 glasses, cups, napkins, or straws. A plate does not
14 include a container or packaging used to transport the
15 food; or
- 16 (3) Two or more food ingredients mixed or combined by the
17 seller for sale as a single item, except:
- 18 (A) Food that is only cut, repackaged, or pasteurized
19 by the seller; or
- 20 (B) Raw eggs, meat, poultry, or foods containing
21 these raw animal foods requiring cooking by the



H.B. NO. 572

1 consumer as recommended by the federal Food and
 2 Drug Administration in Chapter 3, part 401.11 of
 3 the Food Code, published by the Food and Drug
 4 Administration, as amended or renumbered, to
 5 prevent foodborne illness."

6 SECTION 3. Act 47, Session Laws of Hawaii 2024, section 2,
 7 is amended by amending subsection (12) to read as follows:

8 "(12) Amounts received by a hospital, infirmary, medical
 9 clinic, health care facility, or pharmacy, or a
 10 medical or dental practitioner, for healthcare-related
 11 goods or services purchased [~~under the medicare,~~
 12 ~~medicaid, or TRICARE programs~~]. For the purposes of
 13 this paragraph, the healthcare-related services need
 14 not be performed by a medical or dental practitioner
 15 but may be performed by a physician's assistant,
 16 nurse, or other employee under the medical or dental
 17 practitioner's direction. As used in this paragraph:

18 ~~["Medicaid" means the program established under~~
 19 ~~Title XIX of the Social Security Act of 1935, as~~
 20 ~~amended;]~~



H.B. NO. 572

1 "Medical or dental practitioner" means a
2 physician or osteopathic physician licensed pursuant
3 to chapter 453; a dentist licensed under chapter 448;
4 an advanced practice registered nurse licensed
5 pursuant to chapter 457; or a pharmacist licensed
6 pursuant to chapter 461[+]

7 ~~["Medicare" means the program established under~~
8 ~~Title XVIII of the Social Security Act of 1935, as~~
9 ~~amended; and~~

10 ~~"TRICARE" means the program of the Department of~~
11 ~~Defense military health system managed by the Defense~~
12 ~~Health Agency, or any successor program]."~~

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on January 1, 2027.

16

INTRODUCED BY: Jan M. [Signature]

JAN 17 2025



H.B. NO. 572

Report Title:

GET; Exemption; Food; Medical Services; Dental Services

Description:

Exempts food and groceries from the general excise tax. Expands a 2024 session law exempting certain medical and dental services to include all medical and dental services.

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



JAN 17 2025

A BILL FOR AN ACT

RELATING TO EMPLOYER HEALTH CARE REQUIREMENTS.

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

1 SECTION 1. The legislature finds that oral and visual
2 health are essential components of overall health and
3 well-being. Regular dental and vision care can detect early
4 signs of systemic health issues, including diabetes and
5 cardiovascular diseases, facilitating timely interventions.
6 Many health insurance plans, including medicaid managed care
7 programs, do not provide comprehensive dental and vision
8 coverage for adults. This lack of coverage leads to significant
9 out-of-pocket expenses, deterring individuals from seeking
10 necessary preventive and therapeutic care.

11 The legislature further finds that the absence of dental
12 and vision coverage disproportionately affects low-income
13 populations and communities of color, exacerbating health
14 disparities. Limited access to these essential services
15 contributes to higher incidences of untreated dental caries,
16 periodontal disease, and vision impairments in these
17 communities. Untreated dental and vision issues can lead to



1 more severe health complications, resulting in increased
2 emergency room visits and higher overall healthcare costs.
3 Implementing comprehensive dental and vision coverage has the
4 potential to reduce these costs by emphasizing preventive care
5 and early treatment.

6 The legislature also finds that access to regular dental
7 and vision care enhances quality of life by preventing pain,
8 improving nutrition through proper oral function, enabling
9 better educational and occupational performance, and reducing
10 the risk of accidents related to visual impairments. This Act
11 mandates all health insurers operating within the State,
12 including medicaid managed care programs, to provide
13 comprehensive dental and vision coverage for all enrollees,
14 eliminating existing coverage gaps. By encouraging the
15 utilization of preventive dental and vision services to detect
16 and address health issues at an early stage, this Act aims to
17 reduce the incidence of advanced diseases and associated
18 healthcare costs.

19 Furthermore, the Act seeks to address and reduce health
20 disparities by ensuring equitable access to essential dental and
21 vision care services across all populations, particularly



1 underserved communities. By integrating dental and vision care
2 into standard health insurance coverage, this Act intends to
3 improve overall health outcomes and reduce long-term healthcare
4 expenditures. This measure reflects a commitment to
5 comprehensive healthcare reform, recognizing that the inclusion
6 of dental and vision services is vital to the health and
7 wellbeing of the State's residents.

8 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
9 amended by adding a new section to article 10A to be
10 appropriately designated and to read as follows:

11 **"§431:10A- Coverage for dental and vision treatment;**
12 **notice.** (a) Any other law to the contrary notwithstanding,
13 each employer group health policy, contract, plan, or agreement
14 issued or renewed in this State after December 31, 2025, that
15 provides coverage to policyholders, shall provide, not as an
16 employer option and not as a deductible, coverage for dental and
17 vision preventative care, diagnosis, and treatment. The
18 coverage provided shall in no way diminish or limit diagnostic
19 benefits otherwise provided.

20 (b) Every insurer shall provide notice to its
21 policyholders regarding the coverage required by this section.



S.B. NO. 1172

1 The notice shall be in writing and prominently positioned in any
2 literature or correspondence sent to policyholders and shall be
3 transmitted to policyholders within calendar year 2026 when
4 annual information is made available to policyholders, or in any
5 other mailing to policyholders, but in no case later than
6 December 31, 2026."

7 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
8 amended by adding a new section to part VI of article 1 to be
9 appropriately designated and to read as follows:

10 **"§432:1- Coverage for dental and vision treatment;**
11 **notice.** (a) Any other law to the contrary notwithstanding,
12 each individual and group hospital or medical service plan,
13 policy, contract, or agreement issued or renewed in this State
14 after December 31, 2025, that provides coverage, shall provide,
15 not as an employer option and not as a deductible, coverage for
16 dental and vision preventative care, diagnosis, and treatment.

17 (b) Every mutual benefit society shall provide notice to
18 its members regarding the coverage required by this section.
19 The notice shall be in writing and prominently positioned in any
20 literature or correspondence sent to members and shall be
21 transmitted to members within calendar year 2026 when annual



1 information is made available to members, or in any other
2 mailing to members, but in no case later than December 31,
3 2026."

4 SECTION 4. Section 432D:23, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§432D-23 Required provisions and benefits.**

7 Notwithstanding any provision of law to the contrary, each
8 policy, contract, plan, or agreement issued in the State after
9 January 1, 1995, by health maintenance organizations pursuant to
10 this chapter, shall include benefits provided in sections
11 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116,
12 431:10A-116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119,
13 431:10A-120, 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126,
14 431:10A-132, 431:10A-133, 431:10A-134, 431:10A-140, and
15 [~~431:10A-134~~,] 431:10A- , and chapter 431M."

16 SECTION 5. The benefit to be provided by health
17 maintenance organizations corresponding to the benefit provided
18 under sections 431:10A- , Hawaii Revised Statutes, as
19 contained in the amendment to section 432D-23, Hawaii Revised
20 Statutes, in section 4 of this Act, shall take effect for all



S.B. NO. 1172

1 policies, contracts, plans, or agreements issued in the State
2 after December 31, 2025.

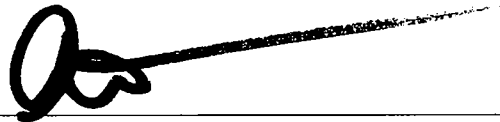
3 SECTION 6. The coverage required under sections 2, 3, and
4 4 of this Act shall apply to all plans under medicaid managed
5 care programs in the State.

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

8 SECTION 8. This Act shall take effect on July 1, 2025;
9 provided that sections 2, 3, and 4 shall apply to all policies,
10 contracts, plans, or agreements issued or renewed in the State
11 after December 31, 2025; provided further that section 6 shall
12 take effect upon approval of the Hawaii medicaid state plan by
13 the Centers for Medicare and Medicaid Services.

14

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'A. A.', written over a horizontal line.

S.B. NO. 1172

Report Title:

Health Insurance; Mandated Coverage

Description:

Requires all health insurers in the State, including Medicaid managed care programs, to cover dental and vision treatment.

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



JAN 17 2025

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Huli Au Ola, Maui county area health education
2 center, provides support and assistance to underserved and rural
3 areas of Maui county. The island of Molokai is the area most
4 underserved by non-primary care physicians and dentists. The
5 retention of physicians and dentists is critical to the Molokai
6 community of approximately seven thousand residents. With only
7 one airline serving the island of Molokai, the lack of medical
8 professionals on Molokai is crucial. Many Molokai residents
9 cannot afford to travel to seek medical and dental care.
10 Although telehealth is available for most community members,
11 more serious conditions require an in-person visit with a
12 medical professional.

13 The purpose of this Act is to require Huli Au Ola to
14 conduct a study on the recruitment and retention of physicians
15 and dentists to be located on and serve the island of Molokai.

16 SECTION 2. (a) The university of Hawaii John A. Burns
17 school of medicine shall direct Huli Au Ola to conduct a study



1 on the recruitment and retention of physicians and dentists to
2 serve the island of Molokai.

3 (b) The study shall include information related to:

4 (1) Recruitment;

5 (2) Retention;

6 (3) Housing availability;

7 (4) Transportation availability;

8 (5) Airline availability;

9 (6) Partnerships;

10 (7) Communication; and

11 (8) Evaluation process.

12 SECTION 3. Huli Au Ola shall submit a report of its
13 findings and recommendations, including any proposed
14 legislation, to the legislature no later than twenty days prior
15 to the convening of the regular session of 2026.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$175,000 or so much
18 thereof as may be necessary for fiscal year 2025-2026 to study
19 the recruitment and retention of physicians and dentists to
20 serve the island of Molokai.



1 The sum appropriated shall be expended by the university of
2 Hawaii John A. Burns school of medicine for the purposes of this
3 Act.

4 SECTION 5. This Act shall take effect on July 1, 2025.

5

INTRODUCED BY: *Yun D. Cite*



S.B. NO. 557

Report Title:

Health; JABSOM; UH; Huli Au Oli; Physician and Dentist
Retention; Molokai; Study; Appropriation

Description:

Requires University of Hawaii John A. Burns School of Medicine (JABSOM) to direct Huli Au Oli to conduct a study on physician and dentist recruitment and retention to serve the island of Molokai. Appropriates moneys.

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



JAN 23 2025

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

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

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist licensing
16 program, state board of massage therapy, Hawaii
17 medical board, mental health counselors licensing

S.B. NO. 1373

1 program, state board of naturopathic medicine, state
2 board of nursing, nurse aide program, nursing home
3 administrator program, occupational therapy program,
4 midwives licensing program, dispensing opticians
5 program, board of examiners in optometry, board of
6 pharmacy, board of physical therapy, board of
7 psychology, behavior analyst program, respiratory
8 therapist program, social worker licensing program,
9 and state board of speech pathology and audiology to
10 automatically revoke and deny the renewal,
11 restoration, or reinstatement of a license to a
12 licensee who is a registered sex offender;

13 (2) Establish conditions for the disciplinary action; and

14 (3) Ensure consumer protection by requiring any final
15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436E- _____ Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction as
21 a registered sex offender; conditions. (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

S.B. NO. 1373

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the licensing
20 authority within ten days of the notice. The hearing shall be
21 held within thirty days of the revocation or denial. The
22 proceeding shall be conducted in accordance with chapter 91.

S.B. NO. 1373

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

S.B. NO. 1373

1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

- 12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or
- 18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

S.B. NO. 1373

1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the licensing
8 authority within ten days of the notice. The hearing shall be
9 held within thirty days of the revocation or denial. The
10 proceeding shall be conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the license holder is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the program from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.

S.B. NO. 1373

1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The director shall not restore, renew, or otherwise
4 reinstate the license of a person under any of the following
5 circumstances:

6 (1) The person has been required to register as a sex
7 offender pursuant to the requirements of chapter 846E,
8 regardless of whether the conviction has been
9 appealed; and

10 (2) The person engaged in the offense with a patient or
11 client, or with a former patient or client if the
12 relationship was terminated primarily for the purpose
13 of committing the offense."

14 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§439A- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction as
19 a registered sex offender; conditions. (a) Notwithstanding any
20 law to the contrary, the board shall automatically revoke a
21 license or deny an application to renew, restore, or reinstate a
22 license under either of the following circumstances:

S.B. NO. 1373

1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.

21 (d) For the purposes of enforcement of this section, a
22 plea or verdict of guilty, or a conviction after a plea of nolo

S.B. NO. 1373

1 contendere, shall be deemed a conviction. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 (e) If the related conviction of the license holder is
5 overturned upon appeal, the revocation or denial ordered
6 pursuant to this section shall automatically cease. Nothing in
7 this subsection shall prohibit the board from pursuing
8 disciplinary action based on any cause other than the overturned
9 conviction.

10 (f) Any final order of discipline taken pursuant to this
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise
13 reinstate the license of a person under any of the following
14 circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to the requirements of chapter 846E,
17 regardless of whether the conviction has been
18 appealed; and

19 (2) The person engaged in the offense with a patient or
20 client, or with a former patient or client if the
21 relationship was terminated primarily for the purpose
22 of committing the offense."

S.B. NO. 1373

1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§447- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. /373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§448F- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§451J- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. /373

1 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§453- _____ Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§455- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions. (a) Notwithstanding any**
18 **law to the contrary, the board shall automatically revoke a**
19 **license or deny an application to renew, restore, or reinstate a**
20 **license under either of the following circumstances:**

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457A- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457G- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§458- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. /373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§459- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§461- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. /373

1 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. /373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§463E- **Revocation of license or denial of application**
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§465- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§465D- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 30. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 31. New statutory material is underscored.

16 SECTION 32. This Act shall take effect upon its approval.

17

18

INTRODUCED BY:



19

BY REQUEST

S.B. NO. 1373

Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

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

SB. NO. 1373

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINSTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, and 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee becomes or is found to be a registered sex offender. This bill allows for the automatic revocation of a license or denial of an application to renew, reinstate, or restore a license for certain professions when the licensee is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

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

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist licensing
16 program, state board of massage therapy, Hawaii
17 medical board, mental health counselors licensing

H.B. NO. 1054

1 program, state board of naturopathic medicine, state
2 board of nursing, nurse aide program, nursing home
3 administrator program, occupational therapy program,
4 midwives licensing program, dispensing opticians
5 program, board of examiners in optometry, board of
6 pharmacy, board of physical therapy, board of
7 psychology, behavior analyst program, respiratory
8 therapist program, social worker licensing program,
9 and state board of speech pathology and audiology to
10 automatically revoke and deny the renewal,
11 restoration, or reinstatement of a license to a
12 licensee who is a registered sex offender;

- 13 (2) Establish conditions for the disciplinary action; and
14 (3) Ensure consumer protection by requiring any final
15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436E- Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction as
21 a registered sex offender; conditions. (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

H.B. NO. 1054

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the licensing
20 authority within ten days of the notice. The hearing shall be
21 held within thirty days of the revocation or denial. The
22 proceeding shall be conducted in accordance with chapter 91.

H.B. NO. 1054

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

H.B. NO. 1054

1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

H.B. NO. 1054

1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the licensing
8 authority within ten days of the notice. The hearing shall be
9 held within thirty days of the revocation or denial. The
10 proceeding shall be conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the license holder is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the program from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.

H.B. NO. 1054

1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The director shall not restore, renew, or otherwise
4 reinstate the license of a person under any of the following
5 circumstances:

6 (1) The person has been required to register as a sex
7 offender pursuant to the requirements of chapter 846E,
8 regardless of whether the conviction has been
9 appealed; and

10 (2) The person engaged in the offense with a patient or
11 client, or with a former patient or client if the
12 relationship was terminated primarily for the purpose
13 of committing the offense."

14 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§439A- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction as
19 a registered sex offender; conditions. (a) Notwithstanding any
20 law to the contrary, the board shall automatically revoke a
21 license or deny an application to renew, restore, or reinstate a
22 license under either of the following circumstances:

H.B. NO. 1054

- 1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or
- 7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.
- 11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).
- 15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.
- 21 (d) For the purposes of enforcement of this section, a
22 plea or verdict of guilty, or a conviction after a plea of nolo

H.B. NO. 1054

1 contendere, shall be deemed a conviction. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 (e) If the related conviction of the license holder is
5 overturned upon appeal, the revocation or denial ordered
6 pursuant to this section shall automatically cease. Nothing in
7 this subsection shall prohibit the board from pursuing
8 disciplinary action based on any cause other than the overturned
9 conviction.

10 (f) Any final order of discipline taken pursuant to this
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise
13 reinstate the license of a person under any of the following
14 circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to the requirements of chapter 846E,
17 regardless of whether the conviction has been
18 appealed; and

19 (2) The person engaged in the offense with a patient or
20 client, or with a former patient or client if the
21 relationship was terminated primarily for the purpose
22 of committing the offense."

H.B. NO. 1054

1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§447- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§448F- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§451J- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§453- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

1 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§455- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457A- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

A.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457G- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§458- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§459- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§461- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§463E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§465- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§465D- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

H.B. NO. 1054

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

H.B. NO. 1054

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

H.B. NO. 1054

1 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

H.B. NO. 1054

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

H.B. NO. 1054

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 30. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 31. New statutory material is underscored.

16 SECTION 32. This Act shall take effect upon its approval.

17
18 INTRODUCED BY: Meddie K. Nuburn

19
BY REQUEST
JAN 21 2025

H . B . NO . 1054

Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

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

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, and 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee becomes or is found to be a registered sex offender. This bill allows for the automatic revocation of a license or denial of an application to renew, reinstate, or restore a license for certain professions when the licensee is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

A BILL FOR AN ACT

RELATING TO GENERAL EXCISE TAX.

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

1 SECTION 1. The legislature finds that Hawaii has the
2 highest cost of living in the nation. The general excise tax is
3 levied on nearly all economic activity, which is passed on to
4 customers in the form of higher prices. This can be alleviated
5 by exempting food and medical services.

6 According to the Consumer Price Index, grocery prices in
7 Hawaii are fifty per cent higher than the national average.
8 Between 2021 and 2022 households in the Honolulu area spent an
9 average of 17.3 per cent of their expenditure on food. In
10 comparison, the average American spent 12.6 per cent on food.
11 According to the United States Department of Agriculture, a
12 Hawaii family of four on the Thrifty Food Plan spending
13 \$1,431.00 per month on food would save over \$687 each year if
14 food were exempt from the general excise tax.

15 Thirty-nine states plus the District of Columbia exempt
16 groceries from their sales taxes, and another five states tax



1 groceries at lower rates than other goods. The legislature
2 finds that it is time for Hawaii to join this majority.

3 Health care further contributes to the higher cost of
4 living. Hawaii is one of only a handful of states that tax
5 medical services and, until Act 47 passed in 2024, the only
6 state to tax Medicare services. Act 47 (2024) exempted medical
7 and dental services covered by Medicare, Medicaid, and TRICARE
8 from the General Excise Tax. A broader exemption on all medical
9 and dental services would lighten the tax burden on privately
10 practicing medical providers and address Hawaii's health
11 professional shortage by incentivizing qualified physicians to
12 practice in the State, thus resulting in lower healthcare costs
13 to patients. According to a study commissioned by the Grassroot
14 Institute of Hawaii, Hawaii residents and healthcare
15 professionals would receive a \$222 million tax cut if medical
16 services were exempt from the general excise tax.

17 The State's current general surplus of one billion dollars
18 and projected continued surplus over the next three fiscal years
19 position the State to responsibly adopt the proposed tax
20 exemptions. The purpose of this Act is to exempt food and



1 medical services from the general excise tax to lower the cost
2 of living for Hawaii families.

3 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§237- Exemption of gross proceeds of sales on food and
7 groceries. (a) There shall be exempted from, and excluded from
8 the measure of, the taxes imposed by this chapter all of the
9 gross proceeds arising from the sale of food and groceries.

10 (b) This chapter shall apply to food or groceries that are
11 furnished, prepared, or served as meals, except:

12 (1) In the case of persons sixty years of age or over, or
13 who receive supplemental security income benefits, or
14 disability or blindness payments under Title I, II, X,
15 XIV, or XVI or the Social Security Act (42 U.S.C. 301
16 et set., 401 et seq., 1201 et seq., 1351 et seq., 1381
17 et seq.) and their spouses, meals prepared by and
18 served in senior citizen's centers, apartment
19 buildings occupied primarily by such persons, public
20 or private nonprofit establishments, eating or
21 otherwise, that feed such persons, private



1 establishments that contract with the appropriate
2 agency of the State to offer meals for such persons at
3 concessional prices, and meals prepared for and served
4 to residents of federally subsidized housing for the
5 elderly;

6 (2) In the case of persons sixty years of age or over and
7 persons who are physically or mentally handicapped or
8 otherwise disabled that they are unable to adequately
9 prepare all of their meals, meals prepared for and
10 delivered to them and their spouses at their home by a
11 public or private nonprofit organization or by a
12 private establishment that contracts with the
13 appropriate state agency to perform such services at
14 concessional prices;

15 (3) In the case of disabled or blind recipients of
16 benefits under Title I, II, X, XIV, or XVI or the
17 Social Security Act (42 U.S.C. 301 et seq., 401 et
18 seq., 1201 et seq., 1351 et seq., 1381 et seq.), who
19 are residents in a public or private nonprofit group
20 living arrangement that serves no more than sixteen
21 residents and is certified by the appropriate state



1 agency or agencies, meals prepared and served under
2 such arrangement;

3 (4) In the case of women and children temporarily residing
4 in public on private nonprofit shelters for battered
5 women and children, meals prepared and served by such
6 shelters; and

7 (5) In the case of households that do not reside in
8 permanent dwellings and households that have no fixed
9 mailing addresses, meals prepared for and served by a
10 public or private nonprofit establishment approved by
11 an appropriate state or local agency that feeds such
12 individuals by private establishments that contract
13 with the appropriate agency of the State to offer
14 meals for such individuals at concessional prices.

15 (c) As used in this section:

16 "Groceries" means any food or food product for home
17 consumption. "Groceries" may be further defined by the
18 department by rule through the enumeration of items in rules or
19 tax informational release.

20 "Food" means substances, whether in liquid, concentrated,
21 solid, frozen, dried, or dehydrated form, that are sold for



1 their ingestion or chewing by humans and are consumed for their
2 taste or nutritional value. Food or food ingredients does not
3 include alcoholic beverages, tobacco, prepared food, soft
4 drinks, dietary supplements, or food or food ingredients sold
5 from a vending machine, whether cold or hot; provided that food
6 or food ingredients sold from a vending machine that is
7 subsequently heated shall be subject to this chapter.

8 "Prepared food" means:

- 9 (1) Food sold in a heated state or heated in by the
10 seller;
11 (2) Food sold with eating utensils provided by the seller,
12 including plates, knives, forks, spoons, chopsticks,
13 glasses, cups, napkins, or straws. A plate does not
14 include a container or packaging used to transport the
15 food; or
16 (3) Two or more food ingredients mixed or combined by the
17 seller for sale as a single item, except:
18 (A) Food that is only cut, repackaged, or pasteurized
19 by the seller; or
20 (B) Raw eggs, meat, poultry, or foods containing
21 these raw animal foods requiring cooking by the



1 consumer as recommended by the federal Food and
2 Drug Administration in Chapter 3, part 401.11 of
3 the Food Code, published by the Food and Drug
4 Administration, as amended or renumbered, to
5 prevent foodborne illness."

6 SECTION 3. Act 47, Session Laws of Hawaii 2024, section 2,
7 is amended by amending subsection (12) to read as follows:

8 "(12) Amounts received by a hospital, infirmary, medical
9 clinic, health care facility, or pharmacy, or a
10 medical or dental practitioner, for healthcare-related
11 goods or services purchased [~~under the medicare,~~
12 ~~medicaid, or TRICARE programs~~]. For the purposes of
13 this paragraph, the healthcare-related services need
14 not be performed by a medical or dental practitioner
15 but may be performed by a physician's assistant,
16 nurse, or other employee under the medical or dental
17 practitioner's direction. As used in this paragraph:

18 ~~["Medicaid" means the program established under~~
19 ~~Title XIX of the Social Security Act of 1935, as~~
20 ~~amended;]~~



1 "Medical or dental practitioner" means a
 2 physician or osteopathic physician licensed pursuant
 3 to chapter 453; a dentist licensed under chapter 448;
 4 an advanced practice registered nurse licensed
 5 pursuant to chapter 457; or a pharmacist licensed
 6 pursuant to chapter 461[+]

7 ~~["Medicare" means the program established under~~
 8 ~~Title XVIII of the Social Security Act of 1935, as~~
 9 ~~amended; and~~

10 ~~"TRICARE" means the program of the Department of~~
 11 ~~Defense military health system managed by the Defense~~
 12 ~~Health Agency, or any successor program]."~~

13 SECTION 4. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on January 1, 2027.

16 INTRODUCED BY: *James M. Stringer*
 JAN 23 2025



H.B. NO. 1339

Report Title:

GET; Exemption; Food; Medical Services; Dental

Description:

Exempts food and groceries from the general excise tax. Expands a 2024 session law exempting certain medical and dental services to include all medical and dental services.

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



A BILL FOR AN ACT

RELATING TO ORAL HEALTH.

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

1 SECTION 1. The legislature finds that Hawaii's oral health
2 program is not meeting the needs of residents. Unlike forty-two
3 other states, this State's department of health does not retain
4 dedicated oral health staff to assess and monitor the
5 population's oral health status, community needs, and assets;
6 inform and educate people about oral health; mobilize community
7 partners to leverage resources; develop, champion, and implement
8 policies, laws, and plans that support oral health efforts;
9 reduce barriers to care; assure a competent and skilled public
10 and private oral health workforce; and improve public oral
11 health functions through ongoing evaluation and continuous
12 quality improvement.

13 The legislature further finds that while the adult medicaid
14 population has limited access to dental care, there is a lack of
15 dental providers for this population. Additionally, while
16 federally qualified health centers in each county are a critical
17 medical and oral health safety net, approximately forty-two



H.B. NO. 1431

1 thousand people of all ages and covered by all types of health
2 insurance were served by the health centers in 2021.

3 The legislature additionally finds that while the
4 department of health operates five small dental clinics and also
5 serves individuals who are elderly, blind, intellectually
6 disabled, developmentally disabled, and mentally ill, all
7 clinics are located in the city and county of Honolulu. The
8 State does not operate dental clinics to serve similar
9 populations in other counties. The legislature notes that three
10 hundred thirty-nine dentists in the State currently accept and
11 treat adults covered by medicaid.

12 While the legislature allocated more than \$25,000,000 in
13 2022 to reinstate adult medicaid dental benefits, the
14 legislature is concerned that the current oral health
15 infrastructure is insufficient to deliver oral health services
16 to those most in need.

17 The purpose of this Act is to:

- 18 (1) Establish an oral health task force to review
19 information and data on the status of oral health in
20 the State and make recommendations to improve the
21 State's oral health infrastructure; and



1 (2) Appropriate funds to help facilitate the work of the
2 oral health task force.

3 SECTION 2. (a) There is established an oral health task
4 force to be placed within the department of health for
5 administrative purposes.

6 (b) The oral health task force shall:

7 (1) Review all information and data relating to oral
8 health status in Hawaii, including the Hawaii Oral
9 Health Coalition 2022-2023 environmental scan, for
10 evidence of key oral health issues and evident areas
11 for action;

12 (2) Review all information and data relating to the
13 department of health oral health program functions and
14 processes and make recommendations regarding
15 organizational structure, personnel needs, contracted
16 service needs, required resources, and potential
17 additional funding and support;

18 (3) Review and analyze systemic issues in oral health
19 services and processes statewide and make
20 recommendations for systemic changes and improvements
21 to improve equity in oral health;



H.B. NO. 1431

- 1 (4) Develop an oral health strategic blueprint that
2 includes goals, objectives, specific actions, and
3 resources needed;
- 4 (5) Act as a systemic facilitator for key oral health
5 stakeholders so that complex and problematic issues
6 can be discussed and addressed in a timely and
7 effective manner;
- 8 (6) Ensure that there are agreed-upon community metrics
9 for analyzing the development and implementation of
10 medicaid funding for oral health; and
- 11 (7) Make recommendations to state and county policymakers
12 regarding systemic actions recommended to improve oral
13 health in Hawaii.
- 14 (c) The oral health task force shall consist of the
15 following members:
- 16 (1) One representative of the family health services
17 division of the department of health, to be appointed
18 by the director of health;
- 19 (2) One representative of the developmental disabilities
20 division of the department of health, to be appointed
21 by the director of health;



H.B. NO. 1431

- 1 (3) One representative of the med-QUEST division of the
2 department of human services, to be appointed by the
3 director of human services;
- 4 (4) One representative of the student services branch of
5 the department of education, to be appointed by the
6 superintendent of education;
- 7 (5) One representative of the state council on
8 developmental disabilities, to be appointed by the
9 speaker of the house of representatives;
- 10 (6) A faculty member of the university of Hawaii at Manoa
11 Nancy Atmospera-Walch school of nursing dental hygiene
12 program, to be appointed by the speaker of the house
13 of representatives;
- 14 (7) One representative of the university of Hawaii John A.
15 Burns school of medicine, to be appointed by the
16 president of the senate;
- 17 (8) One representative of the county of Hawaii who is a
18 department of health employee or community oral health
19 representative, to be appointed by the president of
20 the senate;



H.B. NO. 1431

- 1 (9) One representative of the county of Maui, to be
2 appointed by the speaker of the house of
3 representatives;
- 4 (10) One representative of the county of Kauai, to be
5 appointed by the president of the senate;
- 6 (11) One representative of the Hawaii Oral Health
7 Coalition, to be invited by the president of the
8 senate;
- 9 (12) One representative of the Hawaii Dental Association,
10 to be invited by the speaker of the house of
11 representatives;
- 12 (13) One representative of the Hawaii Dental Service, to be
13 invited by the president of the senate;
- 14 (14) One representative of the Hawaii Dental Service
15 Foundation, to be invited by the speaker of the house
16 of representatives;
- 17 (15) One representative of a Hawaii dental medicaid
18 insurer, to be invited by the president of the senate;
- 19 (16) Two community advocates for medicaid and oral health,
20 one each to be invited by the speaker of the house of



H.B. NO. 1431

- 1 representatives and president of the senate,
2 respectively;
- 3 (17) One representative of the Hawaii Primary Care
4 Association, to be invited by the president of the
5 senate;
- 6 (18) One representative of the Native Hawaiian Health Care
7 Systems, to be invited by the speaker of the house of
8 representatives;
- 9 (19) One representative of Papa Ola Lokahi, to be invited
10 by the president of the senate;
- 11 (20) One representative of the Hawaii Dental Hygienists'
12 Association, to be invited by the speaker of the house
13 of representatives; and
- 14 (21) One representative advocate from the private practice
15 dental community who is working with the adult
16 medicaid population and other medicaid-associated
17 dentists, to be invited by the director of health.
- 18 (d) The representative of the family health services
19 division of the department of health shall serve as the
20 chairperson of the task force. If the representative of the
21 family health services division of the department of health is



1 unable to serve as the chairperson of the task force, the
2 members of the task force shall select a chairperson from among
3 the remaining members.

4 (e) The oral health task force shall submit an interim
5 report of its findings and recommendations to the legislature no
6 later than twenty days prior to the convening of the regular
7 session of 2026. The department of health shall submit a final
8 report of the oral health task force's findings and
9 recommendations, including any proposed legislation, to the
10 legislature no later than twenty days prior to the convening of
11 the regular session of 2028.

12 (f) The task force shall cease to exist on June 30, 2028.

13 (g) The task force shall be exempt from part I of chapter
14 92, Hawaii Revised Statutes.

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$200,000 or so much
17 thereof as may be necessary for fiscal year 2025-2026 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2026-2027 for the family health services division of the
20 department of health to contract with a consultant to facilitate
21 the work of the oral health task force, including completing the



1 interim and final reports required by subsection (e) of section
2 2 of this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$79,872 or so much
7 thereof as may be necessary for fiscal year 2025-2026 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2026-2027 for the establishment of one permanent full-time
10 equivalent (1.0 FTE) program specialist V position within the
11 family health services division of the department of health.

12 This position shall:

13 (1) Collect, analyze, and evaluate information relevant to
14 specific oral health policy issues and related
15 material to enable oral health task force members to
16 develop informed policy recommendations affecting oral
17 health care;

18 (2) Serve as the representative of the department of
19 health oral health program to the Hawaii Oral Health
20 Coalition;



H.B. NO. 1431

1 (3) Develop, administer, monitor, and provide oversight of
2 the contract for a consultant to facilitate the work
3 of the oral health task force; and

4 (4) Serve as a liaison between the department of health
5 and other state agencies on the oral health task
6 force.

7 The sums appropriated shall be expended by the department
8 of health for the purposes of this Act.

9 SECTION 5. This Act shall take effect on July 1, 2025.

10

INTRODUCED BY: *Nadine K. Parker*

JAN 23 2025



H.B. NO. 1431

Report Title:

Department of Health; Oral Health Task Force; Positions;
Reports; Appropriations

Description:

Establishes an Oral Health Task Force to review the status of oral health in the State and make recommendations to improve the State's oral health infrastructure. Establishes one full-time equivalent program specialist V position. Appropriates funds.

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



JAN 23 2025

A BILL FOR AN ACT

RELATING TO ORAL HEALTH.

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

1 SECTION 1. The legislature finds that Hawaii's oral health
2 program is not meeting the needs of residents. Unlike forty-two
3 other states, this State's department of health does not retain
4 dedicated oral health staff to assess and monitor the
5 population's oral health status, community needs, and assets;
6 inform and educate people about oral health; mobilize community
7 partners to leverage resources; develop, champion, and implement
8 policies, laws, and plans that support oral health efforts;
9 reduce barriers to care; assure a competent and skilled public
10 and private oral health workforce; and improve public oral
11 health functions through ongoing evaluation and continuous
12 quality improvement.

13 The legislature further finds that while the adult medicaid
14 population has limited access to dental care, there is a lack of
15 dental providers for this population. Additionally, while
16 federally qualified health centers in each county are a critical
17 medical and oral health safety net, approximately forty-two



1 thousand people of all ages and covered by all types of health
2 insurance were served by the health centers in 2021.

3 The legislature additionally finds that while the
4 department of health operates five small dental clinics and also
5 serves individuals who are elderly, blind, intellectually
6 disabled, developmentally disabled, and mentally ill, all
7 clinics are located in the city and county of Honolulu. The
8 State does not operate dental clinics to serve similar
9 populations in other counties. The legislature notes that three
10 hundred thirty-nine dentists in the State currently accept and
11 treat adults covered by medicaid.

12 While the legislature allocated more than \$25,000,000 in
13 2022 to reinstate adult medicaid dental benefits, the
14 legislature is concerned that the current oral health
15 infrastructure is insufficient to deliver oral health services
16 to those most in need.

17 The purpose of this Act is to:

- 18 (1) Establish an oral health task force to review
19 information and data on the status of oral health in
20 the State and make recommendations to improve the
21 State's oral health infrastructure; and



1 (2) Appropriate funds to help facilitate the work of the
2 oral health task force.

3 SECTION 2. (a) There is established an oral health task
4 force to be placed within the department of health for
5 administrative purposes.

6 (b) The oral health task force shall:

7 (1) Review all information and data relating to oral
8 health status in Hawaii, including the Hawaii Oral
9 Health Coalition 2022-2023 environmental scan, for
10 evidence of key oral health issues and evident areas
11 for action;

12 (2) Review all information and data relating to the
13 department of health oral health program functions and
14 processes and make recommendations regarding
15 organizational structure, personnel needs, contracted
16 service needs, required resources, and potential
17 additional funding and support;

18 (3) Review and analyze systemic issues in oral health
19 services and processes statewide and make
20 recommendations for systemic changes and improvements
21 to improve equity in oral health;



- 1 (4) Develop an oral health strategic blueprint that
2 includes goals, objectives, specific actions, and
3 resources needed;
- 4 (5) Act as a systemic facilitator for key oral health
5 stakeholders so that complex and problematic issues
6 can be discussed and addressed in a timely and
7 effective manner;
- 8 (6) Ensure that there are agreed-upon community metrics
9 for analyzing the development and implementation of
10 medicaid funding for oral health; and
- 11 (7) Make recommendations to state and county policymakers
12 regarding systemic actions recommended to improve oral
13 health in Hawaii.
- 14 (c) The oral health task force shall consist of the
15 following members:
- 16 (1) One representative of the family health services
17 division of the department of health, to be appointed
18 by the director of health;
- 19 (2) One representative of the developmental disabilities
20 division of the department of health, to be appointed
21 by the director of health;



S.B. NO. 1516

- 1 (3) One representative of the med-QUEST division of the
2 department of human services, to be appointed by the
3 director of human services;
- 4 (4) One representative of the student services branch of
5 the department of education, to be appointed by the
6 superintendent of education;
- 7 (5) One representative of the state council on
8 developmental disabilities, to be appointed by the
9 speaker of the house of representatives;
- 10 (6) A faculty member of the university of Hawaii at Manoa
11 Nancy Atmospera-Walch school of nursing dental hygiene
12 program, to be appointed by the speaker of the house
13 of representatives;
- 14 (7) One representative of the university of Hawaii John A.
15 Burns school of medicine, to be appointed by the
16 president of the senate;
- 17 (8) One representative of the county of Hawaii who is a
18 department of health employee or community oral health
19 representative, to be appointed by the president of
20 the senate;



S.B. NO. 1516

- 1 (9) One representative of the county of Maui, to be
2 appointed by the speaker of the house of
3 representatives;
- 4 (10) One representative of the county of Kauai, to be
5 appointed by the president of the senate;
- 6 (11) One representative of the Hawaii Oral Health
7 Coalition, to be invited by the president of the
8 senate;
- 9 (12) One representative of the Hawaii Dental Association,
10 to be invited by the speaker of the house of
11 representatives;
- 12 (13) One representative of the Hawaii Dental Service, to be
13 invited by the president of the senate;
- 14 (14) One representative of the Hawaii Dental Service
15 Foundation, to be invited by the speaker of the house
16 of representatives;
- 17 (15) One representative of a Hawaii dental medicaid
18 insurer, to be invited by the president of the senate;
- 19 (16) Two community advocates for medicaid and oral health,
20 one each to be invited by the speaker of the house of



- 1 representatives and president of the senate,
2 respectively;
- 3 (17) One representative of the Hawaii Primary Care
4 Association, to be invited by the president of the
5 senate;
- 6 (18) One representative of the Native Hawaiian Health Care
7 Systems, to be invited by the speaker of the house of
8 representatives;
- 9 (19) One representative of Papa Ola Lokahi, to be invited
10 by the president of the senate;
- 11 (20) One representative of the Hawaii Dental Hygienists'
12 Association, to be invited by the speaker of the house
13 of representatives; and
- 14 (21) One representative advocate from the private practice
15 dental community who is working with the adult
16 medicaid population and other medicaid-associated
17 dentists, to be invited by the director of health.
- 18 (d) The representative of the family health services
19 division of the department of health shall serve as the
20 chairperson of the task force. If the representative of the
21 family health services division of the department of health is



1 unable to serve as the chairperson of the task force, the
2 members of the task force shall select a chairperson from among
3 the remaining members.

4 (e) The oral health task force shall submit an interim
5 report of its findings and recommendations to the legislature no
6 later than twenty days prior to the convening of the regular
7 session of 2026. The department of health shall submit a final
8 report of the oral health task force's findings and
9 recommendations, including any proposed legislation, to the
10 legislature no later than twenty days prior to the convening of
11 the regular session of 2028.

12 (f) The task force shall cease to exist on June 30, 2028.

13 (g) The task force shall be exempt from part I of chapter
14 92, Hawaii Revised Statutes.

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$200,000 or so much
17 thereof as may be necessary for fiscal year 2025-2026 and the
18 same sum or so much thereof as may be necessary for fiscal year
19 2026-2027 for the family health services division of the
20 department of health to contract with a consultant to facilitate
21 the work of the oral health task force, including completing the



1 interim and final reports required by subsection (e) of section
2 of this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$79,872 or so much
7 thereof as may be necessary for fiscal year 2025-2026 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2026-2027 for the establishment of one permanent full-time
10 equivalent (1.0 FTE) program specialist V position within the
11 family health services division of the department of health.

12 This position shall:

- 13 (1) Collect, analyze, and evaluate information relevant to
14 specific oral health policy issues and related
15 material to enable oral health task force members to
16 develop informed policy recommendations affecting oral
17 health care;
- 18 (2) Serve as the representative of the department of
19 health oral health program to the Hawaii Oral Health
20 Coalition;



1 (3) Develop, administer, monitor, and provide oversight of
2 the contract for a consultant to facilitate the work
3 of the oral health task force; and

4 (4) Serve as a liaison between the department of health
5 and other state agencies on the oral health task
6 force.

7 The sums appropriated shall be expended by the department
8 of health for the purposes of this Act.

9 SECTION 5. This Act shall take effect on July 1, 2025.

10

INTRODUCED BY: 
By Request



S.B. NO. 1516

Report Title:

Department of Health; Oral Health Task Force; Positions;
Reports; Appropriations

Description:

Establishes an Oral Health Task Force to review the status of oral health in the State and make recommendations to improve the State's oral health infrastructure. Establishes one full-time equivalent program specialist V position. Appropriates funds.

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

