

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Medicine and Surgery

Summary

We evaluated the regulation of physicians, physician assistants, and emergency medical service personnel under Chapter 453, Hawaii Revised Statutes, and conclude that the public interest is best served by reenactment of the statute.

Physicians are independent medical practitioners who diagnose and treat injury and disease. Physician assistants practice medicine under the supervision of a physician; their responsibilities include taking medical histories, performing physical examinations, and treating minor injuries. Emergency medical service personnel—who may be emergency medical technicians (EMTs) or mobile intensive care technicians (MICTs)—work from ambulances to provide prehospital care at the scene of an accident or sudden illness. They serve under the direction and control of a physician.

In Hawaii, a nine-member Board of Medical Examiners regulates these occupations. The board is administratively attached to the Department of Commerce and Consumer Affairs. The department's Professional and Vocational Licensing Division provides administrative services to the board and the Regulated Industries Complaints Office (RICO) handles consumer complaints and pursues legal action when appropriate.

We found that continued regulation of physicians, physician assistants, and emergency medical personnel is needed. If practiced incompetently, these occupations have a significant potential for harm to consumers.

Since our first sunset evaluation in 1984, improvements have been made in the regulatory program. Additional improvements are needed in several areas. The board lacks policies to address national developments in examinations for physicians and relicensure following termination of a license. Its policy on supervision of physician assistants may be impractical. In addition, the program discriminates against mainland-trained emergency medical personnel who wish to practice in Hawaii by requiring them to take an equivalency examination setting an unrealistically high passing score, limiting the number of times they may take the examination, and preventing them from receiving temporary certification. We also found deficiencies in the administration of the equivalency examination.

The board appears to pay insufficient attention to physician assistants and emergency medical personnel, and it needs more information from RICO.

Finally, the board's informed consent guidelines for breast cancer need review.

Recommendations and Response

We recommend that the Legislature reenact Chapter 453, Hawaii Revised Statutes, to continue the regulation of physicians, physician assistants, and emergency medical service personnel. To ensure that adequate attention is given to physician assistants and emergency medical personnel, the Legislature should consider amending Chapter 453 to establish a reconstituted Board of Medical Examiners consisting of seven physicians, one physician assistant, one mobile intensive care technician, and two lay people.

The board should also propose amendments to Chapter 453 covering implementation of the new United States Medical Licensing Examination program and relicensing after a license has been automatically terminated. It should develop amendments to the rule on supervision of physician assistants; require the equivalency examination for all emergency medical service personnel; reevaluate the passing score of the equivalency examinations; provide for temporary certification of mainland-trained emergency medical applicants; and remove the limit on the number of times applicants may take the equivalency examination. The board should work with RICO on the kinds of information the board should receive about medical complaints and review the guidelines on informed consent for breast cancer.

The Department of Commerce and Consumer Affairs should review the adequacy of its administration of examinations.

The Board of Medical Examiners concurs that Chapter 453 should be reenacted and agrees with most of the other recommendations. It is willing to consider requiring that all applicants take the equivalency examination. It does not agree that the board should be reconstituted and it favors repeal rather than review of the breast cancer guidelines.

The department believes that its examination facilities and procedures are satisfactory. It also proposes ways for RICO to provide more information to the board.

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