

Honolulu, Hawaii

MAR 21 2016

RE: H.B. No. 2335
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 2335, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PHYSICIAN DISCIPLINE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Hawaii Medical Board to impose the same disciplinary action against a licensee as was taken by another state or federal agency;
- (2) Establish conditions for the disciplinary action;
- (3) Prohibit the licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another state; and
- (4) Authorize the Hawaii Medical Board to summarily suspend a license within forty-eight hours of receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency.

Your Committee received testimony in support of this measure from the Hawaii Medical Board, Hawaii Medical Association, Hawaii Medical Service Association, and The Queen's Health Systems. Your Committee received testimony in opposition to this measure from



one individual. Your Committee received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs.

Your Committee finds that under existing law, the reasons for which the Hawaii Medical Board can impose reciprocal discipline on a Hawaii licensee are limited. This measure will protect Hawaii consumers during the disciplinary process by prohibiting a licensee who has been banned from practicing in another jurisdiction from practicing in Hawaii until the Hawaii Medical Board issues a final order. This protection ensures that Hawaii patients will not be at risk of receiving medical treatment from a licensee who was the subject of serious discipline elsewhere.

Your Committee notes that this measure also authorizes the Hawaii Medical Board to summarily suspend a license within forty-eight hours of receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency. Although your Committee recognizes the benefit of this additional enforcement mechanism, your Committee believes that the reciprocal discipline provisions in this measure, rather than summary suspension procedures, more appropriately address situations when a Hawaii licensee is disciplined by another state or federal agency. Furthermore, your Committee is concerned that the due process requirements that must be met prior to summarily suspending a license may be difficult to satisfy based on disciplinary action taken elsewhere, particularly when a Hawaii licensee is not currently practicing in the State.

Accordingly, your Committee has amended this measure by:

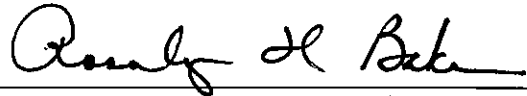
- (1) Deleting language that would have authorized the Hawaii Medical Board to summarily suspend a license within forty-eight hours of receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this amended measure will enable the Hawaii Medical Board to keep pace with its counterparts nationwide and enable the Board to timely and appropriately respond to disciplinary actions taken elsewhere against Hawaii licensees.



As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2335, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2335, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

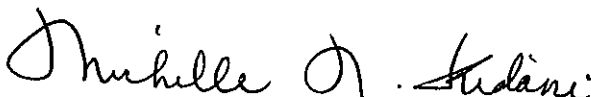


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2335, HD1	CPH, JDL	3-14-14		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.	/			
SLOM, Sam				/
TOTAL	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes