



Thursday March 31, 2016
2:00 AM.
Capitol Rm. 329

To: HOUSE COMMITTEE ON JUDICIARY
Rep. Karl Rhodes, Chair
Rep. Joy San Buenaventura, 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: SB 2675 SD1 HD1 – RELATING TO LICENSING

IN SUPPORT

Chair, Vice Chair, and Committee Members:

The Hawaii Medical Association supports SB 2675 SD1 HD1.

The HMA is fully supportive of quick and decisive action in the event of adverse disciplinary actions taken against physicians in another state. We do feel the language of the bill should maintain the discretionary and decision-making power of the Board of Medicine rather than proscriptive statutory language. It is especially important that we utilize the Board members experience and expertise in dealing with actions involving privilege revocation, as there are multiple reasons this might occur, including those which do not effect patient safety, including administrative suspension for delinquent medical records or age-related revocation.

Thank you for the opportunity to provide this testimony.

OFFICERS

PRESIDENT – D. SCOTT MCCAFFREY , MD, PRESIDENT ELECT – BERNARD ROBINSON, MD
IMMEDIATE PAST PRESIDENT – ROBERT SLOAN, MD, SECRETARY - THOMAS KOSASA, MD,
TREASURER – MICHAEL CHAMPION, MD, EXECUTIVE DIRECTOR – CHRISTOPHER FLANDERS, DO

**PRESENTATION OF THE
HAWAII MEDICAL BOARD**

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Thursday, March 31, 2016
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 2675, S.D. 1, H.D. 1, RELATING TO
LICENSING.**

TO THE HONORABLE KARL RHOADS, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical Board ("Board"). Thank you for the opportunity to testify in support of Sections 3 and 7 of Senate Bill No. 2675, S.D. 1, H.D. 1, Relating to Licensing.

Senate Bill No. 2675, S.D. 1, H.D. 1, 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. Additionally, Senate Bill No. 2675, S.D. 1, H.D. 1, proposes to allow the Board, at its discretion, to deny a license to any applicant who has been disciplined by another state or federal agency.

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, Senate Bill No. 2675, S.D. 1, H.D. 1, 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.

The Board requests that if the Committee is inclined to pass out this measure that it do so with a clean effective date.

Thank you for the opportunity to submit testimony in support of Senate Bill No. 2675, S.D. 1, H.D. 1, Relating to Licensing.

Hawaii State Legislature
State House of Representatives
Committee on Judiciary

State Representative Karl Rhoads, Chair
State Representative Joy A. San Buenaventura, Vice Chair
Committee on Judiciary

Thursday, March 31, 2016, 2:00 p.m. Room 325
Senate Bill 2675 HD 1 Relating to Licensing

Honorable Chair Karl Rhoads, Vice Chair Joy A. San Buenaventura and
members of the House Committee on Judiciary,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association (HDA) and its over 1,000 member dentists. I appreciate the opportunity to testify in support of Senate Bill 2675 HD 1 Relating to Licensing. This bill is similar to legislation that the HDA sought to have enacted last year that would have provided the Board of Dental Examiners the authority to issue cease and desist orders to stop those persons who were practicing without proper licensure in Hawaii or whose conduct was in violation of the Hawaii statutes and rules governing the practice of dentistry in Hawaii. This bill seeks to address the problem that has arisen in which the governing boards may have overlooked the licensing problems a licensee had in another state or jurisdiction which would raise possible problems for Hawaii consumers.

The HDA would like to point out that the Hawaii State Board of Dental Examiners does differ in the statutory licensing process because each dentist seeking licensure in Hawaii is screened individually and thoroughly prior to licensure in Hawaii. It is the HDA's understanding that this differs from the licensure for medical doctors who are granted licensure in Hawaii.

Also, the HDA would like to suggest that this legislation be expanded to include violations of Hawaii statutes and rules which would be in alignment with the intent of HDA's cease and desist legislation it requested in 2009 and last year.



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REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE
ON
JUDICIARY

TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2016

THURSDAY, MARCH 31, 2016
2:00 P.M.

TESTIMONY ON SENATE BILL NO. 2675 S.D.1 H.D.1
RELATING TO LICENSING

TO THE HONORABLE KARL RHOADS, CHAIR,
AND TO THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 2675 S.D.1 H.D.1, Relating to Licensing. 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 the following comments on the bill.

Senate Bill No. 2675 S.D.1 H.D.1 authorizes the Board of Dental Examiners, Hawaii Medical Board, the Board of Nursing, and the Board of Pharmacy ("Boards") to deny a license to an applicant who has been disciplined by another state or

federal agency. The bill also creates a new mechanism by which the Boards can impose the same disciplinary action against a licensee as was taken by another state or federal agency and specifies that a licensee who is banned from practicing in another state shall be prohibited from practicing in Hawaii until a final disciplinary order is issued. The bill also has a defective effective date.

Senate Bill No. 2675 S.D.1 H.D.1 is similar to the Department's administration bill, House Bill No. 2335 H.D.1 S.D.1. Senate Bill No. 2675 S.D.1 H.D.1 incorporates the reciprocal discipline process for physicians outlined in House Bill No. 2335 H.D.1 S.D.1 and expands the provisions to apply to dental, nursing, and pharmacy licensees.

Both Senate Bill No. 2675 S.D.1 H.D.1 and House Bill No. 2335 H.D.1 S.D.1 will create an important new mechanism RICO can use to discipline licensees who have been disciplined in another state and will allow the Boards to take action whenever a Hawaii licensee is disciplined elsewhere. RICO believes both bills will additionally serve to 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 a final order is issued.

Thank you for the opportunity to testify on Senate Bill No. 2675 S.D.1 H.D.1. I will be happy to answer any questions the Committee may have.