

**PRESENTATION OF THE  
HAWAII MEDICAL BOARD**

TO THE HOUSE COMMITTEE ON  
CONSUMER PROTECTION AND COMMERCE

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Monday, February 22, 2016  
2:30 p.m.

**TESTIMONY ON HOUSE BILL NO. 1708, H.D. 1, RELATING TO MEDICINE AND  
SURGERY.**

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Jone Geimer-Flanders, D.O., and I am a member of the Hawaii Medical Board's ("**Board**") Legislative Committee. Thank you for the opportunity to submit testimony in opposition to House Bill No. 1708, H.D.1, Relating to Medicine and Surgery. The Board reviewed the original measure, as well as a similar measure, Senate Bill No. 2331, Relating to Sports Medicine<sup>1</sup> at its meeting on February 11, 2016.

House Bill No. 1708, H.D.1 proposes to allow out-of-state licensed physicians affiliated with a sports team or national sport governing body to provide medical services for team members and coaching staff under certain conditions without a Hawaii license to practice medicine. The bill would also allow the Board to enter into agreements with the medical licensing boards of other states to implement the provisions of the bill.

The Board is concerned that this bill would mandate that it relinquish its authority to enforce its laws or discipline physicians practicing medicine in the State of Hawaii. In

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<sup>1</sup> The Senate Committee on Commerce, Consumer Protection, & Health has scheduled decision making on February 24, 2016.

consideration of this measure, the Board inquired how it would be able to take appropriate action against an exempt physician if substandard or inappropriate care were provided in this State. Once an individual is exempt from licensure, the Board does not have jurisdiction over the physician, nor would the physician's home state of licensure have jurisdiction over the matter because the care was not provided there.

While the Board understands that there is language in the bill that strictly prohibits these exempt physicians from providing care to any person residing in the State, the Board sees no distinction between a patient who resides in the State and a patient who is visiting this State for whatever reasons. If substandard care or inappropriate care is provided, the Board would like the opportunity to appropriately address the matter.

Furthermore, it is unclear how the following provisions would be implemented:

- Page 1, line 9: "The physician has a written or **oral agreement**..."  
The Board is unsure how it would confirm that an actual oral agreement exists.
- Regarding references to "national sport governing body", without a clear definition of a national sport governing body or a list of specific sports governing bodies, the Board is would be unable to determine whether a sports medicine physician should truly be exempt from licensure.
- Page 3, subsection (d), lines 14-15: "Agreements may include procedures for reporting medical license violations." There are mechanisms already in place that would allow any entity or person to report potential medical license violations; however, this language in no way requires the home

state to take action against a practitioner if the medical violation or malpractice occurred in another jurisdiction.

Given the above, the Board respectfully requests that this bill be held in Committee. If the Committee is willing to indulge the Board's request, the Board proposes that during the interim, a working group be created, which would bring the appropriate stakeholders together to address this matter and discuss possible solutions including, but not limited, to creating a limited and temporary license specific to this issue, or at a minimum, to educate the Board on this subject matter.

Thank you for the opportunity to testify on House Bill No. 1708, H.D.1.



**Monday February 22, 2016**

**2:30 PM.**

**Capitol Rm. 325**

To: HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE  
Rep. Angus McKelvey, Chair  
Rep. Justin Woodson, Vice Chair

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

Re: HB 1708 – RELATING TO MEDICINE AND SURGERY

## **IN SUPPORT**

Chair, Vice Chair, and Committee Members:

The Hawaii Medical Association supports HB 1708, which serves to codify a practice that has long taken place in Hawaii and elsewhere. This bill allows physicians affiliated with visiting sports teams and events to provide first responder care to those teams for an extremely limited time without having to procure a Hawaii medical license and will not extend to care outside of the playing field.

Thank you for the opportunity to provide this testimony.

### **OFFICERS**

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