

Testimony of the Hawaii Medical Board

Before the
House Committee on Health and Homelessness
Friday, February 10, 2023
10:00 a.m.
Via Videoconference

On the following measure:
H.B. 884, RELATING TO TRAVELING TEAM PHYSICIANS

Chair Belatti and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer for the Hawaii Medical Board (Board). The Board appreciates the intent of and offers comments on this bill.

The purpose of this bill is to adopt model legislation to allow traveling team physicians to temporarily practice medicine in the State for the traveling team members and coaches.

The Board appreciates the intent of this measure as it provides continuity of care by an out-of-state physician who accompany a sports team to a sporting event in this State. The Board believes this bill is, first and foremost, about the safety of the athlete. A team physician who is on the sidelines to examine athletes' injuries immediately after they occur and to provide the necessary aid is most beneficial for the athletes' well-being. However, the Board seeks clarity regarding what specific organizations are designated as a "national sport governing body" and what facilities are designated as a "national sport training center" in the State.

Further, the Board notes that it is not the director of health as referenced on page 2, line 16 to 18, that regulates physicians or the practice of medicine in the State of Hawaii. The Board respectfully requests that this paragraph be amended to read:

(d) Upon application to the **Hawaii medical board** and for good cause shown, the **Hawaii medical board** may increase the time period in subsection (c) by a maximum of twenty days per sporting event; provided that no physician shall be exempted for more than thirty additional days in a calendar year.

Lastly, the Board wonders whether an entirely new section needs to be added to Hawaii Revised Statutes (HRS) chapter 453 to address this matter since its statutes,

Testimony of the Hawaii Medical Board

H.B. 884

Page 2 of 2

specifically, HRS section 453-2, provide certain exceptions to medical licensing requirements. Therefore, the Board believes that the exceptions or exemptions provided in this bill should be added to HRS section 453-2.

Thank you for the opportunity to testify on this bill.



‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Health & Homelessness
Friday, February 10, 2023 at 10:00 a.m.

by

David A. K. Matlin, Athletics Director
University of Hawai'i at Mānoa

And

Patrick Guillen, Athletic Director
University of Hawai'i at Hilo

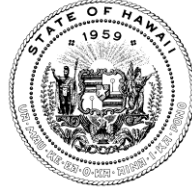
HB 884 – RELATING TO TRAVELING TEAM PHYSICIANS

Chair Belatti, Vice Chair Takenouchi, and members of the committee:

Thank you for this opportunity to submit this joint testimony of the University of Hawai'i's athletic departments at Mānoa and at Hilo in support of HB 884 which proposes to allow a physician who is licensed and in good standing to practice as a physician in another state to be exempt from the licensure requirements of HRS Chapter 453, under certain conditions.

It is our understanding that Hawai'i is one of only a few states that do not already have similar provisions allowing exemptions for physicians visiting in association with sport teams events. HB 884 would allow teams from other states that compete in Hawai'i to have the support of their medical staff if necessary.

The University of Hawai'i at Mānoa Athletics Department and the University of Hawai'i at Hilo Athletics Department respectfully requests passage of HB 884. Thank you for your time and consideration of this testimony.



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Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Health & Homelessness
Friday, February 10, 2023
10:00 a.m.

On the following measure:
H.B. 884, RELATING TO TRAVELING TEAM PHYSICIANS

Chair Belatti and Members of the Committee:

My name is Esther Brown, and I am the Complaints and Enforcement Officer of the Regulated Industries Complaints Office (RICO), which is an agency within the Department of Commerce and Consumer Affairs. RICO is charged with enforcing the licensing laws of various professional and trade industries in the State through the receipt, investigation and prosecution of, in this case, licensees who fall within the purview of the Hawaii Medical Board. RICO defers to and supports the Hawaii Medical Board and any position they may take regarding the measure's policy, administration and implementation matters. RICO **offers comments** on provisions that could directly impact RICO's enforcement authority, practices and/or daily operations.

The purpose of this bill is to provide an exemption from the licensure requirements in Hawaii Revised Statutes chapter 453 for out-of-state physicians who accompany a sports team to a sporting event in Hawaii or are invited by a national sport

governing body to provide services to sports team members at a national sport training center or at an event sanctioned by a national sport governing body.

Lack of advance notice. This measure does not require an out-of-state physician using the exemption to notify the Hawaii Medical Board or any other licensing authority prior to entering and practicing in the State, unless the out-of-state physician seeks to practice for longer than ten days per individual sporting event under subsection (c) of this bill. Were the measure to be enacted, therefore, it would be difficult for the Hawaii Medical Board to track these physicians, and for RICO to determine compliance with the proposed limitation of ten days per individual sporting event, as well as the limitation of 30 days in a calendar year under subsection (c) of the measure.

We note too that page 2, lines 16 – 18 references the director of health when the Hawaii Medical Board regulates physicians through Chapter 453 Hawaii Revised Statutes.

Thank you for the opportunity to testify on this bill.

February 9, 2023

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The Honorable Della Au Belatti, Chair
House Committee on Health & Homelessness
Hawai'i State Legislature
415 South Beretania St.
Honolulu, HI 96813

RE: HB 884 Relating to Traveling Team Physicians

Submitted electronically at www.capitol.hawaii.gov

Madam Chair and members of the Committee,

On behalf of the American Medical Society for Sports Medicine (AMSSM)—representing 4,900 board-certified sports medicine physicians—we respectfully submit this testimony regarding HB 884, relating to traveling team physicians.

Athletes who compete in intercollegiate or professional leagues often travel across state lines to attend tournaments, bowl and exhibition games, and other types of competitions. Ideally, the team physician, along with other healthcare professionals, travel with the athletes. However, despite the passage of federal legislation to address this issue, some state laws—including laws in Hawai'i—remain unclear regarding the out-of-state licensure of traveling team physicians.

HB 884 would clarify state law to allow team physicians licensed in another state to accompany and treat athletes traveling to Hawai'i, without having to obtain a separate license to practice medicine. This temporary status to practice medicine in Hawai'i is limited in three important ways:

- the short duration of time the team will be in Hawai'i for practice or competition;
- the infrequency and special nature of travel (e.g., league games, tournaments, annual rivalries, bowl games, etc.); and
- the fact that the patients are also from out-of-state and attached to the team as an athlete or staff.

It is increasingly important for athletes to have team physicians and other healthcare professionals travel with the team to afford a continuity of care for the traveling athletes. Team physicians bring a knowledge of medical histories, current medical status and treatments, as well as specific medical skills pertaining to sports medicine. Team physicians are focused solely on the care of the

team's athletes and other traveling staff. There is no impact on the power to license or discipline licensees, as Hawai'i retains its authority over physician licensure and the oversight of healthcare professionals. Furthermore, there is no cost or fiscal impact to accommodate traveling team physicians who travel to Hawai'i.

As intercollegiate and professional sports become increasingly popular, as teams travel to venues in every state, AMSSM applauds the Committee for considering HB 884 and we encourage you to consider the benefit of clarifying state law regarding team physicians who travel to Hawai'i.

Thank you for the opportunity to submit this testimony. Please do not hesitate to contact AMSSM if we can answer any questions or be of service to you.

Sincerely yours,

Andrew W. Nichols, MD, FAMSSM
Hawai'i State Key Contact
American Medical Society for Sports Medicine

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