

Hawai'i Medical Board Newsletter

The Chair's Message



On behalf of the recently renamed Hawaii Medical Board (Board), I would like to share with you my third and final report as Chairperson. I have completed two (2) four-year terms with the Board.

Our mission to "protect the general public" from dishonest, fraudulent, unskilled, or otherwise unqualified practitioners, remains the same. The Board consists of seven (7) M.D.s, two (2) D.O.s, and two (2) public/community members. Recently, Thomas S. Kosasa, M.D. replaced M. Pierre Pang, M.D. who completed his term. We thank both for their service. The practitioners we regulate are medical physicians, osteopathic physicians, podiatrists, physician assistants, and emergency medical personnel. During the 2008 Legislative Session, the legislature combined the osteopathic and allopathic medical practice acts for increased consistency and efficiency.

The Board continues to move up in national disciplinary rankings, reflecting

the Board's diligence in protecting the public and ensuring safe healthcare for the citizens of Hawaii. In fact, Sidney M. Wolfe, M.D., Chair of the Public Citizens Health Research Consumer Advocacy Group, ranked Hawaii in the "10 Best States Category" moving from fifty-first (51st) to twenty-first (21st) in 2007 for serious disciplinary actions. Physicians practicing safely and ethically should have no worry about this trend; but the very small group of unethical or illegal practitioners will face revocation, suspension, or probation of their medical licenses for practice activities prohibited by statute or rules.

I would like to share some of my personal conclusions from the eight (8) years of experience sitting on the Board:

- a. The practice of medicine in Hawaii, with very few exceptions, is the highest quality, adheres to best practice standards, and is also very patient-centered.
- b. I recently attended the Federation of State Medical Boards (FSMB) Annual Meeting in San Antonio. The FSMB's highest priority remains finalizing a model policy that will require physicians to demonstrate continuing competency as a condition of re-licensure. In contrast, my personal belief is that by selection, education, and training, physicians individually remain committed to lifelong learning and ethical, professional decision-making for their patients. Another "regulatory hoop to jump through", as proposed by the FSMB, will not weed out the few unethical, unsafe, or impaired practitioners.
- c. Recent national studies, testimony by Keith Komita, Narcotic Enforcement Division, professional interactions, and community sentiment all point to a street drug epidemic in Hawaii. My presumption is that controlled substances that reach "the street" from the medical community do so because of the actions of a very few unethical, illegal prescribing patterns that divert these controlled substances. This impugns the reputations of all the other reputable physicians.

The Board's Pain Management Policy is in place to protect the vast majority of M.D.s and D.O.s who legitimately manage patients with chronic pain.

It demands certain "best practices" and an ongoing doctor-patient relationship with appropriate documentation in the medical record. In contrast, illegal, self serving practice patterns and non-compliance with these policies are subject to serious disciplinary action (revocation, suspension, etc.).

- d. Community consensus and legislative action are urgent and mandatory to retain our licensee base if medical practice and patient access as we now know it is going to exist in the future.

As I end this term, I want to thank the Board's Advisory Committees for their diligence. I want RICO attorneys, investigators, and its medical advisory board to know that its adherence to the Board's principles is appreciated. The dedication, effort, and detailed analysis by our administrative and legal staff make it all "work" at our meetings; thank you! To my fellow Board members, we could never function effectively as a Board without your independent thinking, meticulous preparation and "measured" discipline approach. To each hard working licensee in Hawaii and elsewhere, I thank you for being a part of our mission to offer the best and safest healthcare possible for each patient.

Aloha,

H. Roger Netzer, M.D.
Chairperson

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Board Informal Opinions

Physicians

November 9, 2007. *Out-of-State Pathologists.*

Out-of-state physicians consulting (pathologist to pathologist) on cases need not be licensed in the State of Hawaii.

August 8, 2008. *Policy on Botox and Dermal Fillers.*

It has come to the attention of the Hawaii Medical Board (“Board”) that certain licensees are performing procedures involving the injection of botulinum toxin and dermal fillers for cosmetic enhancement at locations that are not medical facilities or medical offices. Such cosmetic, elective procedures are not free from side effects or complications. Because these procedures put at risk the health, safety, and lives of patients, it is the Board’s position that these and similar procedures be performed only within the context of a physician-patient relationship, and in facilities designated for patient care, unless a medically-sound reason justifies otherwise. Please see the Board’s policy regarding an appropriate

physician-patient relationship for further information. (Please refer to the Board’s policy on a physician-patient relationship under IMPORTANT NOTICES.)

Podiatrists

March 14, 2008. *Podiatrist Referrals to Physical Therapists.*

Podiatrists may refer patients to physical therapists. However, physical therapy referrals should coincide with the definition of podiatry as defined in Hawaii Revised Statutes § 463E-1, which states that:

Podiatric medicine means the medical, surgical, mechanical, manipulative, and electrical diagnosis and treatment of the human foot, malleoli, and soft tissues about the ankle, except for ankle fractures, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot; but does not include amputation, except for digital amputation, treatment of systemic conditions, or the use of any aesthetic except for local anesthetic.

Board and RICO Initiatives Pay Off As Disciplinary Actions and Ranking Increase

The initiatives of the Hawaii Medical Board (Board) and the Regulated Industries Complaints Office (RICO), chronicled in the Board’s 2007 Newsletter, have once again culminated in an increase in the number of physician disciplinary actions for the calendar year 2007. Correspondingly, the Board also was one of ten state boards recognized for its dramatic improvement in ranking since 2001.

In calendar year 2007, the Board took disciplinary action in 26 cases. Of these 26 cases, 14 involved serious action taken against physicians. Eight actions involved revocations, license denials, and a surrender of license. Six actions resulted in probation or specific restrictions placed on the physician’s license. Ten, non-serious actions involved monetary sanctions and a request to withdraw a license application. Two actions, considered non-prejudicial actions, were due to the removal of previously imposed conditions and the termination of probation. The 26 actions for 2007 evidence a continuing trend, since 2002, of increases in the number of disciplinary actions taken by the Board.

The increase in disciplinary actions taken also corresponds to an increase in the Board’s national ranking. Based on the 26 disciplinary actions taken in 2007, the Board now ranks 21st among all state medical boards for disciplinary actions taken. The improved ranking for 2007 is even more noteworthy when compared with the Board’s annual rankings since 2003, when the Board was ranked 51st.

	2007	2006	2005	2004	2003
Ranking ¹	21st	33rd	42nd	51st	51st

As evidenced by the increase in disciplinary actions and ranking, the joint initiatives instituted by the Board and RICO continue to yield significant results. Such results reflect the Board’s and RICO’s concerted efforts to improve medical care for Hawaii consumers.

	2007	2006	2005	2004	2003	2002
Total Actions	26	24	19	16	13	8

¹ Data obtained from Public Citizen’s Health Research Group Ranking of the Rate of State Medical Boards’ Serious Disciplinary Actions, 2005-2007 (April 22, 2008).

IMPORTANT DATES

M.D.s, EMT-Bs, EMT-Ps and Podiatrists

January 31

- License and certificate renewal applications are due every two years on January 31 of each even-numbered year.
- Renewal applications are sent out in November of the odd-numbered year. If you do not receive the renewal application by the end of November, please call (808) 586-3000.
- M.D. renewal fees are \$240.
- EMT-B and EMT-P renewal fees are \$120.
- Podiatrist renewal fees are \$170.

Physician Assistants

January 31 – Please remember to submit a renewal application along with NCCPA certificate and renewal fees.

- Hawaii Physician Assistant License renewal applications are renewed every two years on January 31 of each even-numbered year.
- Renewal applications are sent out in November of the odd-numbered year. If you do not receive the renewal application by the end of November, please call (808) 586-3000.
- Renewal fees are \$130.

D.O.s

June 30

- Hawaii Osteopathic Physician and Surgeon License renewal applications are due every two years on June 30 of each even-numbered year.
- Renewal applications are sent out in April of the renewal year. If you do not receive the renewal application by the end of April, please call (808) 586-3000.
- Renewal fees are \$190.

Board Actions August 2007 – August 2008

In the Matter of the License to Practice Medicine of **William H.K. Kama, M.D.** (MED 2004-30-L). Respondent was denied a permanent license to practice medicine in the State of Montana. Montana's summary decision to deny Dr. Kama's application was based on adverse decisions resulting in clinical privileges being suspended in one instance and denied in another. Respondent entered into a Settlement Agreement with RICO based on the Montana action. The Settlement Agreement was approved by the Board on September 14, 2007. Pursuant to the terms of the Settlement Agreement, a two year limitation was placed on Respondent's license to practice medicine in Hawai'i. During the limitation period, should Respondent practice in the State, Respondent must associate with another physician who shall supervise Respondent's practice. Respondent was also ordered to pay an administrative fine of \$500.00.

In the Matter of the License to Practice Medicine of **David S. Roth, M.D.** (MED 2006-257-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of Georgia. By Public Consent Order, the Composite State Board of Medical Examiners for the State of Georgia found Respondent prescribed controlled substances inappropriately for his own use. Respondent's license to practice medicine in Georgia was indefinitely suspended and Respondent ordered to, among other things, enter and complete treatment. Respondent entered into a Settlement Agreement with RICO based on the Georgia action. The Settlement Agreement was approved by the Board on September 14, 2007. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of six months, and Respondent ordered to comply with the terms and conditions of the Georgia Order of Reinstatement and pay a \$1,000.00 fine.

In the Matter of the License to Practice Medicine of **David H. Garfield, M.D.** (MED 2006-182-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of Alaska. By Memorandum Agreement, the State Medical Board of Alaska found Respondent failed to disclose he held medical licenses in Kansas, Minnesota, and New Zealand when Respondent applied for a license in Alaska. Respondent was reprimanded and a \$500.00 fine was imposed. Respondent entered into a Settlement Agreement with RICO based on the Alaska disciplinary action. The Settlement Agreement was approved by the Board on November 9, 2007. Pursuant to the terms of the Settlement Agreement, Respondent was ordered to pay a \$500.00 fine.

In the Matter of the Physician Assistant's License of **William A. Roberts** (MED 2006-9-L). Disciplinary action was taken against Respondent's licenses in Arizona and California. In an Order for License Revocation, the Arizona Regulatory Board of Physician Assistants found Respondent to be "ungovernable." RICO filed a Petition for Disciplinary Action against Respondent based on the Arizona and California actions. A hearing was held on July 10, 2007. A Final Order was issued by the Board on November 9, 2007. Pursuant to the terms of the Final Order, Respondent's license was revoked.

In the Matter of the License to Practice Medicine of **Farid Afra, M.D.** (MED 2004-70-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of California. By Stipulated Settlement and Disciplinary Order, based on allegations including gross negligence and unprofessional conduct, Respondent agreed, among other things, to a five-year probation of his California medical license,

to complete continuing medical education, and to have his practice monitored for the first year of his probation. Respondent entered into a Settlement Agreement with RICO based on the California action. The Board approved the Settlement Agreement on December 7, 2007. Pursuant to the terms of the Settlement Agreement, Respondent's license was voluntarily surrendered.

In the Matter of the Medical License of **Johnny Michael Slade, M.D.** (MED 2006-334-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of New York. As part of that action, Respondent admitted to multiple instances of negligence and to failing to maintain records accurately reflecting the care and treatment of two patients. The acts occurred in 2001 while Respondent was still licensed in Hawaii. Respondent's license to practice medicine in the State of Hawaii was forfeited in January of 2006. Respondent entered into a Settlement Agreement with RICO based on the New York action. The Settlement Agreement was approved by the Board on December 7, 2007. Pursuant to the terms of the Settlement Agreement, Respondent paid a \$500.00 fine.

In the Matter of the License to Practice Medicine of **Ann Kathleen Cox, M.D.** (MED 2007-98-L). A Letter of Admonition was issued to Respondent by the Colorado State Board of Medical Examiners. The Letter of Admonition was based on care and treatment of a patient. Respondent entered into a Settlement Agreement with RICO based on the Colorado action. The Board approved the Settlement Agreement on January 11, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of three months, and Respondent ordered to pay a \$1,000.00 fine.

In the Matter of the License to Practice Medicine of **Peter N. Brawn, M.D.** (MED 2006-200-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of Florida. The Florida Board suspended Respondent's license for two years and imposed a \$15,000.00 fine, finding Respondent inappropriately prescribed Carisoprodol. RICO filed a Petition for Disciplinary Action against Respondent based on the Florida action. A hearing was held on August 21, 2007. A Final Order was issued by the Board on February 1, 2008. Pursuant to the terms of the Final Order, Respondent's license was revoked.

In the Matter of the License to Practice Medicine of **Michael H. Lee, M.D.** (MED 2006-228-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of Georgia.

Board Staff

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Reporting Disciplinary Action

It is the responsibility of the licensee to report, in writing, any disciplinary decision issued against the licensee or the applicant in another jurisdiction within 30 days of the disciplinary decision. Failure to do so would be cause for taking disciplinary action against your license.

By Public Consent Order, the Composite State Board of Medical Examiners of the State of Georgia reprimanded Respondent and imposed a \$1,000.00 fine for failing to timely provide a physician profile. RICO filed a Petition for Disciplinary Action against Respondent based on the Georgia action. A hearing was held on September 6, 2007. A Final Order was issued by the Board on February 1, 2008. Pursuant to the Final Order, Respondent was ordered to pay a \$500.00 fine.

In the Matter of the License to Practice Medicine of **Irwin Nemeth, D.O.** (OST 2005-1-L). Respondent entered into a Stipulation and Disciplinary Order with the Osteopathic Medical Board of California. The Disciplinary Order was based on impairment which effected his ability to practice osteopathic medicine safely. RICO filed a Petition for Disciplinary Action against Respondent based on the California action. A hearing was held on July 31, 2007. A Final Order was issued by the Board on February 1, 2008. Pursuant to the terms of the Final Order, Respondent's license was reprimanded, and Respondent ordered to pay a \$3,000.00 fine.

In the Matter of the License to Practice Medicine of **Ronaldo B. Toledo, M.D.** (MED 2006-327-L and MED 2006-331-L). RICO filed a Petition for Disciplinary Action against Respondent alleging Respondent failed to provide patient records. A hearing was held on October 2, 2007. A Final Order was issued by the Board on March 14, 2008. Pursuant to the terms of the Final Order, Respondent's license was revoked.

In the Matter of the License to Practice Medicine of **Chih-Cheng Frank Chen, M.D.** (MED 2007-138-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of North Carolina. An Order of Discipline was issued in North Carolina reprimanding Respondent and ordering him to no longer administer local nerve block trigger point or other injections of anesthetics for the treatment of pain. Respondent entered into a Settlement Agreement with RICO based on the North Carolina action. The Settlement Agreement was approved by the Board on April 11, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of three months, and Respondent ordered to pay a \$1,000.00 fine.

In the Matter of the License to Practice Medicine of **Philip Gustave Martin, M.D.** (MED 2006-287-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of California. The action was based on allegations of sexual misconduct. The California Board placed Respondent on probation for a period of seven years, and imposed various conditions on Respondent's license, including limitations on Respondent's practice. Respondent entered into a Settlement Agreement with RICO based on the California action. The Settlement Agreement was approved by the Board on April 11, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was revoked and the revocation stayed with Respondent being placed on probation concurrent with California. During the probationary period, Respondent must, among other things, comply with the terms of the California Decision, provide

copies of required psychiatric evaluations and progress reports, provide written certification that Respondent has fully satisfied the terms of the California Decision, and pay a \$1,000.00 fine.

In the Matter of the License to Practice Medicine of **Gregory Paul Thibault, M.D.** (MED 2007-116-L). Respondent entered into a Settlement Agreement with RICO based on allegations Respondent failed to disclose a conviction for Driving Under the Influence. The Settlement Agreement was approved by the Board on April 11, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of six months, and Respondent was ordered to comply with the terms of the criminal sentence and to pay a \$5,000.00 fine.

In the Matter of the Application for a Medical License of **Eric C. Tucker, M.D.**, (Case No. MED-LIC-2007-1). At the Board's November 3, 2006 meeting, the Board denied the Petitioner's application based on the disciplinary action(s) taken against his California and Hawaii medical licenses, his prior felony convictions in California, which were substantially related to the qualifications, functions or duties of a physician, the denial of his California application for medical licensure, the denial of his Georgia application for medical licensure, and his guilty plea in Ontario, Canada. The Petitioner requested a hearing which convened on June 7, 2007 but was continued, at the Petitioner's request and reconvened on November 29, 2007. The Petitioner did not appear for the hearing, nor was anyone present on his behalf. Since the Petitioner failed to prosecute his case and meet his burden of proof at the hearing, the Hearings Officer recommended that the case be dismissed and that the Board affirm its denial of the Petitioner's application for a medical license. Pursuant to the Final Order approved by the Board on April 11, 2008, the Board adopted the Hearings Officer's proposed decision, dismissed the matter and affirmed its denial of the Petitioner's application for a medical license.

In the Matter of the License to Practice Medicine of **Claude W. Zeifman, M.D.** (MED 2006-17-L). Disciplinary action stemming from a domestic situation was taken against Respondent's license to practice medicine in the State of New York. Respondent entered into a Consent Agreement and Order with the State of New York, agreeing to, among other things, a censure and reprimand of Respondent's license to practice in that state. Respondent entered into a Settlement Agreement with RICO based on the New York action. The Settlement Agreement was approved by the Board on April 11, 2008. Pursuant to the terms of the Settlement Agreement, Respondent was ordered to pay a \$500.00 fine.

In the Matter of the License to Practice Medicine of **Dennis L. Mickleson, M.D.** (MED 2005-144-L). RICO filed a Petition for Disciplinary Action against Respondent alleging Respondent was addicted to, dependent on or a habitual user of a narcotic, and that Respondent had failed to report disciplinary action taken against his license to practice medicine in the State of Alaska. A hearing was held on January 8, 2008. A Final Order was issued by the Board on June 6, 2008. Pursuant to the Final Order, Respondent's license was revoked.

Change of Address

It is required by law that licensees file a written notice to the licensing authority of any change of address within 30 days of the change. To file a change of address, you will need to provide us with your name, license number, and new address. You may send it to us through e-mail (medical@dcca.hawaii.gov) or mail it to: DCCA, PVL, Licensing Branch, P.O. Box 3469, Honolulu, HI 96801.

License Verification

To request a verification of your license, please submit a written request and a \$15 check payable to Commerce and Consumer Affairs. You may mail it to: DCCA, PVL, Licensing Branch – License Verification, P.O. Box 3469, Honolulu, HI 96801.

In the Matter of the Application for a Medical License of **Garrett H. Smith, M.D.**, (Case No. MED-LIC-2006-4). On July 14, 2006, the Board voted to deny Petitioner's application based on the denial of his initial license in Maryland, the disciplinary actions taken against his Michigan medical license, the probationary and conditional status of his Michigan medical license, as well as other history and conduct of the applicant. On July 31, 2006, the Petitioner submitted a request for reconsideration to the Board. On December 8, 2006, the Board reaffirmed its July 14, 2006 denial of the Petitioner's application. The Petitioner requested a hearing which was conducted on December 6, 2007. The Hearings officer concluded that the Board's denial of the Petitioner's application was a proper exercise of its discretion and recommended that the Board affirm its denial of the Petitioner's application for a medical license. Pursuant to the Final Order approved by the Board on June 6, 2008 the Board adopted the Hearings Officer's recommended decision as its Final Order and affirmed its denial of Petitioner's application for a medical license.

In the Matter of the License to Practice Osteopathy of **Jerry Q. Barton, D.O.** (OST 2008-2-L). Disciplinary action was taken against Respondent's license to practice osteopathy in the State of Florida. The disciplinary action was based on continuing education credits. Respondent received a letter of concern in that state, and was required to complete continuing education courses and to pay a \$1,000.00 fine. Respondent entered into a Settlement Agreement with RICO based on the Florida action. The Board approved the Settlement Agreement on July 18, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of three months, and Respondent was ordered to comply with the terms of the Florida Order and to pay a \$1,000.00 fine.

In the Matter of the License to Practice Medicine of **Augsto Chiriboga, M.D.** (MED 2007-124-L). Disciplinary action was taken against Respondent's license to practice medicine in the State of Texas. Respondent entered into an Administrative Agreed Order with the Texas Medical Board after Respondent inadvertently failed to disclose a misdemeanor offense. The Texas Order imposed a \$250.00 fine. Respondent entered into a Settlement Agreement with RICO based on the Texas action. The Board approved the Settlement Agreement on July 18, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of three months, and Respondent was ordered to comply with the terms of the Administrative Agreed Order in the Texas action.

In the Matter of the License to Practice Medicine of **Patrick J. Dean, M.D.** (MED 2008-77-L). Disciplinary action was taken against Respondent in the states of North Carolina, California, Tennessee, and Texas. The North Carolina Board reprimanded Respondent for evaluating and providing reports on specimens without a North Carolina license. The states of California, Tennessee and Texas issued reprimands based on the North Carolina action. Respondent entered into a Settlement Agreement with RICO based on the North Carolina, California, Tennessee, and Texas actions. The Board approved the Settlement Agreement on July 18, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was reprimanded and placed on probation for a period of three months.

In the Matter of the License to Practice Medicine of **Allan V.T. Wang, M.D.** (MED 2006-261-L). Respondent entered into a Settlement Agreement with RICO based on allegations Respondent failed to provide patient records. The Board approved the Settlement Agreement on July 18, 2008. Pursuant to the terms of the Settlement Agreement, Respondent's license was placed on probation for a period of three months, and Respondent ordered to return full and complete medical records within thirty days and pay a \$2,000.00 fine.

In the Matter of the License to Practice Medicine of **K.C. Clement Young, M.D.** (MED 2006-145-L). Respondent plead guilty in the United States District Court for the District of Hawaii to having violated federal law twice by prescribing controlled substances outside the course of professional medical practice and not for a legitimate medical purpose. Respondent entered into a Settlement Agreement with RICO based on the U.S. District Court action. The Board approved the Settlement Agreement on July 18, 2008. Pursuant to the terms of the Settlement Agreement, Respondent agreed to the voluntary revocation of his license.

In the Matter of the Application for a Medical License of **Lillian M. Jones, M.D.** (Case No. MED-LIC-2006-5). On September 8, 2006 the Board denied the Petitioner's application based on her conduct at the pediatric continuity care clinic at Kokua Kalihi Valley Health Center on April 1, 2004, the ensuing disciplinary action(s) taken against her by the Hawaii Residency Programs, Inc., Triple Board Residency Training Program, and the violations of the conditions or limitations upon which a limited or temporary license is issued. On July 31, 2007 the Petitioner submitted a request for reconsideration to the Board. On August 10, 2007 the Board voted to affirm its decision to deny Petitioner's application. A hearing was convened on January 23, 2008. The Hearings Officer concluded that the Petitioner's actions in the April 1, 2004 incident amounted to professional misconduct, hazardous negligence, and incompetence, and constituted a sufficient basis for the denials of Petitioner's license application. The Hearings Officer recommended that the Board affirm its denials of Petitioner's application for a medical license. Pursuant to the Final Order approved by the Board on August 8, 2008, the Board adopted the Hearings Officer's recommended decision as its Final Order and affirmed its denials of Petitioner's application for a medical license.

Hawai'i Medical Board

H. Roger Netzer, M.D., *Chairperson, Kauai*
Maria Brusca Patten, D.O., *Vice Chairperson, Oahu*
Ben K. Azman, M.D., *Member, Maui*
Brian E. Cody, *Public Member, Oahu*
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John T. McDonnell, M.D., *Member, Oahu*
Thomas S. Kosasa, M.D., *Oahu*
Fereydoun Don Parsa, M.D., *Oahu*
G. Markus, Polivka, *Public Member, Oahu*
Danny M. Takanishi, Jr., M.D., *Member, Oahu*

On Equal Ground

Prior to this past legislative session, the Hawaii Medical Board (“Board”) regulated doctors of medicine (“M.D.s”) and doctors of osteopathy (“D.O.s”) through two separate licensing statutes. As the Board considers M.D.s and D.O.s to be equal, it attempted to regulate the two in a uniform manner, but was unable to because the statutes did not contain the same provisions.

A logical solution was to regulate both professions through one licensing law. In January 2008, the Board set out to do this by submitting a bill to the legislature. The measure proposed to

“
**With the June 30, 2010 license renewal,
D.O.s must meet CME requirements
in order to renew their licenses.**
”

repeal the D.O. licensing law and amend the M.D. licensing law (Chapter 453, Hawaii Revised Statutes) to include D.O.s.

The Board’s endeavor was successful and resulted in Act 005, Session Laws of Hawaii 2008.

Of particular significance for D.O.s is the continuing medical education (“CME”) requirement. With the June 30, 2010 license renewal, D.O.s must meet CME requirements in order to renew their licenses.

For details on other amendments to the licensing law, HRS Chapter 453, go to www.hawaii.gov/dcca/areas/pvl/boards/medical/statute_rules.

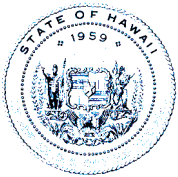
Important Notice

The Board would like to advise all physicians that when providing medical services including **ONLINE CARE**, a physician-patient relationship as provided below must be established.

The health and well-being of patients depend upon a collaborative relationship between physicians and their patients. To establish this relationship, the treating physician, or the designated member of the physician’s health care team (“designee”)* in general, shall do the following:

- Personally perform a face-to-face history and physical examination of the patient, which shall be appropriate to the specialty, training, and experience of the physician or the physician’s designee;
 - Either make a diagnosis and formulate a therapeutic plan or personally treat a specific injury or condition;
 - Discuss with the patient the diagnosis or treatment including the benefits of other treatment options; and
 - Ensure the availability of appropriate follow-up care.
- * The phrase “designated member of the physician’s health care team” (“designee”) means a person authorized by the physician who is also authorized by Hawai’i Law to prescribe, shall include, but shall not be limited to a physician assistant, advance practice registered nurse, advance practice registered nurse with prescriptive authority, and a “covering” physician.

State of Hawai’i
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Professional and Vocational Licensing Division
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