

April 6, 2009

Testimony to: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Abegail Kopf, RRT, CPFT
Educator, Respiratory Care Program

Re: HCR 97 Requesting the auditor to analyze a measure to
regulate Respiratory Care Practitioners

Chairs and Committee Members:

I am writing in support of HCR 97. As a practitioner and teaching professional in the field of Respiratory Care, I am very concerned about this issue. Without regulations in place, Hawaii remains vulnerable to incompetent practitioners. Given the very real potential for harm to patients, it's imperative that Hawaii take action on this issue sooner rather than later.

I would also respectfully request a correction be made to the resolution. HCR 97 currently references HB 1823, but the reference should be to SB 1332, SD1, HD1, which was last passed by the House Health Committee. I understand that there was concern about establishing a precedent by bypassing the Sunrise requirement. The adoption of HCR 97 would address this concern.

• **Immediate oversight for respiratory care practitioners is necessary.**

Currently, there is nothing to prevent respiratory care practitioners who lose their license to practice in other states from securing employment in Hawaii. We remain one of two states vulnerable to this possibility. All other states, except Alaska currently have licensure in place. It is risky to say the least to permit an RCP to take care of our loved-ones here because they are not allowed to do it elsewhere.

• **Regulation of the profession ensures that a patient has a caregiver with adequate training in the respiratory field.** Advances in technology have made life-support machines and monitoring devices quite sophisticated compared to those utilized 10 to 15 years ago. Special training in these devices is necessary to ensure appropriate care for the patients. By defining a standard level of optimal care in cardiopulmonary health, accountability and patient safety is improved. Students enrolled in the Respiratory Care program at KCC go through several intense semesters of didactics and clinical rotations. As an educator, it is my responsibility to ensure that graduates are trained properly to be able to pass their boards and to meet the health demands of the public.

Thank you for this opportunity to testify.

Respectfully submitted,
Abegail Kopf

Testimony in support of HCR 97
Hearing @ 3:00 p.m. on Wednesday, April 8, 2009

April 7, 2009

To: Committee on Consumer Protection & Commerce
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice-Chair

By: Carol Agard RRT, RPFT, FAARC
Past President and Co-Chair Legislative Affairs
Hawaii Society for Respiratory Care

In Support

Chairs & Committee Members:

As the local affiliate for the American Association for Respiratory Care, we are the patient's advocate facilitating processes to educate and ensure safety for patients and the public relating to the standards, practice and delivery of respiratory care in any setting.

We do ask that the second WHEREAS be amended to include the fact that forty-eight other states now require oversight of our profession. If acceptable, it would read as follows:

WHEREAS, the residents of the State should be protected as are forty-eight other states, from the unqualified practice of respiratory care and from unprofessional conduct by persons who provide respiratory care; and

We also suggest that the 6th WHEREAS reflect SB 1332, SD1, HD1 rather than HB 1823, since this measure has already passed the Senate, and will give this Committee the option of addressing the issue directly during the 2010 Legislature.

We accept Chairman Herke's concerns about establishing a precedent of bypassing the Sunrise requirement that HCR97 will address.

From a safety standpoint, if a barber or beautician is required to be licensed, the practice of respiratory care is far more invasive and an error can be far more damaging to a patient. For this reason, the sooner this issue is resolved, the sooner a firewall is installed against Respiratory Practitioners that have lost their privileges in other states from securing a position in Hawaii.

Dear Honorable Chair of consumer protection Robert Herkes, Vice Chair Glenn Wakai,

My name is Joan Loke. I am a respiratory therapist. Uncle Joe referred to me as Joan of Arc. I would like to see my profession being regulated through licensure.

All the other 48 States have done studies after studies on licensure. They concluded that licensure is needed to protect the public health and safety. It is not a coincidence that they think the same.

Hawaii and Alaska are the only states that does not have the firewall to protect the community from therapists who cannot get licensed in other states.

In a federal disaster, only licensed personnel can be hired. The local respiratory therapists have no license. Respiratory therapists have to be flown in from other states to help.

The pulmonary and cardiac rehab bill was passed last year. Only licensed respiratory therapists can work in the facilities. Medicare will not cover services from unlicensed therapists. We missed out creating jobs in Hawaii. It is a trend that the federal laws are designed for licensed healthcare professionals only.

I joined the PACT team to lobby for respiratory issues in Washington D.C. for the last 10 years. I realized I am helping the other 48 states by passing the federal laws but not helping Hawaii.

I envision that licensure can be a reality soon. It is just the right thing to do.

Please support licensure for the sake of the community.

Testimony in support of HCR 97
Hearing @ 3:00 in room 325 on April 8th, 2009

To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Leila Y. Takahama

Chairs and Committee Members:

I support HCR 97.

There are little question whether the need of oversight is necessary for the profession of Respiratory Care Practitioners, as evidenced by the fact that forty-eight of our fifty states have oversight protection.

From a safety standpoint, if a barber or beautician is required to be licensed, the practice of respiratory is far more invasive and an error can be far more damaging to a patient.

The bottom line is the sooner this issue is resolved, the sooner a firewall is installed against Respiratory Practitioners that have lost their privileges in other states from applying for a position in Hawaii.

Thank you for your kind attention.



Respiratory Care Practitioner

**Testimony in support of HCR 97
Hearing @ 3:00 in room 325 on April 8th, 2009**

To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: AARON CRISLIP

Chairs and Committee Members:

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Thank you for your kind attention.

Aaron Crislip

Respiratory Care Practitioner

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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
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Rep. Glenn Wakai, Vice Chair

By:

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Chairs and Committee Members:

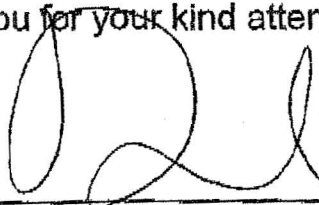
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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
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By: Nancy Ho

Chairs and Committee Members:

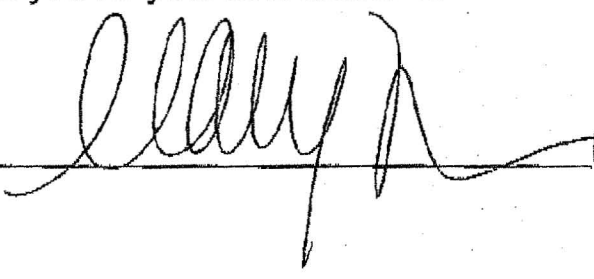
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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: *Diane Brennessel*

Chairs and Committee Members:

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Thank you for your kind attention.

Diane Brennessel Respiratory Care Practitioner

**Testimony in support of HCR 97
Hearing @ 3:00 in room 325 on April 8th, 2009**

To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Daniel Rausch

Chairs and Committee Members:

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Thank you for your kind attention.

Daniel Rausch

Respiratory Care Practitioner

Testimony in support of HCR 97
Hearing @ 3:00 in room 325 on April 8th, 2009

To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Mario Chavez

Chairs and Committee Members:

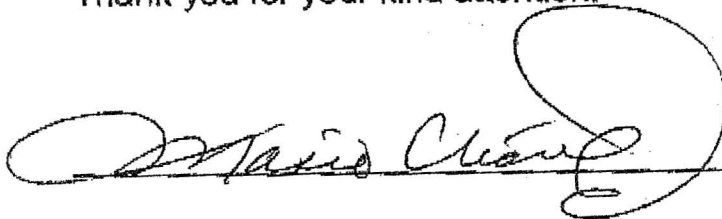
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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Constance M. Alatesi

Chairs and Committee Members:

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Constance M. Alatesi Respiratory Care Practitioner

Testimony in support of HCR 97
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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: Stephen Kaye

Chairs and Committee Members:

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Thank you for your kind attention.

Stephen Kaye Respiratory Care Practitioner

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Hearing @ 3:00 in room 325 on April 8th, 2009**

To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

By: REDEN ESQUILLO

Chairs and Committee Members:


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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
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By: JUNG EUN KIM

Chairs and Committee Members:

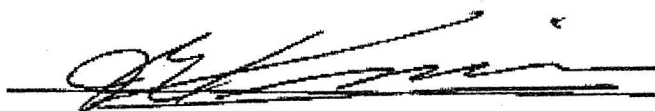
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To: COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Rep. Robert N. Herkes, Chair
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By: LINDA CASTRO

Chairs and Committee Members:

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Thank you for your kind attention.

Linda Castro

Respiratory Care Practitioner

Testimony on HCR 97 for Wednesday, April 8, 2009 to House Committee on Commerce & Consumer Protection at 3:00 PM in Conference room 325

House Committee on Consumer Protection & Commerce
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

Re. HCR 97 Requesting an audit of Respiratory Care

Aloha,

I am writing in support of HCR 97. I am a Registered Respiratory Therapist and an Educator in the Respiratory Care Program at Kapi'olani Community College. I strongly believe that Respiratory Therapists should be licensed and regulated by the state and was disappointed to hear that SB1332 and other related measures will not be considered further until another audit is performed. 2 audits have already been performed in the 1980's and again in 1995, but our profession has certainly changed over the last decade and a half. Hawaii is one of only 2 states (Alaska) that do not regulate the practice of respiratory care.

Respiratory Therapists perform tasks and make clinical decisions that are among the most invasive and critical in modern healthcare. The risks of patient harm or death are far greater than most other medical professions regulated by the state and there is no governmental protection for the patients and the public from irresponsible or malicious respiratory therapists.

I feel confident that an audit of our profession will show a significant risk to the public if we are not licensed and will also show that the concerns are not just theoretical. There have been documented cases of respiratory therapists coming to Hawaii because they could not get licensed in other states. There is also at least one "therapist" working at an O'ahu hospital without any national credentials or formal training. As an educator, I thought this was no longer possible, but clearly it is and there is no law against that person practicing in the state of Hawaii. It had been argued that because hospitals require credentials, the public is already protected, but clearly, that isn't true. Also, as there are therapists increasingly working in homecare and subacute environments - the risks to the public continue to grow.

Please direct the Auditor's office to expedite a study of the profession and provide them with the means to do so this year. The people of Hawaii can't wait for the protections that licensure will offer.

Thank you for your kind consideration and support.

Sincerely,

Ed Borza, BA, RRT-NPS, CPFT