

STAND. COM. REP. NO.

855

Honolulu, Hawaii

March 1, 2013

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

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 847, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to give the Hawaii Medical Board (Board) new disciplinary authority by authorizing the Board to summarily suspend any license to protect the public from immediate or unreasonable threats, fraud, or misrepresentation and to order licensees to submit to mental and physical examinations when the board has reasonable cause to believe a licensee is unable to practice medicine.

The Department of Commerce and Consumer Affairs and Hawaii Medical Service Association testified in support of this measure. The Hawaii Medical Association testified in support of the intent of this measure. The Hawaii Medical Board provided comments on this measure.

Your Committee has amended this measure by:

- (1) Deleting language that allows the Board's delegate to summarily suspend any license to protect the public from immediate or unreasonable threats, or fraud;

HB847 HD2 HSCR CPC HMS 2013-2466

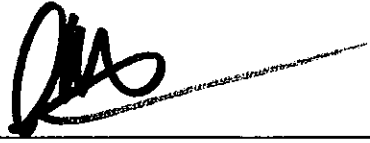


- (2) Deleting language that allows the Board to summarily suspend any license to protect the public from misrepresentation;
- (3) Clarifying that the authority to summarily suspend any license is for fraud that jeopardizes or endangers the health or safety of patients as determined by the professional standard of care;
- (4) Specifying that an order summarily suspending a license shall remain in effect until the effective date of a final decision and order issued by the Board or the effective date of an order issued by the Board terminating the summary suspension following a hearing, whichever occurs first, but in either case shall not exceed thirty business days;
- (5) Specifying that the Board shall conduct a hearing for disciplinary action against a licensee whose license has been summarily suspended within ten business days from the effective date of the order of summary suspension;
- (6) Adding language that specifies certain immunities for a person licensed by the Board who provides certain information to the Board; and
- (7) Making technical, nonsubstantive amendments for the purpose of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 847, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 847, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



