

Testimony of the Hawaii Medical Board

**Before the
Senate Committee on Health
Monday, February 1, 2021
1:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 324, RELATING TO THE PRACTICE OF MEDICINE**

Chair Keohokalole and Members of the Committee:

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

The purpose of this bill is to clarify the definition of the practice of medicine to provide uniformity of practice for both medical physicians and osteopathic physicians.

This bill brings the definition of the practice of medicine to parity with the current practice of medicine and provides uniformity for medical doctors and osteopathic doctors. As the Committee is aware, the definition of the practice of medicine was last amended in 2008 by adding a separate, distinct definition of the practice of osteopathic medicine. The Board notes that medical doctors and osteopathic doctors receive the same education and training and should thus be treated equally. Further, the Board believes that this definition should be updated because the practice of medicine includes not only the treatment of disease, as the current definition provides, but also the prevention of disease.

For the Committee's information, this bill is similar to administration bill S.B. 1099, which also amends the definition of the practice of medicine. However, S.B. 324 limits the definition to conduct by a duly licensed physician or osteopathic physician. Since the practice of medicine is already limited to duly licensed practitioners pursuant to Hawaii Revised Statutes section 453-2, the bill's inclusion of a license requirement in the definition (on page 2, lines 7 through 14) is unnecessary and may complicate the Department of Commerce and Consumer Affairs' ability to prosecute licensing violations. As such, the Board respectfully urges that the Committee favorably consider the language in S.B. 1099, instead of the language in this bill.

Thank you for the opportunity to testify on this bill.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
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

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Health
Monday, February 1, 2021
1:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 324, RELATING TO THE PRACTICE OF MEDICINE**

Chair Keohokalole and Members of the Committee:

My name is Esther Brown, and I am the Complaints and Enforcement Officer of the Department of Commerce and Consumer Affairs' (Department) Regulated Industries Complaints Office (RICO). RICO enforces Hawaii Revised Statutes (HRS) chapter 453, which this bill amends. RICO offers enforcement-related comments on this measure.

The purpose of this bill is to clarify the definition of the practice of medicine to provide uniformity of practice for both medical physicians and osteopathic physicians.

This measure also expands the scope of practice beyond the treatment of disease and delineates additional services that are now common in the practice of modern medicine, including telehealth, medical imaging, and preventing mental and physical diseases, conditions, injuries, and ailments. Expanding the scope of practice of medicine beyond merely treating disease will assist licensee enforcement by providing tangible grounds for evaluating physician compliance with licensure laws, as well as enable RICO to better target and enjoin practices and behaviors as potential unlicensed activity.

For the Committee's information, this bill is similar to administration bill S.B. 1099, which also amends the definition of the practice of medicine. In contrast, however, this measure limits the definition to conduct by a duly licensed physician or osteopathic physician. Since the practice of medicine is already limited to duly licensed practitioners pursuant to HRS section 453-2, the bill's inclusion of a license requirement in the definition (on page 2, lines 7 through 14) is duplicative and may complicate RICO's ability to prosecute licensing violations by limiting enforcement to these two specified professions. As such, RICO respectfully urges that the Committee favorably consider the language in S.B. 1099, instead of the language in this bill.

Thank you for the opportunity to testify on this bill.

Testimony of
Jonathan Ching
Government Relations Manager

Before:
Senate Committee on Health
The Honorable Jarrett Keohokalole, Chair
The Honorable Rosalyn H. Baker, Vice Chair

February 1, 2021
1:00 p.m.
Via Videoconference

Re: SB 324, Relating to the Practice of Medicine

Chair Keohokalole, Vice Chair Baker, and committee members, thank you for this opportunity to provide testimony on SB 324, which clarifies the definition of the practice of medicine to provide uniformity of practice for both medical and osteopathic physicians.

Kaiser Permanente Hawai'i SUPPORTS SB 324.

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 260,000 members. Each day, more than 4,400 dedicated employees and more than 600 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

As the State of Hawai'i's largest multispecialty medical group, the Hawai'i Permanente Medical Group views medical and osteopathic physicians as equals in practice. We support SB 324 because it provides uniformity of the practice of medicine in Hawai'i Revised Statutes Chapter 453. Furthermore, we agree with the Hawai'i Medical Board that because medical and osteopathic physicians receive the same education and training, they should be treated equally.

We respectfully request the committee PASS SB 324. Thank you for the opportunity to provide testimony on this important measure.