

SB2864

Measure Title: RELATING TO PHYSICIAN DISCIPLINE.

Report Title: Physician Discipline; Conditions

Description: Authorizes the Hawaii Medical 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. Prohibits the licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state.

Companion: [HB2335](#)

Package: Governor

Current Referral: CPH, JDL

Introducer(s): KOUCHI (Introduced by request of another party)



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

TO THE SENATE COMMITTEE
ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2016

WEDNESDAY, FEBRUARY 3, 2016
9:00 A.M.

TESTIMONY ON SENATE BILL NO. 2864
RELATING TO PHYSICIAN DISCIPLINE

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 2864, 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.

Senate Bill No. 2864 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.

Senate Bill No. 2864 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. Senate Bill No. 2864 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 Senate Bill No. 2864 for the following reasons:

- 1) Senate Bill No. 2864 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.

Senate Bill No. 2864 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) 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 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) Senate Bill No. 2864 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 Senate Bill No. 2675 also addresses the issue of reciprocal discipline and would be willing to work with the Committee on a draft that best achieves the purpose of both bills.

Thank you for the opportunity to testify in strong support of Senate Bill No. 2864. I will be happy to answer any questions the Committee may have.

**PRESENTATION OF THE
HAWAII MEDICAL BOARD**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Wednesday, February 3, 2016
9:00 a.m.

TESTIMONY ON SENATE BILL NO. 2864, RELATING TO PHYSICIAN DISCIPLINE.

TO THE HONORABLE ROSALYN H. BAKER, 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 Senate Bill No. 2864. The Board supports this Administration bill.

Senate Bill No. 2864 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, Senate Bill No. 2864 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 Senate Bill No. 2864.



An Independent Licensee of the Blue Cross and Blue Shield Association

February 3, 2016

The Honorable Rosalind H. Baker, Chair
The Honorable Michelle N. Kidani, Vice Chair
Senate Committee on Commerce, Consumer Protection
and Health

Re: SB 2864 – Relating to Physician Discipline

Dear Chair Baker, Vice Chair Kidani, and Committee Members:

The Hawaii Medical Association (HMSA) appreciates the opportunity to testify on SB 2864, which would authorize the Board of Medical Examiners to take disciplinary action against a physician who has been disciplined by another state or federal agency. HMSA supports this Bill.

The safety of our members is paramount. HMSA holds the credentialed practitioners in our network to the highest standards of quality in the health care and services they provide to our members. The provisions of this legislation will help protect our members and help to ensure our provider network is secured for the best interest of the members.

Thank you for allowing us to testify in support of HB 2864.

Sincerely,

Jennifer Diesman
Vice President, Government Relations.