

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2675

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 2675 entitled:

"A BILL FOR AN ACT RELATING TO LICENSING,"

begs leave to report as follows:

The purpose and intent of this measure is to require:

- (1) Dentist, physician, osteopathic physician, physician assistant, nurse, and pharmacist license applicants who have had a license, permit, or ability to practice suspended in another jurisdiction to undergo a hearing and investigation to determine competency prior to being issued a license to practice in Hawaii;
- (2) The Board of Dental Examiners, Hawaii Medical Board, Board of Nursing, and Board of Pharmacy to summarily suspend a Hawaii license upon a determination that a licensee has had a license, registration, or ability to practice suspended or revoked in any other jurisdiction, pending a hearing to prove competency; and
- (3) An order of summary suspension or any disciplinary action taken to be public record.

Your Committee received testimony in support of this measure from the Hawaii Medical Association and Hawaii Dental Association. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of



Commerce and Consumer Affairs, Board of Dental Examiners, Board of Nursing, Board of Pharmacy, and Hawaii Medical Board.

Your Committee finds that timely action in reciprocal discipline cases is a vital aspect of consumer protection. Furthermore, delayed action in reciprocal discipline cases, particularly in emergency situations, can put patients unnecessarily at risk. This measure attempts to ensure timely reciprocal discipline of health care professionals by requiring a competency hearing and investigation if an applicant has had a license revoked or suspended in another jurisdiction and requires the summary suspension of a licensee upon a determination that the licensee's license, registration, or ability to practice has been suspended or revoked in any other jurisdiction.

Your Committee has heard testimony that a similar bill, Senate Bill No. 2864 (Regular Session of 2016), which previously passed out of your Committee, creates a simpler, more expedient mechanism for reciprocal discipline, although the process in Senate Bill No. 2864 only applies to licensees regulated by the Hawaii Medical Board. More importantly, Senate Bill No. 2864 also protects Hawaii consumers during the disciplinary process by prohibiting a licensee who has been banned from practicing in another jurisdiction from practicing in the State until the Hawaii Medical Board issues a final order. This protection ensures that Hawaii patients will not be at risk of receiving medical treatment from a licensee who was the subject of serious discipline elsewhere.

After a discussion with interested stakeholders, your Committee concludes that adopting the reciprocal discipline mechanisms of Senate Bill No. 2864, but expanding this process to cover dentist, physician, osteopathic physician, physician assistant, nurse, and pharmacist licensees, is in the best interest of consumers, licensing boards, and licensees in Hawaii. Your Committee notes that the requirement for any final order of discipline taken to be public record, as proposed by this original measure, will remain in the amended measure.

Accordingly, your Committee has amended this measure by:

- (1) Removing language that required dentist, physician, osteopathic physician, physician assistant, nurse, and pharmacist license applicants who had a license, permit, or ability to practice suspended in another jurisdiction



to undergo a hearing and investigation to determine competency prior to being issued a license to practice in Hawaii;

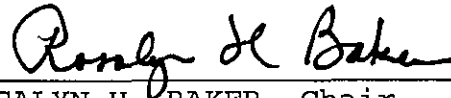
- (2) Removing language that required the Board of Dental Examiners, Hawaii Medical Board, Board of Nursing, and Board of Pharmacy to summarily suspend a Hawaii license upon a determination that a licensee had a license, registration, or ability to practice suspended or revoked in any other jurisdiction, pending a hearing to prove competency;
- (3) Authorizing the Board of Dental Examiners, Hawaii Medical Board, and Board of Pharmacy to deny a license to an applicant who has been disciplined by another state or federal agency and authorizing the Board of Nursing to deny a license to an applicant who has been disciplined by another state agency;
- (4) Authorizing the Board of Dental Examiners, Hawaii Medical Board, Board of Nursing, and Board of Pharmacy to impose the same disciplinary action against a licensee as was taken by another state or federal agency;
- (5) Establishing conditions for the disciplinary action;
- (6) Prohibiting a licensee from practicing until a final order of discipline is issued if disciplinary action taken by another state prohibited the licensee from practicing in that state;
- (7) Clarifying that any final order of discipline taken shall be public record;
- (8) Inserting an effective date of July 1, 2016; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2675, as amended herein, and recommends that it pass Second Reading in the form attached hereto



as S.B. No. 2675, S.D. 1, and be referred to your Committee on  
Judiciary and Labor.

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



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ROSALYN H. BAKER, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:* <b>SB 2675</b>	Committee Referral: <b>CPH, JDL</b>	Date: <b>2-11-14</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.				/
SLOM, Sam	/			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes