WHEREAS, medical physicists are partnering with technologists, radiologists, regulators, manufacturers, administrators, and others to deliver the minimum amount of radiation necessary when a computed tomography scan is medically indicated; and

WHEREAS, because informed consent strengthens a patient's rights and is a necessary part of the doctor-patient relationship, disclosure of the attendant risks associated with any medical procedure is necessary to protect the physical and mental health of the patient; and

WHEREAS, in health care, physicians and patients continually accept risks in return for benefits and ordinarily patients are made aware of treatment and diagnostic risks to enable patients to make informed decisions; and

WHEREAS, x-rays and computed tomography scans save lives and are considered important and routine medical procedures used to diagnose illness and injury and critically assess treatments; and

WHEREAS, questions have been raised recently in medical research about how to balance the benefits of these imaging procedures with findings that lifetime cancer risk is increased by cumulative radiation exposure; and

WHEREAS, in 2007, the United States Department of Health and Human Services estimated that the number of computed tomography scans given to Medicare patients had almost quadrupled from 1995 to 2005, while the number of Positron Emission Tomography scans had risen even faster; and
WHEREAS, the New York Times reported on August 28, 2009, that the New England Journal of Medicine had just published a study finding that at least four million Americans under age sixty-five are exposed to high doses of radiation each year from medical imaging tests; and

WHEREAS, the study further found that about four hundred thousand of those patients receive very high doses, more than the maximum annual exposure allowed for nuclear power plant employees or anyone else who works with radioactive material; and

WHEREAS, the study's lead author, Dr. Reza Fazel, a cardiologist at Emory University, said that use of scans appeared to have increased even from 2005 to 2007, the period covered by the study; and

WHEREAS, USA Today reported February 10, 2010, that one study published in the Archives of Internal Medicine in December 2009, estimated that radiation from such procedures causes twenty-nine thousand new cancers and fourteen thousand five hundred deaths a year; and

WHEREAS, a second article in the Archives of Internal Medicine reported that the problem could be even worse, calculating that patients receive four times as much radiation from imaging tests as previously believed; and

WHEREAS, Time Magazine reported on December 7, 2009, that Canada is taking steps to correct the problem by establishing a national radiation-dosage registry in which patients' radiation exposure would be stored and accessible to patients and doctors by becoming part of the patients' permanent medical records; and

WHEREAS, concerned that Americans may be accumulating too much radiation exposure from medical tests, doctors at the National Institutes of Health will begin recording how much radiation patients receive from computed tomography scans and other procedures in permanent electronic medical records that patients can take with them; and

WHEREAS, section 671-3, Hawaii Revised Statutes, requires informed consent for diagnostic medical procedures, but it is unclear how many health care providers notify patients of the
health risks associated with numerous procedures, including harmful exposure to radiation when given imaging tests; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, that the Legislative Reference Bureau is requested to study available literature concerning the potential of increased lifetime cancer risks associated with cumulative radioactive exposure as a result of imaging procedures; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to consult with the Directors Health and Commerce and Consumer Affairs, the Hawaii Medical Board, the Department of Health's Indoor and Radiological Health Branch, the Hawaii Medical Services Association, the Hawaii Nurses Association, the Hawaii Medical Association, and the President of the Hawaii Association of Health Plans; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to report on efforts to:

(1) Disclose to patients verbally and in writing about the potential effects of radiation exposure as a result of imaging procedures; and

(2) Record radiation exposure in patient medical records; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to report findings and recommendations, including any necessary proposed legislation, to this body no later than twenty days prior to the convening of the Regular Session of 2011; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of the Legislative Reference Bureau, Directors of Health and Commerce and Consumer Affairs, Chairperson of the Hawaii Medical Board, Chief of the Indoor and Radiological Health Branch of the Department of Health, President of the Hawaii Medical Services Association, President of the Hawaii Medical Association, President of the Hawaii Nurses Association, and President of the Hawaii Association of Health Plans.
Association of Health Plans for distribution to member organizations.

OFFERED BY: Della A. Beletti

John M. Bisco
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MAR 10 2010