

STAND. COM. REP. NO.

1001

Honolulu, Hawaii

MAR 22 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 Commerce and Consumer Protection, to which was referred H.B. No. 847, H.D. 2, 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; and
- (2) 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 Association, and Hawaii Medical Service Association.

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.

Your Committee further finds that this measure tailors the process for summary suspension to more appropriately address proceedings for physician licensees. This measure also ensures fairness to licensees by providing an appropriate means to appeal a 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.

Your Committee additionally finds that the Regulated Industries Complaints Office and the Hawaii Medical Board previously reached a consensus requiring a hearing within seven business days of a request for a hearing to show cause and a hearing for disciplinary action within twenty business days of a summary suspension order. Amendments to this measure are therefore necessary to reflect the appropriate timeframe previously agreed to by the Regulated Industries Complaints Office and the Hawaii Medical Board.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the authorization in this measure to hold hearings and determine if a licensee is able to practice medicine with reasonable skill and safety to patients is an authority held solely with the Hawaii Medical Board, rather than with the Hawaii Medical Board or its delegate;
- (2) Specifying that the Hawaii Medical Board shall hold a hearing within seven business days of a request for a hearing to show cause;
- (3) Specifying that the Hawaii Medical Board shall conduct a hearing for disciplinary action against a licensee whose license has been summarily suspended within twenty business days from the effective date of the order of summary suspension; and
- (4) Inserting an effective date of July 1, 2013.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to



this report, your Committee is in accord with the intent and purpose of H.B. No. 847, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 847, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



ROSALYN H. BAKER, Chair



