



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 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. 2864  
RELATING TO PHYSICIAN DISCIPLINE**

**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. 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.

Thank you for the opportunity to submit written testimony in strong support of Senate Bill No. 2864.

**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. 2864, RELATING TO PHYSICIAN DISCIPLINE.**

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 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 submit written testimony in support of Senate Bill No. 2864.



DATE: Friday, February 26, 2016  
TIME: 10:00 a.m.  
PLACE: Conference Room 016

To:  
[COMMITTEE ON JUDICIARY AND LABOR](#)  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, 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 2864 – RELATING TO PHYSICIAN DISCIPLINE

## **IN SUPPORT, WITH COMMENTS**

Chair, Vice Chair, and Committee Members:

The Hawaii Medical Association supports SB 2864 and its intent to expedite the identification of discipline issues.

The HMA is fully supportive of quick and decisive action in the event of adverse disciplinary actions taken against physicians in other states. The language of the bill maintains 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 physician discipline.

The HMA further recommends the establishment of a mechanism in which the Board may exercise its summary suspension powers within 48 hours of discovery of a significant risk to Hawaii patient safety.

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**