



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR
JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE
ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2016

THURSDAY, FEBRUARY 11, 2016
5:00 P.M.

TESTIMONY ON HOUSE BILL NO. 2335
RELATING TO PHYSICIAN DISCIPLINE

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND TO THE HONORABLE JUSTIN H. WOODSON, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 2335, Relating to Physician Discipline. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). The Department strongly supports this Administration bill.

House Bill No. 2335 creates a new mechanism by which the Hawaii Medical Board ("Board") can impose the same disciplinary action against a physician licensed in Hawaii as was taken by another state or federal agency.

Specifically, the bill provides that, upon receipt of an order from another state imposing disciplinary action, the Board may issue a proposed order imposing the same discipline. If the other state's order prohibits the licensee from practicing in that state, the licensee shall be prohibited from practicing in Hawaii until a final order has been issued by the Board.

The proposed order must be served on the licensee as required by Chapter 91, Hawaii Revised Statutes ("HRS"), and the licensee can request a hearing to contest the proposed order. If no hearing is requested, a final order confirming the proposed order is issued.

House Bill No. 2335 also specifies that a certified copy of the disciplinary action taken by another state or federal agency shall constitute prima facie evidence of the disciplinary action.

Currently, Hawaii law limits the reasons for which the Board can discipline a licensee who has been disciplined in another state. House Bill No. 2335 also proposes an important amendment to §453-8, HRS, which would allow the Board to take action whenever a Hawaii licensee is disciplined elsewhere.

The Department strongly supports House Bill No. 2335 for the following reasons:

- 1) House Bill No. 2335 will expedite the disciplinary process when a Hawaii licensee is disciplined by another state or federal agency. Currently, disciplinary action imposed by the Board as a result of action taken by another state or federal agency generally follows standard investigation and hearing processes, both of which can be time-consuming and expend staff resources.

House Bill No. 2335 establishes a process that authorizes the Board to impose discipline more expediently when a Hawaii licensee is disciplined elsewhere. In particular, the provision that a certified copy of the disciplinary action taken by another state or federal agency shall constitute prima facie evidence of the disciplinary action will simplify the disciplinary process.

2) House Bill No. 2335 will protect the safety of Hawaii patients during the disciplinary process by prohibiting a licensee who has been banned from practicing in another state from practicing in Hawaii until the Board issues a final order. As such, Hawaii consumers would not be at risk of receiving medical treatment from a licensee who was seriously disciplined elsewhere.

3) House Bill No. 2335 will enable the Board to timely and appropriately respond to disciplinary actions taken elsewhere against Hawaii licensees. Many state medical boards impose discipline on a physician who has been disciplined in another state. According to the Federation of State Medical Boards, the number of reciprocal disciplinary actions imposed by state medical boards against physicians licensed in another state has increased measurably within the last several years. This bill will help the Board to keep pace with its counterparts nationwide.

Thank you for the opportunity to testify in strong support of House Bill No. 2335. I will be happy to answer any questions the Committee may have.

**PRESENTATION OF THE
HAWAII MEDICAL BOARD**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Thursday, February 11, 2016
5:00 p.m.

TESTIMONY ON HOUSE BILL NO. 2335, RELATING TO PHYSICIAN DISCIPLINE.

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Ahlani Quiogue, and I am the Executive Officer for the Hawaii Medical Board ("**Board**"). Thank you for the opportunity to testify on House Bill No. 2335. The Board supports this Administration bill.

House Bill No. 2335 authorizes the Board to impose the same disciplinary action against a licensee as was taken by another state or federal agency, establishes conditions for the disciplinary action, and prohibits the licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state.

The Board supports this measure as it will expedite the disciplinary process when a Hawaii licensee is disciplined by another state or federal agency. Most importantly, House Bill No. 2335 affords the Board with certain safety mechanisms which allows it to carry out its legislative mandate to protect the consumers of this State from unsafe or incompetent practitioners.

Thank you for the opportunity to testify in support of House Bill No. 2335.



An Independent Licensee of the Blue Cross and Blue Shield Association

February 11, 2016

The Honorable Angus L. K. McKelvey, Chair
The Honorable Justin H. Woodson, Vice Chair
House Committee on Consumer Protection and Commerce

Re: HB 2335 – Relating to Physician Discipline

Dear Chair McKelvey, Vice Chair Woodson, and Committee Members:

The Hawaii Medical Association (HMSA) appreciates the opportunity to testify on HB 2335, which would authorize the Board of Medical Examiners to take disciplinary action against a physician who has been disciplined by another state or federal agency. HMSA supports this Bill.

The safety of our members is paramount. HMSA holds the credentialed practitioners in our network to the highest standards of quality in the health care and services they provide to our members. The provisions of this legislation will help protect our members and help to ensure our provider network is secured for the best interest of the members.

Thank you for allowing us to testify in support of HB 2335.

Sincerely,

Jennifer Diesman
Vice President, Government Relations



**Thursday February 11, 2016
5:00 PM.
Capitol Rm. 325**

To: HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Angus McKelvey, Chair
Rep. Justin Woodson, Vice Chair

From: Hawaii Medical Association
Dr. Scott McCaffrey, MD, President
Dr. Linda Rasmussen, MD, Legislative Co-Chair
Dr. Ronald Keinitz, MD, Legislative Co-Chair
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Community and Government Relations

Re: HB 2335 – RELATING TO PHYSICIAN DISCIPLINE

IN SUPPORT, WITH COMMENTS

Chair, Vice Chair, and Committee Members:

The Hawaii Medical Association supports HB 2335 and its intent to expedite the identification of discipline issues.

The HMA is fully supportive of quick and decisive action in the event of adverse disciplinary actions taken against physicians in other states. The language of the bill maintains the discretionary and decision-making power of the Board of Medicine rather than proscriptive statutory language. It is especially important that we utilize the Board members experience and expertise in dealing with actions involving physician discipline.

The HMA further recommends the establishment of a mechanism in which the Board may exercise its summary suspension powers within 48 hours of discovery of a significant risk to Hawaii patient safety.

Thank you for the opportunity to provide this testimony.

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