



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

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

TO THE HOUSE COMMITTEE  
ON  
HEALTH

TWENTY-EIGHTH STATE LEGISLATURE  
REGULAR SESSION, 2016

WEDNESDAY, FEBRUARY 3, 2016  
8:30 A.M.

TESTIMONY ON HOUSE BILL NO. 2335  
RELATING TO PHYSICIAN DISCIPLINE

TO THE HONORABLE DELLA AU BELATTI, CHAIR,  
AND TO THE HONORABLE RICHARD P. CREAGAN, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on House Bill No. 2335, Relating to Physician Discipline. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). The Department strongly supports this Administration bill.

House Bill No. 2335 creates a new mechanism by which the Hawaii Medical Board ("Board") can impose the same disciplinary action against a physician licensed in Hawaii as was taken by another state or federal agency.

Specifically, the bill provides that, upon receipt of an order from another state imposing disciplinary action, the Board may issue a proposed order imposing the same discipline. If the other state's order prohibits the licensee from practicing in that state, the licensee shall be prohibited from practicing in Hawaii until a final order has been issued by the Board.

The proposed order must be served on the licensee as required by Chapter 91, Hawaii Revised Statutes ("HRS"), and the licensee can request a hearing to contest the proposed order. If no hearing is requested, a final order confirming the proposed order is issued.

House Bill No. 2335 also specifies that a certified copy of the disciplinary action taken by another state or federal agency shall constitute prima facie evidence of the disciplinary action.

Currently, Hawaii law limits the reasons for which the Board can discipline a licensee who has been disciplined in another state. House Bill No. 2335 also proposes an important amendment to §453-8, HRS, which would allow the Board to take action whenever a Hawaii licensee is disciplined elsewhere.

The Department strongly supports House Bill No. 2335 for the following reasons:

- 1) House Bill No. 2335 will expedite the disciplinary process when a Hawaii licensee is disciplined by another state or federal agency. Currently, disciplinary action imposed by the Board as a result of action taken by another state or federal agency generally follows standard investigation and hearing processes, both of which can be time-consuming and expend staff resources.

House Bill No. 2335 establishes a process that authorizes the Board to impose discipline more expediently when a Hawaii licensee is disciplined elsewhere. In particular, the provision that a certified copy of the disciplinary action taken by another state or federal agency shall constitute prima facie evidence of the disciplinary action will simplify the disciplinary process.

2) House Bill No. 2335 will protect the safety of Hawaii patients during the disciplinary process by prohibiting a licensee who has been banned from practicing in another state from practicing in Hawaii until the Board issues a final order. As such, Hawaii consumers would not be at risk of receiving medical treatment from a licensee who was seriously disciplined elsewhere.

3) House Bill No. 2335 will enable the Board to timely and appropriately respond to disciplinary actions taken elsewhere against Hawaii licensees. Many state medical boards impose discipline on a physician who has been disciplined in another state. 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 bill will help the Board to keep pace with its counterparts nationwide.

RICO notes that House Bill No. 2430, Relating to Licensing, also addresses the issue of reciprocal discipline. Although that measure is pending referral, RICO would be willing to work with the appropriate Committees on a draft that best achieves the purpose of both this bill and House Bill No. 2430.

Thank you for the opportunity to testify in strong support of House Bill No. 2335. I will be happy to answer any questions the Committee may have.

**PRESENTATION OF THE  
HAWAII MEDICAL BOARD**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Wednesday, February 3, 2016  
8:30 a.m.

**TESTIMONY ON HOUSE BILL NO. 2335, RELATING TO PHYSICIAN DISCIPLINE.**

TO THE HONORABLE DELLA AU BELATTI, 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 testify on House Bill No. 2335. The Board supports this Administration bill.

House Bill No. 2335 authorizes the Board to impose the same disciplinary action against a licensee as was taken by another state or federal agency, establishes conditions for the disciplinary action, and prohibits the licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state.

The Board supports this measure as it will expedite the disciplinary process when a Hawaii licensee is disciplined by another state or federal agency. Most importantly, House Bill No. 2335 affords the Board with certain safety mechanisms which allows it to carry out its legislative mandate to protect the consumers of this State from unsafe or incompetent practitioners.

Thank you for the opportunity to testify in support of House Bill No. 2335.