
A BILL FOR AN ACT

RELATING TO HEALTH

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the findings of the
2 annual report from the Hawaii physician workforce assessment
3 project submitted to the 2020 legislature determined that there
4 is a serious twenty-four per cent physician shortage in the
5 State. The neighbor island shortage is more severe, measuring
6 forty-four per cent in Hawaii county, thirty-six per cent in
7 Maui county, and thirty-two per cent in Kauai county. The
8 federal government has also validated the shortage by
9 designating Hawaii, Maui, and Kauai counties as health
10 professional shortage areas. Additionally, Hawaii's
11 congressional delegation has written to the Centers for Medicare
12 and Medicaid Services, recognizing the risk to our most
13 vulnerable communities. Moreover, the legislature recognizes
14 that the physician shortage will worsen unless mitigating steps
15 are taken immediately.

16 The legislature further finds that the general excise tax
17 and related county surcharges are levied on Hawaii businesses on



1 the sale of goods and services. The general excise tax applies
2 to medical services provided by group and private practice
3 physicians, making Hawaii the only state taxing medical services
4 in this way. The general excise tax and related county
5 surcharges are applied to the gross receipts of Hawaii medical
6 practices without regard to the high costs of providing medical
7 services in a high cost state. Community physicians are often
8 operating small businesses with narrow profit margins, and
9 medicare, medicaid, and private insurer payments for medical
10 services are well below national levels. The general excise tax
11 and related county surcharges make medical practices unviable,
12 resulting in practice closures and challenges in recruiting and
13 retaining new or younger physicians.

14 The legislature also finds that the general excise tax and
15 related county surcharges are highly regressive forms of
16 taxation and disproportionately and adversely affect low-income
17 and middle-class families struggling to cope with the State's
18 high cost of living. Currently, physicians who receive
19 medicare, medicaid, and tricare payments are subject to the
20 general excise tax, although they may recoup this cost from
21 patients as a way to recover the expense. However, most



1 physicians do not currently pass along this cost to patients,
2 but this practice may soon have to change.

3 The legislature further finds that while hospitals and
4 their employed physicians are exempt from the general excise tax
5 and related county surcharges, many Hawaii hospitals continue to
6 operate at a loss. If the general excise tax were imposed on
7 hospitals, it would result in nearly all hospitals having
8 negative margins, essentially taxing the institutions out of
9 business and significantly impairing patient access to health
10 care. Therefore, in order to safeguard patient access to care,
11 medical services performed within group and private practice
12 should be exempt from the general excise tax and related county
13 surcharges.

14 The purpose of this Act is to help reduce the impact of the
15 general excise tax on the shortage of physicians by exempting
16 all gross proceeds from medical services by physicians from the
17 general excise tax.

18 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§237- Exemption for medical services by physicians.

2 (a) There shall be exempted from, and excluded from the measure
3 of, the taxes imposed by this chapter, on all of the gross
4 proceeds arising from medical services provided by physicians.

5 (b) As used in this section, "medical services" provided
6 by physicians includes those services provided within hospitals,
7 medical clinics, and private medical practices that are
8 performed by licensed practitioners that are rendered under
9 chapter 453."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act, upon its approval, shall apply to
12 taxable years beginning after December 31, 2020.

13



Report Title:

Relating to Health; General Excise Tax; Exemption; Medical Services

Description:

Provides a general excise tax exemption for medical services after December 31, 2020.

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