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

TO THE SENATE COMMITTEE ON  
JUDICIARY AND LABOR

TWENTY-SEVENTH STATE LEGISLATURE  
REGULAR SESSION, 2013

WEDNESDAY, MARCH 27, 2013  
10:50 A.M.

TESTIMONY ON HOUSE BILL NO. 847 H.D.2 S.D.1  
RELATING TO ENFORCEMENT TOOLS TO IMPROVE PATIENT SAFETY

TO THE HONORABLE CLAYTON HEE, CHAIR,  
AND TO THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 847 H.D.2 S.D.1, Relating to Enforcement Tools to Improve Patient Safety. My name is Daria Loy-Goto. 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. 847 H.D.2 S.D.1 amends chapter 453, Hawaii Revised Statutes ("HRS"), to authorize the Hawaii Medical Board ("Board") to summarily suspend a license and require a licensee to submit to a mental or physical examination. House Bill No. 847 H.D.2 S.D.1 reflects language agreed upon between RICO and the Hawaii Medical Association ("HMA").

RICO notes that the Senate companion bill, Senate Bill No. 1078, did not cross over to the House.

Specifically, House Bill No. 847 H.D.2 S.D.1 addresses the contents for an order of summary suspension, the means of service of an order for summary suspension, and the length of time a summary suspension order remains in effect. The bill also affords the licensee an opportunity for a hearing if a summary suspension order is issued. Licensing authorities in approximately 45 other states may summarily suspend a license pending disciplinary action.

House Bill No. 847 H.D.2 S.D.1 also: (1) allows the Board to order a licensee to undergo a physical and mental examination when the Board has reasonable cause to believe that a licensee is or may be unable to practice medicine with reasonable skill and safety to patients; and (2) grants immunity to licensees who provide information to the Board that a fellow licensee may be guilty of misconduct or may be impaired. Licensing authorities in approximately 39 other states may order a licensee to submit to a physical and mental examination.

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House Bill No. 847 H.D.2 S.D.1 seeks to prevent situations where consumers may face an immediate threat to their personal safety or may be at risk of receiving medical care from a licensee who is unable to practice with reasonable skill and safety. The bill will enable the Board to respond swiftly and appropriately for the protection of consumers, either by summarily suspending a license or ordering a licensee to submit to a physical and mental examination.

RICO recognizes the unusual circumstances in which a request for summary suspension or medical or psychiatric evaluation may be made, but believes these actions are sometimes necessary to protect patients and appreciates the Committee's careful and favorable consideration of this bill.

Thank you for the opportunity to testify on House Bill No. 847 H.D.2 S.D.1. I will be happy to answer any questions the Committee members may have.

# HMSA



an independent licensee of the Blue Cross and Blue Shield Association

March 27, 2013

The Honorable Clayton Hee, Chair  
The Honorable Maile S. L. Shimabukuro, Vice Chair

Senate Committee on Judiciary and Labor

**Re: HB 847, HD2, SD1 – Relating to Enforcement Tools to Improve Patient Safety**

Dear Chair Hee, Vice Chair Shimabukuro, and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 847, HD2, SD1, which establishes criteria for the State Board of Medical Examiners (Board) to summarily suspend a medical license. HMSA supports this measure.

The safety of our members undergoing health and medical treatment is paramount. While we truly believe almost all of our providers absolutely are of the highest caliber, both professionally and ethically, there will be the few that may take actions that jeopardize the health and safety of our members. This measure will provide the Board a tool to further protect our members. At the same time, this Bill affords a licensee the appropriate means to appeal a Board action to also ensure fairness for the licensee.

An action of the Board to suspend or revoke a license must be accompanied with appropriate notice to others in the health care system so that they may take conforming actions. We were informed during the first hearing on this Bill that the agency's actions will be appropriately noticed on the departmental website.

Thank you for the opportunity to testify on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark K. Oto'.

Mark K. Oto  
Director  
Government Relations



**HAWAII MEDICAL ASSOCIATION**

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814  
Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

DATE: Wednesday, March 27<sup>th</sup>, 2013  
TIME: 10:50 a.m.  
PLACE: Conference Room 016

TO: COMMITTEE ON JUDICIARY  
Sen. Clayton Hee, Chair  
Sen. Maile S.L. Shimabukuro, Vice Chair

From: Hawaii Medical Association  
Dr. Stephen Kemble, MD, President  
Dr. Linda Rasmussen, MD, Legislative Co-Chair  
Dr. Joseph Zobian, MD, Legislative Co-Chair  
Dr. Christopher Flanders, DO, Executive Director  
Lauren Zirbel, Community and Government Relations

Re: HB 847 HD2, SD 1 RELATING TO ENFORCEMENT TOOLS TO IMPROVE PATIENT SAFETY

Chair, Vice Chair, and Committee Members:

The Hawaii Medical Association supports HB847 HD2 SD1.

The Hawaii Medical Association has long advocated for the safety of our patients. While we recognize the enforcement role of the Hawaii Medical Board, we urge restraint in the exercise of summary judgment on licensure suspension. There are situations so egregious as to offend common sense which must be acted on quickly and decisively. However these cases are thankfully rare. We support the ability of the Board to act expediently in these instances.

Thank you for the opportunity to provide this testimony.

**OFFICERS**

**PRESIDENT – STEVE KEMBLE, MD, PRESIDENT ELECT – WALTON SHIM, MD  
IMMEDIATE PAST PRESIDENT – ROGER KIMURA, MD, SECRETARY - THOMAS KOSASA, MD,  
TREASURER – BRANDON LEE, MD, EXECUTIVE DIRECTOR – CHRISTOPHER FLANDERS, DO**

**PRESENTATION OF THE  
HAWAII MEDICAL BOARD**

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

TWENTY-SEVENTH LEGISLATURE  
Regular Session of 2013

Wednesday, March 27, 2013  
10:50 a.m.

**TESTIMONY ON HOUSE BILL NO. 847, H.D. 2, S.D. 1, RELATING TO ENFORCEMENT  
TOOLS TO IMPROVE PATIENT SAFETY.**

TO THE HONORABLE CLAYTON HEE, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Danny M. Takanishi, Jr. and I am the Chairperson of the Hawaii Medical Board ("Board"). As this is a result of collaboration between the Regulated Industries Complaints Office and the Hawaii Medical Association, the Board is in support of this bill which authorizes it to summarily suspend a license and order a licensee to submit to a physical and mental examination under specific circumstances.

The companion bill, S.B. 1078, was heard by this Committee and passed out with amendments but did not cross over.

Thank you for the opportunity to provide testimony on H.B. No. 847, H.D. 2, S.D. 1.