

JAN 28 2009

A BILL FOR AN ACT

RELATING TO MEDICAL TREATMENT.

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

1 SECTION 1. The purpose of this Act is to ensure that
2 consumers have basic information about medical treatment
3 providers in order to make informed health care decisions. Many
4 states have adopted laws providing consumers with physician
5 profiles, including Colorado, Connecticut, Florida, Georgia,
6 Illinois, Maine, New York, North Carolina, South Carolina,
7 Maryland, and Rhode Island. Hawaii lags behind states in
8 adopting transparency laws to assist consumers in selecting
9 medical service providers. This Act shall be cited as the
10 "Patient's Right to Know Act".

11 The State of Hawaii licenses over seven thousand four
12 hundred physicians who are required to renew their licenses
13 every two years. Yet, consumers have little access to
14 information about physicians. More critically, consumers have
15 difficulty accessing information about complaints and
16 disciplinary actions taken against physicians. While the Hawaii
17 medical board collects certain types of information about
18 physicians, that information is not made publicly available to



1 consumers. This Act will require the public disclosure of
2 collected information.

3 SECTION 2. Chapter 453, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§453- Physician profiles. (a) The board shall make
7 available to the public a profile of each physician licensed to
8 practice medicine in the State through an internet website and,
9 if requested, in writing. The physician profile shall contain
10 the following information:

11 (1) The full name of the physician, address and telephone
12 number of primary practice office, and electronic mail
13 address;

14 (2) A description of any criminal convictions for felonies
15 and serious misdemeanors, as determined by the board,
16 including convictions reported to the board pursuant
17 to section 329-44;

18 (3) A description of any final disciplinary action by the
19 board against the physician, including fines,
20 penalties, probation, suspension, or revocation of
21 license;



- 1 (4) A description of any final disciplinary action taken
2 by any other licensing jurisdiction in other states
3 against the physician within the last five years;
- 4 (5) A description of revocation or involuntary restriction
5 of hospital privileges for reasons related to
6 competence, character, or substance abuse that have
7 been taken by the hospital's governing board or
8 administrative officer, or resignation from or
9 nonrenewal of medical staff membership or restriction
10 of privileges at a hospital taken in lieu of or in
11 settlement of a pending disciplinary action. Adverse
12 decisions reported to the board pursuant to section
13 663-1.7 shall be included in the profile;
- 14 (6) All medical malpractice court judgments or awards in
15 which a payment was awarded to a complainant,
16 including those reported to the board pursuant to
17 sections 453-8.7, 671-5, and 671-15;
- 18 (7) Name of medical school attended, dates of attendance,
19 and date of graduation;
- 20 (8) Name of graduate medical education program, dates of
21 attendance, and date of completion;



- 1 (9) Specialty board certification. The toll free number
2 of the American Board of Medical Specialties shall be
3 included to verify current board certification status;
- 4 (10) State or jurisdiction in which the physician is
5 licensed, date of licensure, and current status of
6 licensure;
- 7 (11) Names of hospitals where the physician has privileges;
- 8 (12) Status of compliance with continuing education
9 requirements;
- 10 (13) Name of the professional liability insurance carrier
11 or self-insured and status of compliance with
12 financial responsibility provisions; and
- 13 (14) Indication of whether the physician participates in
14 the medicaid program, health plans, or accepts
15 workers' compensation cases.
- 16 (b) The board shall provide a copy of the profile to the
17 physician prior to initial publication and the physician shall
18 have sixty days after receipt to correct inaccurate factual
19 information. The physician may elect to include the following
20 information: professional and community memberships, community
21 activities, publications in peer reviewed medical literature,



1 appointments to medical school faculty, language access, and any
2 specialized areas of treatment.

3 (c) The physician shall update information in the profile
4 within thirty days of any change in the information by reporting
5 the change to the board.

6 (d) The board may take disciplinary action, including
7 assessing a fine or penalty, against the physician for failure
8 to comply with this section.

9 (e) The board may adopt rules pursuant to chapter 91
10 necessary to carry out the purposes of this section."

11 SECTION 3. Section 453-7.5, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) Reports of adverse decisions of peer review
14 committees transmitted to the department under section 663-1.7
15 shall not be available to public inspection or subject to
16 discovery and shall be held confidential by the department;
17 provided that:

18 (1) A written affirmative or negative reply may be given
19 to a written inquiry by a hospital or health care
20 facility as to whether a report of an adverse decision
21 is on file with the department; [and]



- 1 (2) A subpoenaed report shall be subject to the
2 requirements under section 453-17[-]; and
3 (3) The board shall include in the physician profile under
4 section 453- a statement that an adverse decision
5 has been reported to the board."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2010.

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Report Title:

Patients Right to Know; Physician Profiles Made Available

Description:

Requires the Hawaii medical board to collect and publish information about physicians licensed in the State to allow consumers to make informed decisions in selecting physicians.

