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LATE

TO: Honorable Ryan I. Yamane, Chair
Honorable Scott Y. Nishimoto, Vice Chair
Members of the Committee on Health

FROM: Serafin "Jun" Colmenares, Executive Director, Office of Language Access

RE: **Testimony in Support of the Intent of HB1540**
Hearing: Tuesday, February 10, 2009, 8:30 a.m., Conference Room 329

I. OVERVIEW OF CURRENT PROPOSED LEGISLATION

HB1540 proposes to allow consumers to make informed health care decisions by providing them with basic information about medical treatment providers through a physician profile to include information on medical education, training and licensing; disciplinary action (including criminal action) taken against the physician; and hospitals where the physician is able to practice.

II. CURRENT LAW

Chapter 453 of the Hawaii Revised Statutes addresses medical licensing and discipline, but there is no requirement on the development and disclosure of physician profiles as proposed here. The Hawaii Medical Board Newsletter describes Board actions taken against physicians over the past year.

III. HB1540

The Office of Language Access (OLA) supports the intent of HB1540.

The physician profile may include information on language access. The availability of language access through an interpreter or bilingual medical staff is a vital component for consumers seeking medical assistance. The OLA supports the intent of this measure to the extent that it furthers the goals of the state Language Access Law (enacted by the Legislature in 2006) to ensure meaningful access to state-funded services, programs and activities by persons with limited English proficiency.

LATE

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION
AND
HAWAII MEDICAL BOARD**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION of 2009

Tuesday, February 10, 2009
8:30 a.m.

TESTIMONY ON HOUSE BILL NO. 1540, RELATING TO MEDICAL TREATMENT.

TO THE HONORABLE RYAN I. YAMANE, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Constance Cabral and I am an Executive Officer of the Professional and Vocational Licensing Division ("PVL"), Department of Commerce and Consumer Affairs. As Executive Officer, I am assigned to assist the Hawaii Medical Board. I would like to thank you for the opportunity to provide testimony on H.B. No. 1540, Relating to Medical Treatment.

First, this bill should have input from the Hawaii Medical Board ("Board"). However, they have not had the opportunity to review it but will do so at the next Board meeting on February 13, 2009. Therefore, there is no Board position on this bill at this time.

PVL has reviewed this bill and, being the agency that would be responsible for implementing certain responsibilities set forth in the bill, we have strong concerns and therefore, oppose this bill.

Before enumerating our concerns, we would like to advise the Committee that physicians' names and information relating to disciplinary actions taken by the Board

are currently available on the Department's website as is the status of compliance with continuing education requirements. (The latter can be ascertained through the physician's renewal. Physicians not meeting the continuing education requirements may not renew their licenses.) As these three items are provided online, the requirements on page 2, line 1 (physician name), page 2, lines 18-21 (disciplinary action) and page 4, lines 8-9 (continuing education) in the bill are unnecessary.

With regard to the remaining information enumerated in this bill there is 1) information that we do collect but do not post to our database and 2) information that we do not collect.

Information we do collect for licensure purposes but do not post to our database include: description of any criminal convictions (enumeration (2) in the bill), description of final disciplinary action taken by other jurisdictions (enumeration (4) in the bill), description of actions affecting hospital affiliations and reports on adverse decisions (enumeration (5) in the bill), reports on medical malpractice judgments or awards (enumeration (6) in the bill), information on medical school (enumeration (7) in the bill), (in most instances) information on graduate medical education program (enumeration (8) in the bill), information on licensure in other states (enumeration (10) in the bill), and names of hospitals where the physician has privileges (enumeration (11) in the bill). To post this information into our database, retrospectively and going forward, would take additional resources to do so. Current resources cannot absorb this added responsibility.

Information we do not collect include: the address and telephone number of the physician's primary practice office and electronic mail address (enumeration (1) in the bill), information on specialty board certification (enumeration (9) in the bill) , name of the professional liability insurance carrier, whether the physician is self-insured, status of compliance with financial responsibility (enumeration (13) in the bill), whether the physician participates in the Medicaid program, health plans or if the physician accepts workers' compensation cases (enumeration (14) in the bill), and additional information that the physician wishes to disclose (enumeration (b) in the bill which relates to physician profiles). To collect and post this information into our database would also take additional resources to do so. Current resources cannot absorb this added responsibility.

For PVL to implement this bill (i.e., to collect, post and disclose information), our workload will increase tremendously and we would need additional resources. If not provided additional resources, this added workload will adversely impact the regulatory priorities set forth in PVL's biennial budget and for this we oppose the bill.

Finally, with respect to the above-cited information we do not collect, we have grave concerns about collecting this information as part of the licensing process because none have a nexus to licensure. Section 26H-2, Hawaii Revised Statutes, relating to policy, states in part that "the purpose of regulation shall be the protection of the public welfare..." To this end, information collected should have (and currently does have) a direct nexus to a physician's competence and qualifications to practice medicine safely. On the other hand, information required for a physician profile

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enumerated in (1), (9), (13), (14) and (b) of the bill has no nexus to license qualifications or a physician's competence to practice medicine, is not required to maintain a license, and is not (nor should be) collected.

In light of our grave concerns expressed above, PVL requests that this bill be held.

Thank you for the opportunity to provide comments on H.B. No. 1540.

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

LATE

February 10, 2009

The Honorable Ryan Yamane, Chair
The Honorable Scott Nishimoto, Vice Chair

House Committee on Health

Re: HB 1540 – Relating to Medical Treatment

Dear Chair Yamane, Vice Chair Nishimoto and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of HB 1540.

With information available allowing consumers to make informed choices about the purchase and use of consumer goods, we believe that it is time to provide consumers with information about their health care providers as well. The creation of a database of licensed physicians in the state of Hawaii listing disciplinary actions, felony convictions, malpractice judgments, board certifications, schools attended and plans contracted with will give consumers much more information in order to make an informed decision when choosing a health care provider. Although the measure does not specify how this data must be made available, we would request that the Hawaii Medical Board be encouraged to post this information online to be more easily accessible by consumers.

Thank you for the opportunity to testify today. We would respectively urge the Committee's support of this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "JD".

Jennifer Diesman
Assistant Vice President
Government Relations