

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 43

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 43, entitled "A Bill for an Act Relating to Physician Workforce Assessment."

The purpose of this bill is to establish a John A. Burns School of Medicine special fund, funded by a \$60 fee assessed when physicians and surgeons renew their licenses, to support physician workforce assessment and planning.

Although the purpose of this bill has merit, it fails to address the larger issues that are causing a shortage of doctors from practicing in Hawaii, such as low insurance reimbursement rates, high medical malpractice insurance costs, increased taxes on physicians and surgeons, and the increasing expense of operating a medical practice within our State.

The Hawaii Medical Association, representing the State's doctors, cautioned that this bill could establish a dangerous precedent of using license fees to address an assortment of health-related issues and studies. Fees should be dedicated to the regulation of the medical profession.

Further, this bill is objectionable because in order for a physician or surgeon to renew their license, they would be required to provide personal and professional information, such as their medical specialty, location of practice, their hospital privileges, and the size and scope of their practice, which have no relationship to the qualifications that are required to maintain a license.

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If a physician fails to provide the required physician workforce assessment information required, the license would be denied. Although the bill requires the University of Hawaii to obtain express consent from a physician before releasing information specific to that individual, the bill does not provide for instances in which a physician may object to providing personal and profession information based on privacy or confidentiality concerns. It would be inappropriate to deny licensure based on an unwillingness to provide information that has no relationship to the qualifications of the applicant seeking to continue his or her medical practice in Hawaii.

The bill is also objectionable because the special fund established by the provisions of this legislation fails to meet the requirements of Hawaii Revised Statutes Sections 37-52.3 and 37-53.4 regarding both the means of financing and the financial self-sufficiency of the fund.

Finally, I would point out that in 2003, I signed Act 181 that established a Hawaii Medical Education Council within the University of Hawaii to undertake a review of physician workforce needs as envisioned in this bill. That work was not done. If this is a priority, then the John A. Burns School of Medicine should proceed using the statutory authority it already has. Duplicate legislation is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 43 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read 'L. Lingle', is written over the printed name.

LINDA LINGLE
Governor of Hawaii