

**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 1281, H.D. 1, RELATING TO EMERGENCY MEDICAL SERVICES.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, February 25, 2021 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 308, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Andrea J. Armitage,
Deputy Attorney General, at 587-3050.)

Chair Luke and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to transfer the duties, functions, and powers relating to emergency medical services in counties that have a population of 500,000 or more from the Department of Health to those counties. The bill allows the counties with a population of 500,000 or more to charge fees for the emergency services they will provide (page 5, lines 8 – 16).

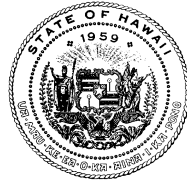
This transfer shall occur over a four-year period and shall be completed by June 30, 2025 (page 25, line 12, through page 26, line 2). The funding provided by the State to the counties shall be reduced over time so that in the fourth year and thereafter, the funding will cease (page 27, lines 1 – 5).

Section 5 of article VIII of the Constitution of the State of Hawai'i provides: "If any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost." By transferring a county's emergency medical services program from the State to the county, section 18 of the bill may violate section 5 of article VIII of the Constitution of the State of Hawai'i, to the extent that it requires all state funding for the county's emergency medical services to cease starting fiscal year 2024-2025. Currently, pursuant to section 321-232(a), Hawaii Revised Statutes, the fees collected by the Department of Health for emergency medical services shall be

deposited in the state general fund. It is not clear that allowing the counties with a population of more than 500,000 to charge fees for their services and keep those monies, would be considered sufficient “cost sharing” under this constitutional provision.

This concern may be resolved by amending the bill to continue making appropriations as deemed appropriate by the legislature to the counties with a population of more than 500,000 for emergency medical services after fiscal year 2023-2024, so that the State clearly continues to share in the cost of the increase in the level of service from fiscal year 2024-2025 and thereafter.

Thank you for the opportunity to share these comments.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB1281 HD1
RELATING TO EMERGENCY MEDICAL SERVICES.**

REP. SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 25, 2021 Room Number: N/A

1 **Department Testimony:** The Department of Health (DOH) supports the intent of this measure
2 which is to diminish the full financial burden on the State to support a comprehensive statewide
3 emergency medical services system (EMS) while assuring access, quality, and parity. A more
4 equitable distribution of costs should be coupled with greater county flexibility to deploy its own
5 EMS resources, including innovative service delivery and revenue sources such as community
6 paramedicine, will better complement existing county-based services such as police and fire
7 departments.

8 The concept of cost-sharing is timely as the total costs of operating a statewide comprehensive
9 EMS system exceeds \$100M. New ground transportation stations and vehicles, as well as labor-
10 related expenses and lease-rent, predictably increase each biennium, and are negotiated by the
11 counties but paid for by the State. That said, the State must retain its role of general oversight to
12 assure equitable standards are minimally established and met in Honolulu as in Hanapepe. It is
13 also critical to public health that coordination between EMS programs and statewide injury
14 prevention and trauma system programs continues.

15 With the support of the Legislature and Governor, the department has opened preliminary
16 discussions with the City Administration and there appears to be agreement in principle
17 regarding the benefits and responsibilities of greater county control over EMS assets.

18 The department urges the Legislature to move this measure forward as the State and City and
19 County of Honolulu continue to discuss how to achieve the intent of this measure.

1 Thank you for the opportunity to testify.

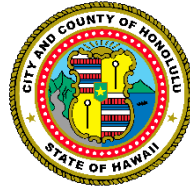
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3 **Offered Amendments:** N/A.

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**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR

MICHAEL D. FORMBY
MANAGING DIRECTOR
DANETTE MARUYAMA
DEPUTY MANAGING DIRECTOR

February 24, 2021

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice- Chair
and Members
House Committee on Finance
State Capitol Room 306
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Sylvia Luke, Vice-Chair Ty J.K. Cullen, and Honorable Members of the Committee on Finance:

SUBJECT: HB1281 HD 1, Relating to Emergency Services

Thank you for the opportunity to express serious concerns regarding HB1281 HD 1 and provide comments for your further consideration.

HB1281 HD 1 proposes to amend Chapter 46, Hawaii Revised Statutes (hereinafter HRS), to add a new part entitled "COUNTY EMERGENCY MEDICAL SERVICES SYSTEM", and amend Chapter 321, HRS, to transfer "certain duties, functions, and powers relating to emergency medical services for the island of Oahu from the Department of Health to the City and County of Honolulu."

In early 2021, the state reached out to the City and County of Honolulu ("City") regarding the potential for a scheduled transition of responsibilities from the Hawaii State Department of Health ("DOH") to the City for the delivery of health care services under emergency conditions. At the time, the City indicated a desire to conduct the necessary due diligence to fully understand the existing system and regulatory framework including, but not limited to, billing rates, collections, third-party agreements, revenue sources, taxes/fees, laws, rules, policies, practices and/or staff resources necessary at the City level to assume said responsibilities from the State. The City also requested information regarding what authority and/or responsibilities would remain with the State versus what would be transferred to the City.

While we appreciate that certain amendments have been proposed in consideration of the City's prior testimony, the situation remains that the City has not been provided the time, documentation and/or access to information necessary to undertake an informed acceptance of the current system from the State. As such, the City expresses serious concerns with HB1281 HD1 and is unable to support the measure given the absence of fully informed discussions.

Sincerely,

Rick Blangiardi
Mayor

Mr. grant Yoshimori
December 13, 2019
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February 25, 2021

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Finance

Re: HB 1281 HD1 – Relating to Emergency Medical Services

Dear Chair Luke, Vice Chair Cullen, and Committee Members:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 1281, HD1, which establishes a four-year transfer of certain duties, functions, and powers relating to emergency medical services for the city and county of Honolulu from the department of health to the city and county of Honolulu. Begins transition with the training and billing for emergency services on 7/1/2021. Appropriates general funds to the city and county of Honolulu for emergency medical services for fiscal years 2021-2022 and 2022-2023. Appropriates half of the moneys in the emergency medical services special fund to the general for fiscal years 2021-2022 and 2022-2023. Phases out state funding for emergency medical services in the city and county of Honolulu by 6/30/2025.

HMSA supports the role that a robust emergency medical services system plays in the healthcare ecosystem. HMSA stands committed to helping improve the well-being of our community, and we look forward to further discussions on the transfer of certain duties and functions of emergency medical services for the island of Oahu to the City and County of Honolulu.

Thank you for allowing us to testify in support of HB 1281 HD1. Your consideration of our comments is appreciated.

Sincerely,

Matthew W. Sasaki
Director, Government Relations



American Board of Physician Specialties

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February 24, 2021

RE: HB1281

The House Committee on Finance
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Sylvia Luke, Vice Chair Ty J. K. Cullen, and Honorable Member of the Committee on Finance:

I am writing to you on behalf of the American Board of Physician Specialties (ABPS) and its physician Diplomates currently practicing in Hawaii. The American Board of Physician Specialties is one of the nation's recognized certifying bodies for both allopathic (MD) and osteopathic (DO) physicians. The ABPS has Diplomates in all fifty states, the District of Columbia, Puerto Rico, and Canada. We take great pride in setting rigorous standards of certification in 18 areas of medical practice.

The American Board of Physician Specialties certifies emergency physicians through the Board of Certification in Emergency Medicine (BCEM). In the current amended bill in Section 9 the American Board of Medical Specialties board, the American Board of Emergency Medicine, is listed while excluding the American Board of Physician Specialties (ABPS). We respectfully request your assistance in amending the bill to include the Board of Certification in Emergency Medicine (BCEM).

Our physicians are committed to caring for the citizens of Hawaii and strongly support community involvement. Our physicians would be honored to serve on the Advisory Committee and work to improve emergency medical services.

The Department of Labor's recently redefined the definition of Physician Board Certification which now includes ABPS, along with ABMS and AOA in their Occupational Outlook Handbook.

In addition, ABPS's certification is recognized by many other state licensing authorities as well as federal programs such as the Veterans Health Administration, United States Armed Forces

under the GI Bill and the Centers for Medicare and Medicaid Services. Further, ABPS is recognized and listed on Healthgrades, America's leading online resource for consumers.

All ABPS Diplomates and applicants have been primary source verified by Med Advantage, an accredited Credentials Verification Organization (CVO) by both The Joint Commission and National Committee for Quality Assurance (NCQA).

ABPS examinations, procedures, and protocols not only meet the highest standards possible, but are clinically, psychometrically, and legally defensible.

An objective third party and industry leader (Castle Worldwide) conducted a comprehensive assessment of the ABPS' rigorous standards and found that they were equivalent or better to those set by bigger certifying boards, including ABMS and AOA, which are recognized in the current bill.

For the reasons listed above and after a thorough review we sincerely hope that you will agree that the American Board of Physician Specialties board, the Board of Certification in Emergency Medicine (BCEM), be included in the legislation allowing our physicians to serve the community.

If you would like us to provide additional information or respond to any inquiries you may have concerning the ABPS and/or any of its affiliated Boards of Certification, please do not hesitate to contact me at (405)921-7080, or via email at lgraymurphy@aol.com.

Thank you for your consideration,

Linda Gray Murphy

Linda Gray Murphy
American Board of Physician Specialties
405.921.7080
lgraymurphy@aol.com