

STAND. COM. REP. NO.

1325

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 847
H.D. 2
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 847, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Hawaii Medical Board to summarily suspend a license and order a licensee to submit to a physical and mental examination under specific circumstances;
- (2) Establish procedures for summary suspension orders, hearings, and appeals;
- (3) Establish penalties for any attempt by a licensee to continue the practice of medicine or for the practice of medicine by a licensee while the licensee's license has been summarily suspended; and
- (4) Specify immunities for licensees who provide certain information to the Hawaii Medical Board.

Your Committee received testimony in support of this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Hawaii Medical Board, Hawaii Medical Service Association, and Hawaii Medical Association.

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Your Committee finds that the Hawaii Medical Board and the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs have implemented a number of initiatives to improve investigation and handling of complaints against physicians and enhance protection of the State's healthcare consumers. One such consumer protection proceeding is the ability for a licensing authority to summarily suspend a professional license. This measure tailors the process for summary suspension to more appropriately address proceedings for physician licensees, ensures fairness to licensees by providing an appropriate means to appeal the Hawaii Medical Board action, and provides immunity for certain situations when a licensee comes forward with information indicating a fellow licensee may be guilty of unprofessional conduct or may be impaired.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 847, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON LEE, Chair



