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

**TO THE SENATE COMMITTEE
ON
WAYS AND MEANS**

**TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2016**

**WEDNESDAY, MARCH 30, 2016
9:00 A.M.**

**WRITTEN TESTIMONY ONLY
ON
HOUSE BILL NO. 1627 H.D.3 S.D.1
RELATING TO MEDICAL INVESTIGATIONS BY
THE REGULATED INDUSTRIES COMPLAINTS OFFICE**

**TO THE HONORABLE JILL N. TOKUDA, CHAIR,
AND TO THE HONORABLE DONOVAN M. DELA CRUZ, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to submit written testimony on House Bill No. 1627 H.D.3 S.D.1, Relating to Medical Investigations by the Regulated Industries Complaints Office. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers comments in support of this bill.

House Bill No. 1627 H.D.3 S.D.1 requires RICO to establish a division that specializes in investigating medical complaints and appropriates \$562,650.00 from the Department's Compliance Resolution Fund for four field investigators and one staff attorney to handle investigations of medical complaints.

The additional staff would assist RICO in its investigation of medical cases and would allow RICO's existing staff more time to devote to investigating complaints involving the other professions RICO oversees.

RICO notes it would need to undergo rulemaking to increase compliance resolution fees to cover personnel and operating costs relating to the new responsibilities provided for in this bill and requests a delayed implementation date of July 1, 2017. RICO additionally requests, for clarity, that the Committee Report reference Hawaii Revised Statutes, Chapter 451D, which covers the Health Care Professionals RICO currently oversees.

RICO notes that the Senate companion bill, Senate Bill No. 2674, was heard by the Senate Committee on Commerce, Consumer Protection, and Housing, which passed the bill out with amendments. The bill was referred to, but was not heard by this Committee and did not cross over to the House.

Thank you for the opportunity to submit written testimony on House Bill No. 1627 H.D.3 S.D.1.



Wednesday March 30, 2016

9:00 AM.

Capitol Rm. 221

To: SENATE COMMITTEE ON WAYS AND MEANS
Sen. Jill Tokuda, Chair
Sen. Donovan Dela Cruz, Vice Chair

From: Hawaii Medical Association
Dr. Scott McCaffrey, MD, President
Dr. Linda Rasmussen, MD, Legislative Co-Chair
Dr. Ronald Kienitz, MD, Legislative Co-Chair
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Community and Government Relations

Re: HB 1627 HD3 SD1 – RELATING TO MEDICAL INVESTIGATIONS BY THE
REGULATED INDUSTRIES COMPLAINT OFFICE

IN SUPPORT

The Hawaii Medical Association is concerned regarding the recent adverse medical incidents in the state and the possible indications these might give toward patient safety in Hawaii. To this end the HMA supports this systems change which we feel would provide a more nimble and involved system of monitoring and investigation of incidents within the medical community.

The Hawaii Medical Association is of the opinion that the time period involved in many patient care investigations is excessive. We have had conversations over the last couple of years with RICO and legislators regarding the extended times taken to investigate physician complaints.

The HMA feels that the need to conduct a medical investigation in a timely manner is far more important in the medical community than other regulated industries. A single clinician can put 6 or more patients under anesthesia, for example, in a single day. Multiply this by 22 days a month over 15 months and the risk becomes excessive.

The Hawaii Medical Association would like to support legislation that places all medical provider boards into a separate medical section of the DCCA, complete with their own separate medical division of RICO. This would allow for expediency in action and a more thorough

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relationship with providers. Included in this division should be the Boards of Medicine, Dental Examiners, Optometry, Physical Therapy, Naturopathic Medicine, Chiropractic Examiners, and Acupuncture.

The HMA is confident that these changes would result in a safer medical environment for patients and a greater confidence in providers. We would also offer our services in support and implementation of this change, and are available for further discussion.

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