

ACT 111

S.B. NO. 2797

A Bill for an Act Relating to Podiatrists.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 463E-1, Hawaii Revised Statutes, is amended by amending the definition of “podiatry” to read as follows:

“ “Podiatry” means the medical, surgical, mechanical, manipulative, and electrical diagnosis and treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot, but does not include any amputation, treatment of [systematic] systemic conditions, or the use of any anesthetic except local anesthetic.”

SECTION 2. Section 463E-4, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The board may accept the certificate or evidence of passage of the National Board of [Podiatry] Podiatric Medical Examiners or an equivalent testing agency in lieu of and as equivalent to part or all of its own written examination.

(d) The written examination shall be secured from and corrected by the

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National Board of [Podiatry] Podiatric Medical Examiners or an equivalent testing agency. The board, in addition may administer a written examination of podiatric medical clinical competency which may include portions which address the basic sciences and clinical sciences that support the clinical practice of podiatric medicine.”

SECTION 3. Section 463E-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any license to practice podiatry may be revoked or suspended by the board of medical examiners at any time in a proceeding before the board, or may be denied, for any one or more of the following acts or conditions on the part of the holder of the license or the applicant therefor:

- (1) Employing what is popularly known as a “capper” or “steerer”;
- (2) Obtaining any fee on the assurance that a manifestly incurable disease can be permanently cured;
- (3) Wilfully betraying a professional secret;
- (4) Advertising one’s podiatrist business with any untruthful and improbable statement;
- (5) False or fraudulent advertising;
- (6) Procuring a license through fraud, misrepresentation, or deceit, or knowingly permitting an unlicensed person to perform activities requiring a license;
- (7) Violation of section 453-2;
- (8) Professional misconduct or gross [carelessness] negligence or manifest incapacity in the practice of podiatry;
- (9) Engaging in the practice of podiatry other than as defined in section 463E-1;
- (10) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effect;
- (11) Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (12) [Negligence or incompetence.] Incompetence or multiple instances of negligence, including, but not limited to, the consistent use of medical service which is inappropriate or unnecessary;
- (13) Revocation, suspension, or other disciplinary action by another state or federal agency of a license or practice privilege for reasons as provided in this section;
- (14) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a podiatrist, notwithstanding any statutory provision to the contrary;
- (15) Violation of chapter 329, uniform controlled substance act, or any [regulation promulgated] rule adopted thereunder;
- (16) Failure to report to the board, in writing, any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final; or
- (17) Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement or omission of fact.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 24, 1988.)