

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

BOARD MEETING AGENDA

Date: February 27, 2025

Time: 1:00 p.m.

In-Person Meeting Location: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/89467406275?pwd=sv4pV1yXKVcSiZG8Z4ZDcpKXALGbai.1>

Phone: (669) 900-6833
Meeting ID: 894 6740 6275
Passcode: 448848

Agenda: The agenda was posted on the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b)

If you wish to submit written testimony on any agenda item, please email your testimony to acupuncture@dcca.hawaii.gov or by hard copy mail to: Attn: Board of Acupuncture, 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.

PHONE ACCESS:

If you cannot get internet access, you may get audio-only access by calling the Zoom 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/nursing/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>.

The Board may move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Hawaii Revised Statutes ("HRS") section 92-5(a)(1) and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with Hawaii Revised Statutes ("HRS") section 92-5(a)(4).

1. Roll Call, Quorum, Call to Order – HRS §92-3 Open Meetings and HAR §16-72-67
2. Approval of the Minutes of the Open Session of the November 20, 2024, Meeting, and Minutes of the November 20, 2024, Public Hearing.
3. Applications
 - A. Acupuncturists
 1. Minori Sambe

B. Ratifications

Acupuncturists

ACU-1441-0 DIANA HO
ACU-1448-0 MELISSA PAK COATS
ACU-1449-0 JOSHUA LEVY
ACU-1450-0 KAT L BROOKE
ACU-1451-0 PHILIP LEE
ACU-1452-0 SINEAD P CORRIGAN
ACU-1453-0 ANNA CANTOR
ACU-1454-0 COURTNEY E WEXLER
ACU-1455-0 RAINA TSUDA
ACU-1456-0 RAYA A LLOPIS

Intern Permits

R-24823001 SYDNEY GORMONT
R-24823002 RAYMOND N LUONG
R-24828002 CHERYL ANNE STRONG
R-24830003 MICHELLE M W KWOCK
R-24830005 SYRISSA M SACCA
R-24903002 MALIA H NEE

4. 2025 Legislation

A. H.B. 1054 / S.B. 1367, Relating to Administrative Licensure Actions Against Sex Offenders

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.

B. H.B. 1333 / S.B. 1565, Relating to Acupuncture

Recognizes individuals practicing acupuncture as essential health care providers who are subject to regulation and control.

5. New Business

A. Delegation to Executive Officer

The Board will consider whether it will delegate to its Executive Officer(s) the authority to approve certain prior convictions on its behalf to expedite the application process.

B. Delegation to Board Member

The Board will consider appointing and delegating a licensed board member to approve certain prior convictions and/or disciplinary actions on its behalf to expedite the application process.

6. Next Meeting:
- | | |
|------------|------------------------------------------------------------------------------------------------------------------------------|
| Date: | April 10, 2025 |
| Time: | 1:00 p.m. |
| In-Person: | King Kalakaua Conference Room
King Kalakaua Building, 1 st Floor
335 Merchant St.
Honolulu, Hawaii 96813 |
| Virtual: | Zoom Webinar |

7. Adjournment

2/19/2025

If you need an auxiliary aid/service or other accommodation due to a disability, contact Chelsea Fukunaga at (808)586-2698 or acupuncture@dcca.hawaii.gov as soon as possible, preferably by February 25, 2025. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

A BILL FOR AN ACT

RELATING TO ACUPUNCTURE.

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

1 SECTION 1. Section 436E-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§436E-1[+] **Declaration of necessity for regulation and**
4 **control.** The legislature hereby finds and declares that the
5 practice of acupuncture is a theory and method for treatment of
6 illness and disability and for strengthening and invigorating
7 the body and as such affects the public health, safety, and
8 welfare, and therefore there is a necessity that individuals
9 practicing acupuncture be recognized as essential health care
10 providers and subject to regulation and control."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:

Linda Schizone BR

JAN 23 2025



H.B. NO. 1333

Report Title:

Acupuncture Practitioners; Regulation and Control

Description:

Recognizes individuals practicing acupuncture as essential health care providers who are subject to regulation and control.

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



Testimony of the Board of Acupuncture
Before the
Senate Committee on Health and Human Services
Wednesday, February 5, 2025
1:00 p.m.
Conference Room 225 and Videoconference

On the following measure:
S.B. 1565, RELATING TO ACUPUNCTURE

Chair San Buenaventura and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Acupuncture (“Board”). The Board offers comments on this bill.

The purpose of this bill is to recognize individuals practicing acupuncture as essential health care providers who are subject to regulation and control.

While the Board has not had the opportunity to review this bill, the Board has been supportive of previous measures that modernize statutory language to align with current professional standards and activities provided by licensed acupuncturists.

For the Committee’s information, the Board will review this bill at its next publicly noticed meeting on February 27, 2025.

Thank you for the opportunity to testify on this bill.

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1565

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1565 entitled:

"A BILL FOR AN ACT RELATING TO ACUPUNCTURE,"

begs leave to report as follows:

The purpose and intent of this measure is to recognize individuals practicing acupuncture as essential health care providers.

Your Committee received testimony in support of this measure from Brandon Flewelling, L.Ac; Academy of Integrated Medicine Hawaii; Kailua Acupuncture Clinic; Needles of Hope Inc.; Acupuncturists of Hawaii; Institute of Clinical Acupuncture and Oriental Medicine; Acupuncture & Wellness Center, LLC; and thirty individuals.

Your Committee received comments on this measure from the Board of Acupuncture.

Your Committee finds that acupuncture is becoming more recognized in the health care, scientific, and public communities as an effective form of health care for many different ailments and has become a mainstream modality that plays a vital role in modern health care. Your Committee further finds that as research around holistic and integrative medicine expands, it is imperative that the State's regulations keep pace with these developments. This measure modernizes statutory language to align with current



professional standards and activities provided by licensed acupuncturists.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1565 and recommends that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



JAN 23 2025

A BILL FOR AN ACT

RELATING TO ACUPUNCTURE.

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

1 SECTION 1. Section 436E-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~]**436E-1**[~~§~~] **Declaration of necessity for regulation and**
4 **control.** The legislature hereby finds and declares that the
5 practice of acupuncture is a theory and method for treatment of
6 illness and disability and for strengthening and invigorating
7 the body and as such affects the public health, safety, and
8 welfare, and therefore there is a necessity that individuals
9 practicing acupuncture be recognized as essential health care
10 providers and subject to regulation and control."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:





S.B. NO. 1565

Report Title:

Acupuncture Practitioners; Regulation and Control

Description:

Recognizes individuals practicing acupuncture as essential health care providers who are subject to regulation and control.

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 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

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 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

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

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 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

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

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

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 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

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.

Testimony of the Board of Acupuncture

**Before the
House Committee on Consumer Protection and Commerce
Tuesday, February 4, 2025
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H.B. 1054, RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS**

Chair Matayoshi and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Acupuncture (“Board”). The Board offers comments on section 2 of this bill and takes no positions on other sections of the bill.

The purpose of this bill is to authorize 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.

While the Board has not had the opportunity to review this bill, the Board has been supportive of previous measures that strengthen public protection.

For the Committee’s information, the Board will review this bill at its next publicly noticed meeting on February 27, 2025.

Thank you for the opportunity to testify on this bill.

STAND. COM. REP. NO.

530

Honolulu, Hawaii

FEB 12 , 2025

RE: H.B. No. 1054
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 1054 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE
ACTIONS AGAINST SEX OFFENDERS,"

begs leave to report as follows:

The purpose of this measure is to require, for certain
professions, the Director of Commerce and Consumer Affairs and
licensing boards to automatically revoke and refuse to renew,
restore, or reinstate the professional licenses, registrations, or
certifications of registered sex offenders.

Your Committee received testimony in support of this measure
from the Department of Commerce and Consumer Affairs; Board of
Physical Therapy; Board of Dentistry; Board of Massage Therapy;
Board of Chiropractic; Hawaii Medical Board; Board of Speech
Pathology and Audiology; and Honolulu Police Department. Your
Committee received comments on this measure from the Board of
Psychology; Board of Naturopathic Medicine; Board of Optometry;
Board of Barbering and Cosmetology; Board of Nursing; and Board of
Acupuncture.

Your Committee finds that under existing law, persons subject
to administrative disciplinary actions are afforded a notice and
an opportunity for a hearing. However, in instances where the

2025-1428 HB1054 HD1 HSCR HMSO



person of interest has been convicted of a sexual offense, the delay in imposing a disciplinary action, including the revocation of a professional license, registration, or certification, places the public at serious risk. This measure promotes consumer protection by requiring the Director of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, and reinstate the professional licenses, registrations, or certifications of registered sex offenders.

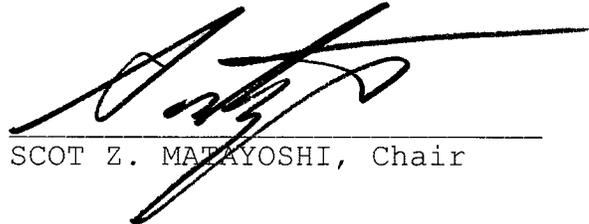
Your Committee has amended this measure by:

- (1) Clarifying that the authority to automatically revoke or deny an application to renew, restore, or reinstate applies to persons who are currently required to register as a sex offender pursuant to the requirements of the sex offender registration laws;
- (2) Clarifying that the Director of Commerce and Consumer Affairs or the licensing board, as appropriate, shall not restore, renew, or reinstate a license, registration, or certification in the case where:
 - (A) The person has been required to register as a sex offender; and
 - (B) The victim of the covered offense was a patient or client, or a former patient or client, if the relationship was terminated primarily for the purpose of committing the covered offense;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1054, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1054, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



SCOT Z. MATAYOSHI, Chair



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.

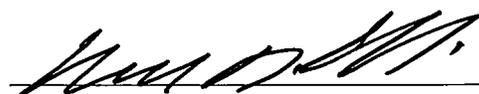
15 SECTION 31. New statutory material is underscored.

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

17

18

INTRODUCED BY:



19

BY REQUEST

S.B. NO. /373

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 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.

Testimony of the Board of Acupuncture

**Before the
Senate Committee on Commerce and Consumer Protection
Tuesday, February 4, 2025
9:35 a.m.
Conference Room 229 and Videoconference**

**On the following measure:
S.B. 1373, RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS**

Chair Keohokalole and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Acupuncture (“Board”). The Board offers comments on section 2 of this bill and takes no positions on other sections of the bill.

The purpose of this bill is to authorize 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.

While the Board has not had the opportunity to review this bill, the Board has been supportive of previous measures that strengthen public protection.

For the Committee’s information, the Board will review this bill at its next publicly noticed meeting on February 27, 2025.

Thank you for the opportunity to testify on this bill.

STAND. COM. REP. NO.

443

Honolulu, Hawaii

FEB 13 2025

RE: S.B. No. 1373
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1373 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow the Director of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate professional licenses of registered sex offenders.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Honolulu Police Department, Board of Dentistry, Board of Massage Therapy, Board of Physical Therapy, Board of Speech Pathology and Audiology, Hawaii Board of Chiropractic, Hawaii Medical Board, RAINN, and Kapi'olani Sex Abuse Treatment Center.

Your Committee received comments on this measure from the Board of Acupuncture, Board of Barbering and Cosmetology, Board of Naturopathic Medicine, Board of Nursing, Board of Psychology, and Hawaii Board of Optometry.



Your Committee finds that existing laws do not facilitate the timely revocation of a license or 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. Unlike some states, Hawaii does not have a law that allows the Department of Commerce and Consumer Affairs' professional and vocational licensing boards, commissions, and programs to take a more expeditious approach against registered sex offenders who are in certain professions that involve close physical contact with consumers. Due to the nature of these professions, any delayed action in revoking a license and preventing further practice by a registered sex offender places consumers at an unnecessary risk. Your Committee finds that this measure would allow the Director of Commerce and Consumer Affairs and certain licensing boards to better protect consumers through swift action against individuals who have been convicted of certain crimes that require them to register as sex offenders.

Your Committee has amended this measure by:

- (1) Inserting the proper name for the Hawaii Board of Optometry;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1373, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1373, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



JARRETT KEOHOKALOLE, Chair



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 purpose of this Act is to:

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



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



1 law to the contrary, the board shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

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

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

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

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

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

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

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

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



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

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

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

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

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

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



1 "§439A- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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



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

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

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

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



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

15 "**§442- Revocation of license or denial of application to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **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:



- 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.



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



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

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

8 "§447- Revocation of license or denial of application to
 9 renew, restore, or reinstate a license based on conviction as a
 10 registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

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

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

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

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

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

19 **"§448- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction as a**
21 **registered sex offender; conditions.** (a) Notwithstanding any



1 law to the contrary, the board shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

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

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

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

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

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and
3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

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

10 **"§448F- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

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



1 "§451A- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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



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

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

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

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



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:



- 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 provisions of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.
- 11 (b) The director 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 director within
18 ten days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



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 director 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 director 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



1 (2) The person engaged in the offense with a patient or
2 client, or with a former patient or client if the
3 relationship was terminated primarily for the purpose
4 of committing the offense."

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

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

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

20 (2) The licensee has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

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

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

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

19 **"§453- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction as a**
21 **registered sex offender; conditions. (a) Notwithstanding any**



1 law to the contrary, the Hawaii medical board shall
2 automatically revoke a license or deny an application to renew,
3 restore, or reinstate a license under either of the following
4 circumstances:

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

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

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

19 (c) Upon revocation of the license or denial of an
20 application to renew, restore, or reinstate, the licensee may
21 file a written request for a hearing with the board within ten



1 days of the notice. The hearing shall be held within thirty
2 days of the revocation or denial. The proceeding shall be
3 conducted in accordance with chapter 91.

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

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

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

17 (g) The board shall not restore, renew, or otherwise
18 reinstate the license of a person under any of the following
19 circumstances:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

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

10 **"§453D- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

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



1 "§455- Revocation of license or denial of application to
2 renew, restore, or reinstate a license based on conviction as a
3 registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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



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

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

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

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



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

15 **"§457- Revocation of license or denial of application to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **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:



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 board within ten
18 days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



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



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

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

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

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

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the provisions of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the director from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

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

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

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

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

19 **"§457B- 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



1 law to the contrary, the director shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the director within
21 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

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

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

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

16 (g) The director shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

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

10 **"§457G- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

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



1 "§457J- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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



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

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

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

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



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 to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **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:



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 provisions of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The director 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 director within
18 ten days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



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 director 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 director 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



1 (2) The person engaged in the offense with a patient or
2 client, or with a former patient or client if the
3 relationship was terminated primarily for the purpose
4 of committing the offense."

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

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

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

20 (2) The licensee has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

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

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

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

19 **"§461- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction as a**
21 **registered sex offender; conditions. (a) Notwithstanding any**



1 law to the contrary, the board shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

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

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

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

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

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

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

10 **"§461J- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the board shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the board from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The board shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

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



1 "§463E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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



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

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

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

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



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

15 "§465- Revocation of license or denial of application to
16 renew, restore, or reinstate a license based on conviction as a
17 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:



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 board within ten
18 days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



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



1 (2) The person engaged in the offense with a patient or
2 client, or with a former patient or client if the
3 relationship was terminated primarily for the purpose
4 of committing the offense."

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

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

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

20 (2) The licensee has been required to register as a sex
21 offender pursuant to the provisions of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the director from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

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

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

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

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

19 **"§466D- 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



1 law to the contrary, the director shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the director within
21 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

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

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

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

16 (g) The director shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

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

10 **"§467E- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

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



1 "§468E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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



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

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

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

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



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 on July 1, 2050.



S.B. NO. 1373
S.D. 1

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. Effective 7/1/2050. (SD1)

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



Testimony of the Board of Acupuncture

**Before the
Senate Committee on Judiciary
Friday, February 21, 2025
10:20 a.m.
Conference Room 016 and Videoconference**

**On the following measure:
S.B. 1373, S.D. 1, RELATING TO ADMINISTRATIVE LICENSURE ACTIONS
AGAINST SEX OFFENDERS**

Chair Rhoads and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Acupuncture (Board). The Board offers comments on section 2 of this bill and takes no positions on other sections of the bill.

The purpose of this bill is to authorize 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.

While the Board has not had the opportunity to review this bill, the Board has been supportive of previous measures that strengthen public protection.

For the Committee's information, the Board will review this bill at its next publicly noticed meeting on February 27, 2025.

Thank you for the opportunity to testify on this bill.

Board Delegation to EO on Applications with Prior Convictions

For Board consideration: Would the Board like to “delegate” to the EO approval of prior convictions from applicants that meet the following criteria:

- Only one conviction on record;
- No felony conviction;
- Applicant has complied (nothing outstanding, e.g. probation, fine, etc.) with court sanctions/fines, etc.;
- Conviction not related to applicant’s performance as an acupuncture practitioner or acupuncture intern; and
- Conviction not within 5 years of date application received.

Proposed delegation list of convictions below:

Conviction	Delegated to EO
<u>Traffic Violations/Tickets:</u> - Speeding - Parking - Driving w/out or with expired license - Not wearing a seat belt - Failing to stop at stop sign - Failure to yield right of way to vehicle - Following too closely - Violate restrictions on driver’s license - Negligent driving - Running a red light - Talking on cell phone while driving - Driving in emergency lane - Failing to stop for school bus - Driving w/out insurance - Making left turn at intersection - Grass parking in public park - No bicycle or moped tax decal - Bicycle racing - Parking in tow zone - Delinquent vehicle tax	
Unlawful entry w/out park permit	
Minor in possession of alcohol	
Curfew violations	
Trespass	
Reckless/Wet driving	
Negligent driving	
Possess open container while driving	
Obstruction of Highway	

Disorderly conduct	
Dog/cat at large, unlicensed animal, unlawful animal attack	
Telephone harassment	
Disturbing the peace	
Criminal damage property/Injury to real property	
Criminal Contempt of Court	
DUI/DWI/OVI	
Driving with a 0.08 higher blood alcohol	
DUI-Property damage	
Operating a motorboat while intoxicated	
Failure to appear in answer to citations	
Drinking in public/drunken in public	

Delegation to Licensed Board Member on Applications with Prior Disciplinary Actions

For Board consideration: Would the Board like to “delegate” to a licensed Board member, authority to approve prior disciplinary actions from applicants that meet the following criteria:

- Only one disciplinary action on record;
- Applicant has complied (nothing outstanding, e.g. CEs, probation, fine, etc.) with Board orders, sanctions, fines, etc.; and
- Disciplinary action not related to applicant’s performance as an acupuncture practitioner or acupuncture intern.

Proposed delegation list of disciplinary actions below:

Disciplinary Actions	Delegated to License Member
Basis for disciplinary action: failure to comply with another state’s CE requirement provided that applicant has complied with other state’s order/agreement and license has been reinstated and is in good standing	
Basis for disciplinary action: had one prior disciplinary action for practicing with a lapsed license and have completed all requirements imposed by another board of acupuncture.	