



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-1500

MANPOWER AND
RESERVE AFFAIRS

February 8, 2023

The Honorable Senator Joy A. San Buenaventura
Chair, Committee on Health and Human Services
415 South Beretania St.
Honolulu, HI 96813

SUBJ: Letter of Support – SB 319 (Relating to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact)

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

On behalf of the U.S. Department of Defense (DoD) and military families, I am writing to express strong support for the policy addressed in Senate Bill 319.

DoD has advocated for improved licensure and career portability for military Service members and their spouses for several years. Military spouses are disproportionately affected by state-specific professional licensing requirements that can cause delays and gaps in employment, with 36 percent requiring a state license to practice in their professions and an annual cross-state relocation rate ten times higher than their civilian counterparts. Accordingly, military spouses experience unemployment and underemployment at significantly higher rates than their civilian peers.

State policies enacting interstate licensure compacts, such as the Emergency Medical Services (EMS) Compact, relieve one of the many stressors of frequent military moves by enabling military spouses to transfer their licenses more quickly across state lines and obtain employment as soon as they relocate to a new state. These policies facilitate greater career sustainability for military spouses, improving their families' financial security and overall resilience.

Finally, interstate licensure compacts benefit not only military spouses, but also apply to all eligible professionals to include active duty Service members, members of the reserve components, veterans, and civilians. By enacting the EMS Compact policy, Hawaii would have the opportunity to increase its healthcare workforce available to serve the local community while supporting military families.

In closing, the Department of Defense is very appreciative of Hawaii's ongoing commitment and efforts to support members of the military and their families who sacrifice much in service to our country. Thank you, Chair San Buenaventura, for spearheading this effort and providing me the opportunity to provide comments in support of this policy proposal.

Sincerely,

A handwritten signature in cursive script that reads "Kelli May Douglas".

Kelli May Douglas
Pacific Southwest Regional Liaison
Defense-State Liaison Office
DoD, Military Community & Family Policy
571-265-0075

Testimony of the Hawaii Medical Board

**Before the
Senate Committee on Health and Human Services
Friday, February 10, 2023
1:00 p.m.
Conference Room 225 and Videoconference**

**On the following measure:
S.B. 319, RELATING TO THE RECOGNITION OF EMERGENCY MEDICAL
SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT**

Chair San Buenaventura and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical (Board). The Board opposes this bill.

The purpose of this bill is to adopt the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (Compact).

The Board notes that this measure is similar to S.B. 2026, Relating to the Emergency Medical Services Personnel Licensure Interstate Compact, that was deferred by both the Senate Committees on Public Safety, Intergovernmental Affairs and Health during the 2022 legislative session.

The Board opposes this measure for the following reasons:

- (a) This bill appears to be in direct conflict with State laws, which protect confidential information. For example, this bill would require the Board's enforcement arm, the Regulated Industries Complaints Office, to turn over investigative records prior to the disposition of a case.
- (b) This bill proposes that the Board issue a privilege to practice to emergency medical services personnel without the submission of an application or notification to the Board of their plan to practice in the State. This does not allow the Board to properly assess whether the individual is safe and competent to provide services in this State. The Board would have no recourse to take action against an individual it has no knowledge.
- (c) The scope of practice of emergency medical personnel is not clearly defined in this bill. The Board is very concerned that an individual providing patient care in a remote state under a privilege to practice shall

function within the scope of practice authorized by the home state. The Board is unsure how it would be able to identify and/or monitor each home state's scope of practice and how it would apply different scopes of practice to different individuals.

(d) Section 9, Additional Powers Invested in a Member State's EMS Authority:

The Board questions whether it has the authority to enforce a subpoena issued in another jurisdiction. Additionally, if were to issue a subpoena, the Board does not have its own set budget to pay any witness fees, travel, expenses, etc. It would be strictly reliant on the Professional and Vocational Licensing Division (Division) to subsidize these costs.

(e) Fiscal Impacts: In consultation with the Division, it is unclear to the Board what the fiscal impacts would be to the Division. The Board may be assessed an unspecified fee to be a member of the Compact or to cover its operational costs. Without the ability to collect fees from individuals issued practice privileges, other professions regulated by the Board would be burdened with these costs.

(f) Lastly, the Board questions whether this bill is necessary. The average processing time for an emergency medical personnel application is 13.75 business days. There are of course exceptions to that if the applicant is deficient, approval and passage of examinations, and review by the full Board.

Thank you for the opportunity to testify on this bill.



February 10, 2023

1 p.m.

Conference Room 225

VIA VIDEOCONFERENCE

To: Senate Committee on Health and Human Services

Sen. Joy A. San Buenaventura, Chair

Sen. Henry J.C. Aquino, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB319 — RELATING TO THE RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL
LICENSURE INTERSTATE COMPACT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB319](#), which would allow Hawaii to enter into the Recognition of Emergency Medical Service Personnel Licensure Interstate Compact (REPLICA).

If this bill is enacted, the Legislature will take an important step toward addressing Hawaii's ongoing shortage of medical professionals, a problem that has existed for years and has become a serious obstacle to healthcare access in our state.

Across the state, and especially in rural areas, Hawaii is facing shortages of experienced health professionals, from primary care providers to nurses, specialists and staff. Fixing the problem requires a multipronged strategy that will address everything from Hawaii's high cost of living to the state's regulatory scheme for healthcare facilities. Perhaps most important is the need to reform licensing regulations for healthcare professionals.

One-fourth of all licensed workers in the U.S. work in healthcare.¹ Their licenses can be difficult to obtain, are expensive and carry geographic or “scope of practice” limitations.

As discussed in an upcoming policy brief on medical licensing by the Grassroot Institute of Hawaii, the state’s shortage of healthcare professionals makes its restrictions on healthcare workers who already hold licenses in other U.S. states seem redundant and self-defeating.

As the Federal Trade Commission noted in a report on occupational licensing portability:

There is little justification for the burdensome, costly, and redundant licensing processes that many states impose on qualified, licensed, out-of-state applicants. Such requirements likely inhibit multistate practice and delay or even prevent licensees from working in their occupations upon relocation to a new state. Indeed, for occupations that have not implemented any form of license portability, the harm to competition from suppressed mobility may far outweigh any plausible consumer protection benefit from the failure to provide for license portability.²

In other words, though medical licensing is intended to protect the public, there is a point at which the level of regulation reduces the number of people in practice without an appreciable public benefit.

One study of licensing among medical professionals found that “licensing is associated with restricted labor supply, an increased wage of the licensed occupation, rents, increased output prices, and no measurable effect on output quality.”³

This is where we can benefit from the lessons learned during the coronavirus situation. The governor’s emergency modification to state licensing laws demonstrated a need to embrace license portability, making it a simple matter for a doctor or nurse licensed in another state to practice in Hawaii.

¹ Ryann Nunn, [“Improving Health Care Through Occupational Licensing Reform.”](#) RealClear Markets, Aug. 28, 2018

² Karen Goldman, [“Options to Enhance Occupational License Portability.”](#) U.S. Federal Trade Commission, September 2018, p. 25.

³ Sean Nicholson and Carol Propper, [“Chapter Fourteen — Medical Workforce.”](#) in “Handbook of Health Economics, Vol. 2,” Elsevier, B.V., 2012, p. 885, cited also in the previously mentioned [FTC study](#), footnote #9, p3.

The interstate compact approach outlined in this bill would facilitate the hiring of EMS professionals by allowing EMS personnel licensed in participating compact states to receive a privilege to practice in Hawaii.

This legislation would increase the pool of EMS professionals able to practice in Hawaii and shorten the time it would take for them to begin working here. With one bill, the Legislature would be able to improve emergency healthcare for all Hawaii residents .

At present, [REPLICA](#) includes 22 states, with approximately 325,000 compact providers. The successful implementation of REPLICA speaks to the safety and effectiveness of this approach to license reciprocity.

Joining REPLICA would be an important step toward attracting more EMS personnel to our state, thereby improving healthcare access for all.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns,
Grassroot Institute of Hawaii



February 10, 2023

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

Re: SB319 – Relating to the Recognition of Emergency Medical Services Personnel
Licensure Interstate Compact

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB319, which adopts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

HMSA believes in strengthening access to quality health care services in the state of Hawaii. Participation in the compact can help, particularly in rural and underserved communities where the need is greatest. By creating an opportunity for providers who are already licensed in other states to practice in Hawaii, we can expand and support our current health care workforce while making it easier for Hawaii residents to access health care in the place they're located at the time when they need it.

We support Hawaii's participation in interstate compacts, and while broad participation would be ideal, we defer to DCCA for determining capacity and prioritization.

Thank you for the opportunity to testify on SB319.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations



February 10, 2023

To: Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services

From: Hawaii Association of Health Plans Public Policy Committee

Date/Location: February 10, 2023; 1:00 p.m., Conference Room 225/Videoconference

Re: Testimony in support of SB 319 – Relating to the Recognition of Emergency Medical Services personnel Licensure Interstate Compact.

The Hawaii Association of Health Plans (HAHP) appreciates the opportunity to testify in support of SB 319. HAHP is a statewide partnership that unifies Hawaii’s health plans to improve the health of Hawaii’s communities together. A majority of Hawaii residents receive their health coverage through a plan associated with one of our organizations.

HAHP appreciates the compact’s ability to relieve some of the burden on our health care providers and increase resources and access for rural communities. HAHP also recognizes that the pandemic highlighted gaps in our health care system. Workforce support and expansion is important to strengthening Hawaii’s health care network. While we recognize that participation in all of the compacts is probably not doable immediately, we support a prioritized and systematic approach to participation in interstate compacts to expand Hawaii’s “toolkit” for providing essential care for our members and our community.

Thank you for the opportunity to testify on SB 319.

Sincerely,

HAHP Public Policy Committee

cc: HAHP Board Members

AlohaCare | HMAA | HMSA | Humana | HWMG | Kaiser Permanente | MDX Hawaii | Ohana Health Plan | UHA Health Insurance | UnitedHealthcare

hahp.org | 818 Keeaumoku Street, Honolulu, HI 96814 | info@hahp.org

TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENT TO SB 319

Hearing Date: Friday, February 10, 2023

Time: 1:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) providing COMMENTS to SB319, Relating to the recognition of Emergency Medical Services Personnel Licensure Interstate Compact (the "Compact").

HAJ understands and appreciates the intent of the measure, however, we **oppose SB 319** as it would provide members, officers, executive director, employees and representatives of the commission **immunity from suit in their personal or official capacity for any claim for damage to or loss of property or personal injury or other civil liability** caused by arising out of any actual or alleged act, error or omission that occurred with the scope of employment. Under the Compact immunity from tort liability or civil liability resulting in death, injury to persons, or property damage except in cases of intentional or willful or wanton misconduct of that person. This language is overly broad and puts Hawaii residents at risk for injuries that could occur.

Specifically, Section (F) on page 25-26 of the bill provides that:

“The members, officers, executive director, employees and representatives of the commission **shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act**, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities;

provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any **damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.**”

Primarily, our concern is that the bill grants overbroad immunity to officers or employees rendering aid pursuant to the Compact for **negligent acts**. The exceptions to immunity only apply to **intentional or willful or wanton misconduct while omitting negligent acts** that could harm our residents. For example, if an officer or employee rendering aid pursuant to the Compact commits negligent acts while rendering aid, they will be immune under this act – leaving no legal recourse for the individual who was harmed. This immunity would even apply if that same officer or employee, while driving, hits a pedestrian through a failure to exercise due care or negligent maintenance of a vehicle

The standard of care that should be applied in any given situation is based on the specific circumstance. Negligent acts cannot and should not be overlooked, without recourse for those harmed, especially for our residents. HAJ opposes this type of immunity for negligent acts or omissions to preserve the rights of our residents and individuals. While we support intergovernmental cooperation for teachers, it is not necessary to exempt our officers of the Compact from negligent conduct.

HAJ respectfully recommends the bill be amended to delete Section (F) on page 25-26. Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.