

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Podiatrists

Summary

We evaluated the regulation of podiatrists under Chapter 463E, Hawaii Revised Statutes, and conclude that the public interest is best served by reenactment of the statute.

Podiatrists are independent medical practitioners who diagnose and treat conditions affecting the human foot and ankle. They take patient histories, perform physical examinations of the lower extremities, order X-rays and laboratory tests, and use a variety of treatments including surgery and drugs. They refer patients with symptoms of a disease in another part of the body to a physician while continuing to treat the foot or ankle condition.

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

In our first sunset evaluation in 1985 we found that podiatrists need continued regulation. We reach the same conclusion today because there is a significant potential for harm in the practice of podiatry. Incorrect diagnoses, failure to refer patients to a physician when appropriate, or incompetent treatment can cause serious physical, emotional, and financial harm. Nationally in 1991, about 70 podiatrists were disciplined for violations ranging from professional incompetence to false advertising. Seven complaints involving podiatry were filed with RICO from 1989 through 1991. Podiatric medicine is regulated in all of the states.

Since 1985, several improvements have been made in the regulatory program. Additional improvements are needed. We found some confusion about the requirements for licensure by examination. The intent of Chapter 463E is to simply to ensure that applicants have minimum levels of knowledge of basic sciences, clinical sciences, and clinical competency. This needs to be clarified in the statute. Also, the board needs to update its rules, which restrict access to national examinations offered in Hawaii.

Chapter 463E requires podiatrists to obtain continuing education in podiatric medicine. We found no strong evidence that this is needed, and

it is not well enforced. We also found that the department has not been using a national data base that is available to check on the disciplinary history of license applicants. In addition, the department is not requiring applicants to report their examination results through the national testing agency.

We also found that podiatrists have no formal way to participate in the licensing program. The Board of Medical Examiners, which consists of seven medical doctors and two lay persons, has limited knowledge of podiatric medicine.

Recommendations and Response

We recommend that the Legislature reenact Chapter 463E to continue the regulation of podiatrists. The Legislature should consider amending the law to delete the requirement for continuing education and to specify that applicants must pass national examinations covering basic sciences, clinical sciences, and clinical competency. It should also consider amending Chapter 453, HRS (the medical practice act) to add a podiatrist to the Board of Medical Examiners. The board should eliminate those rules that unnecessarily restrict access to examinations.

We also recommend that the department improve its licensing operations by checking the disciplinary history data base of the Federation of Podiatric Medical Boards and by requiring license applicants to submit their examination results directly from the testing agency.

The board and the department agree that regulation should be continued, that examination requirements should be clarified and updated, and that the disciplinary data base should be checked. They say that applicants already are required to submit test scores directly from the testing agency with exceptions in special circumstances.

They oppose deleting the continuing education requirement, and they question our conclusions concerning its enforcement. They believe it is unnecessary to add a podiatrist to the Board of Medical Examiners because podiatrists are few in number and they could provide information to the board through a committee.

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