

Honolulu, Hawaii March , 2013 RE: H.B. No. 847 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 847, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENFORCEMENT TOOLS TO IMPROVE PATIENT SAFETY,"

begs leave to report as follows:

The purpose of this measure is to give the Hawaii Medical Board (Board) new disciplinary authority by authorizing the Board to summarily suspend any license to protect the public from immediate or unreasonable threats, fraud, or misrepresentation and to order licensees to submit to mental and physical examinations when the board has reasonable cause to believe a licensee is unable to practice medicine.

The Department of Commerce and Consumer Affairs and Hawaii Medical Service Association testified in support of this measure. The Hawaii Medical Association testified in support of the intent of this measure. The Hawaii Medical Board provided comments on this measure.

Your Committee has amended this measure by:

 Deleting language that allows the Board's delegate to summarily suspend any license to protect the public from immediate or unreasonable threats, or fraud;



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- (2) Deleting language that allows the Board to summarily suspend any license to protect the public from misrepresentation;
- (3) Clarifying that the authority to summarily suspend any license is for fraud that jeopardizes or endangers the health or safety of patients as determined by the professional standard of care;
- (4) Specifying that an order summarily suspending a license shall remain in effect until the effective date of a final decision and order issued by the Board or the effective date of an order issued by the Board terminating the summary suspension following a hearing, whichever occurs first, but in either case shall not exceed thirty business days;
- (5) Specifying that the Board shall conduct a hearing for disciplinary action against a licensee whose license has been summarily suspended within ten business days from the effective date of the order of summary suspension;
- (6) Adding language that specifies certain immunities for a person licensed by the Board who provides certain information to the Board; and
- (7) Making technical, nonsubstantive amendments for the purpose 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. 847, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 847, H.D. 2.



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

ANGUS L.K. MCKELVEY, Chair



Stace of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: Commit	Committee Referral:		Date:	
HB S47 HOI	HLT. CPC		02/27/2013	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: D Pass, unamended (as is) Pass, with amendments (HD) D Hold				
• Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)				
2. KAWAKAMI, Derek S.K. (VC)				
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CABANILLA, Rida T.R.				
6. CACHOLA, Romy M.		/		
7. CARROLL, Mele				1
8. EVANS, Cindy				1
9. HAR, Sharon E.				1
10. ITO, Ken				
11. LEE, Chris				
12. TSUJI, Clift				
13. YAMANE, Ryan I.				
14. MCDERMOTT, Bob				
15. THIELEN, Cynthia				
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TOTAL (15)	$ \mathcal{O} $			4
The recommendation is: Adopted D Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				