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

**TO THE SENATE COMMITTEE
ON
JUDICIARY AND LABOR**

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

**FRIDAY, FEBRUARY 26, 2016
10:00 A.M.**

**WRITTEN TESTIMONY ONLY
ON
SENATE BILL NO. 2675 S.D.1
RELATING TO LICENSING**

**TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR,
AND TO THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to submit written testimony on Senate Bill No. 2675 S.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 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 allows the Boards to impose the same disciplinary action against a licensee as was taken by another state or federal agency, setting forth conditions for the disciplinary action and, if the disciplinary action taken by the other state agency banned the licensee from practicing in that state, prohibiting a licensee from practicing in Hawaii until a final disciplinary order is issued.

Senate Bill No. 2675 S.D.1 is similar to the Department's administration bill, Senate Bill No. 2864, which creates an expedited reciprocal discipline mechanism for physician licensees. The proposed mechanism requires the affected licensee to request a hearing within twenty days, the failure of which would authorize the Hawaii Medical Board to issue a final order of discipline. The bill also provides that a certified copy of the disciplinary action taken by another state or federal agency shall constitute prima facie evidence of the disciplinary action, thus further expediting the evidentiary process.

Senate Bill No. 2675 S.D.1 incorporates the reciprocal discipline process outlined in Section 1 of Senate Bill No. 2864 and expands the provisions to apply to dental, nursing, and pharmacy licensees.

RICO believes both Senate Bill No. 2675 S.D.1 and Senate Bill No. 2864 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 a final order is issued.

Testimony on Senate Bill No. 2675 S.D.1
February 26, 2016
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Thank you for the opportunity to submit written testimony on Senate Bill No.
2675 S.D.1.

Hawaii State Legislature
State Senate
Committee on Judiciary and Labor

State Senator Gilbert S. C. Keith-Agaran, Chair
State Senator Maile S. L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor

Wednesday, February 3, 2016, 10:00 a.m. Room016
Senate Bill 2675 SD 1 Relating to Licensing

Honorable Chair Gilbert S. C. Keith-Agaran, Vice Chair Maile S. L. Shimabukuro, and members of the Senate Committee on Judiciary and Labor,

My name is Russel Yamashita and I am the legislative representative for the Hawaii Dental Association (HDA) and its 960 member dentists. I appreciate the opportunity to testify in support of Senate Bill 2675 SD 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.

**PRESENTATION OF THE
HAWAII MEDICAL BOARD**

TO THE SENATE COMMITTEE ON
JUDICIARY AND LABOR

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Friday, February 26, 2016
10:00 a.m.

WRITTEN TESTIMONY ONLY

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

TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, 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 submit written testimony in support of Sections 3 and 7 of Senate Bill No. 2675, S.D. 1, Relating to Licensing.

Senate Bill No. 2675, S.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, 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, 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.

Written testimony on Senate Bill No. 2675, S.D. 1
Friday, February 26, 2016
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Thank you for the opportunity to submit written testimony in support of Senate Bill
No. 2675, S.D. 1, Relating to Licensing.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 11:35 AM
To: JDLTestimony
Cc:
Subject: Submitted testimony for SB2675 on Feb 26, 2016 10:00AM

SB2675

Submitted on: 2/24/2016

Testimony for JDL on Feb 26, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Kwan	Individual	Support	No

Comments: I strongly support this bill. Funding for research in combatting Rapid Ohia Death is critical to protect our native forests, watersheds, and native species statewide. This should be high priority funding.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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