

green1 - Karen

**LATE  
TESTIMONY**

**From:** peterfay@hawaii.rr.com  
**Sent:** Tuesday, February 15, 2011 5:41 PM  
**To:** HTHTestimony  
**Subject:** Please Help your Hawaii Dental Association Legislative Program

Peter Fay  
312 Piliwale Rd.  
Kula, HI 96790-8878

February 15, 2011

HI Senate Health Committee

Dear HI Senate Health Committee:

I feel that Senate Bill 1437 and 1438 are important for how I'm able to practice Dentistry in Hawai'i.

The Senate Committee on Health  
Wednesday February 16, 2011; 3:30 p.m.; Conference Room 229

Testimony in support of  
SB 1437 RELATING TO THE UNIFORM INFORMATION PRACTICES ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT. Clarifies circumstances under which complaints submitted to departments and agencies shall be made available to the public.

SB 1438. RELATING TO DENTAL SERVICES. Prohibits dental service organizations, mutual benefit societies, and health maintenance organizations from requiring a dentist who provides services to its subscribers to accept a fee set by the plan for any services except covered services. Clarifies circumstances under which complaints submitted to departments and agencies shall be made available to the public.

Senator Josh Green, M.D., Chair; Senator Clarence K. Nishihara, Vice Chair; honored members of the Senate Committee on Health,

It would be greatly appreciated if you could facilitate the passage of SB1437. At present there is no substantive review or vetting of a frivolous or malicious complaints before its posting. It appears that the DCCA posts all complaints on their web site without any substantiation of the complaint's validity.

My concerns as a licensed, practicing dentist are as follows:

With regards to SB 1437,

1. Hawaii is the only state in the country that posts completely unsubstantiated claims on a public web site. Only 2 states post unresolved complaints, but they actually have stringent safeguards to protect the integrity of the system against frivolous complaints before posting.

Hawaii is essentially the only state that discloses complaints against its licensed professionals which have not been adjudicated.

2. The public can check on any licensee by contacting the DCCA. They will be given the current information regarding the number of complaints and status of the complaints. All

complaint information for all State and County licensees are available under Hawaii's Freedom of Information act.

This provides more accurate and useful information than is currently available on a web site which is a blanket listing of frivolous and non-legitimate complaints.

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3. There is apparently a lack of parity within the DCCA as it appears that complaints against all licensees are not disclosed or investigated on an equal basis. Only the licensees under the Professional and Vocational Licensing Division and the Regulated Industries Complaint Office are posted on the DCCA web site. Licensees under the Insurance Division, the Business Registration Division and the Bank Examination Division are, in contrast, not subject to disclosure on the DCCA web site.

4. The DCCA web site is not updated in a timely manner and there are numerous instances where alleged citations remain on the web site in excess of the five year period. What is particularly onerous is that complaints resolved in favor of the licensee are still posted against the licensee for the 5 year period. This contrasts with what the DCCA has reported to the Legislature and to DCCA licensees.

5. In addition to the unfair and discriminatory actions by the DCCA, the State Judiciary's regulation and handling of complaints against licensed attorneys continues to be in apparent violation of current law. It appears that the Attorney General's staff is not even subject to the same law that the DCCA is applying inequitably to the PVL licensees. With regards to the lawyers employed by RICO, this inequity makes any posting by the DCCA appear as following a double standard. With regards to SB 1438, As a dentist practicing in the state of Hawaii. I strive to deliver dentistry to the best of my abilities for the benefit of my patients. To this end, I feel that there is an unfair ability by the insurance companies allowing them to interfere with the provision of these services.

As it stands now, a third party payor has the ability not only to deny payment on a non-covered service but in addition can limit what a dentist can collect on that service. This restricts what I can offer and provide to my patients. I have a fair amount of fixed and variable costs which I have to consider in my practice. All too often the insurance company will recognize the necessity any extra efforts but deny or restrict the amount that my patient can share in. This strikes me as an unfair way by the third party payor to limit what I can offer my patient.

I try to offer my patients a good value for my services. Please don't let an outside organization dictate how I can practice dentistry. It is also telling that the Hawaii Insurance Commission was, in the past, supportive of this measure. I humbly ask for your consideration in allowing the passage of SB 1437 and SB 1438. I believe that fair enforcement and reporting of license irregularities serves to enhance the business climate in Hawaii. Equitable treatment by third party payors also enables the effective provision of services to my patients. Thank you for your due consideration of these measures.

Mahalo for your support.

With aloha,

Peter Fay

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**LATE  
TESTIMONY**

**From:** kiudds@aol.com  
**Sent:** Tuesday, February 15, 2011 6:16 PM  
**To:** HTHTestimony  
**Subject:** Please Help your Hawaii Dental Association Legislative Program

Kurt Uyehara  
1441 Kapiolani Blvd., Suite 1220  
honolulu, HI 96814-4406

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Mahalo for your support.

With aloha,

Kurt Uyehara

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