

STAND. COM. REP. NO.

2618

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2864
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 Judiciary and Labor, to which was referred
S.B. No. 2864 entitled:

"A BILL FOR AN ACT RELATING TO PHYSICIAN DISCIPLINE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit the Hawaii Medical Board to impose the same disciplinary action against a physician licensed in Hawaii as was taken by another state or federal agency;
- (2) Establish conditions for the disciplinary action; and
- (3) Prohibit a licensee from practicing in Hawaii until a final order of discipline is issued, if the licensee has been prohibited from practicing in another state.

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, Hawaii Medical Service Association, and The Queen's Health Systems.

Your Committee finds that under existing law, the reasons for which the Hawaii Medical Board can impose reciprocal discipline on a Hawaii licensee are limited. This measure will expedite the disciplinary process when a Hawaii licensee is disciplined by another state or a federal agency. This measure will also protect

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Hawaii consumers during the disciplinary process by prohibiting a licensee who has been banned from practicing in another jurisdiction from practicing in Hawaii 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.

Your Committee further finds that according to the Federation of State Medical Boards, the number of reciprocal disciplinary actions imposed by state medical boards against physicians licensed in another state has increased measurably within the last several years. This measure will enable the Hawaii Medical Board to keep pace with its counterparts nationwide and enable the Board to timely and appropriately respond to disciplinary actions taken elsewhere against Hawaii licensees.

Your Committee has amended this measure by inserting an effective date of January 7, 2059, to encourage further discussion.

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 S.B. No. 2864, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2864, S.D. 1.

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




GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2864	Committee Referral: CPH, JDL	Date: 2/26/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam				/
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes