

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 chapter.

This evaluation and repeal of the chapter had been scheduled under the Sunset Law. Subsequently, Act 279 of 1994 removed the repeal date and with it the evaluation requirement. Nevertheless, since the work had already been done, we are issuing the report to help decision makers in assessing the regulatory program.

Our evaluation determined that the regulation of podiatrists should continue because the practice of podiatry poses risks to the public's health, safety, and welfare. Podiatry is licensed in all states, the District of Columbia, and Puerto Rico.

As doctors of podiatric medicine, podiatrists diagnose, treat, and prevent diseases and disorders of the foot and ankle. All states authorize podiatrists by law to perform patient care independently within a specific scope of practice. Hawaii has 78 licensed podiatrists, of which 32 live in the state.

Chapter 463E places the regulatory program under the Board of Medical Examiners, which is administratively attached to the Department of Commerce and Consumer Affairs. The board consists of nine members - seven physicians and two public members.

Our 1992 sunset report on podiatric medicine recommended the reenactment of Chapter 463E to continue the regulation of podiatrists, but with some improvements. We found that requirements relating to examinations for licensure needed to be clarified and that the administrative rules were overly restrictive. We also found that licensing procedures should be strengthened by checking on applicants' disciplinary history and verifying that they passed the national board examinations. In addition, we found that the board lacked adequate input from podiatrists and recommended that a podiatrist be added to the board.

In our current evaluation, we found that the board has yet to implement our prior recommendation to amend its administrative rules for podiatry. It initiated steps to implement rule changes only in early 1994. We found that the board needs to eliminate arbitrary and restrictive provisions relating to the PMLexis licensing examination; and limit forfeiture of fees to the application and exam administration fee. The board should also require a check with the Federation of Podiatric Medical Boards on the disciplinary history of an applicant for licensure.

Additionally, the board, through the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, should make use of the federation's periodic reports on disciplinary cases in checking on the disciplinary status of licensees.

We found that the PMLexis passing score and endorsement requirements need clarification. The board approved the passing score for the PMLexis only recently, and the score is not specified in the rules. The rule providing for the endorsement of the PMLexis taken in another jurisdiction gives the board so much discretion that there is no assurance of consistency. Consequently, applicants are unsure about the criteria for the endorsement of the PMLexis taken in other states.

We also found that more stringent verification of the test results of the national board examinations of the National Board of Podiatric Medical Examiners is still needed. We had previously recommended that the board require applicants to have the test scores submitted directly from the national board to the Professional and Vocational Licensing Division.

Recommendations and Response

We recommend that the State continue the regulation of podiatry in Chapter 463E, Hawaii Revised Statutes. We recommend that the Board of Medical Examiners amend its rules to eliminate arbitrary restrictions on the number of times applicants may retake the PMLexis exam within a given time period; require a check of the data bank of the Federation of Podiatric Medical Boards for the disciplinary history of licensure applicants; state the PMLexis passing score in the administrative rules; specifically state that only the application and examination administration fee shall be forfeited when an applicant requests a postponement in taking the PMLexis; and clarify the criteria for the endorsement of the PMLexis taken in other states.

We also recommend that the board, through the Professional and Vocational Licensing Division, review the periodic reports on disciplinary cases issued by the Federation of Podiatric Medical Boards and require more stringent verification of exam results for the national board examinations.

The board concurs with most of our recommendations, and has drafted proposed rule amendments or implemented the recommendations as appropriate. However, it does not agree that it needs to clarify the criteria for endorsement of the PMLexis examination taken in other states since the statutes do not provide for endorsement. We believe, however, that the rules currently give the board too much discretion on when it will accept an applicant's PMLexis examination. The board should amend its rules to clearly state the criteria for accepting PMLexis examinations taken in other jurisdictions.

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