

HAWAII MEDICAL BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

AGENDA

Date: December 12, 2024

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Agenda: The agenda was posted to the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Virtual

Participation: Virtual Videoconference Meeting – Zoom Meeting (use link below)

<https://dcca-hawaii-gov.zoom.us/j/88312280889?pwd=ifzI7dZqVz3f31P3SFrDbyJCdbQOia.1>

Phone: (669) 900-6833

Meeting ID: 883 1228 0889

Passcode: 398077

If you wish to submit written testimony on any agenda item, please email your testimony to medical@dcca.hawaii.gov or by hard copy mail to: Attn: Hawaii Medical Board, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

INTERNET ACCESS:

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone.

When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking.

PHONE ACCESS:

If you cannot get internet access, you may get audio-only access by calling the Zoom Phone Number listed at the top on the agenda.

Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering "*" and then "9" on your phone's keypad. After entering "*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specified date and time. This information will be provided on the Board's website at <http://cca.hawaii.gov/pvl/boards/medical/board-meeting-schedule/>.

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>

1. Call to Order
2. Approval of Minutes:
 - A. October 10, 2024, Executive Session Meeting Minutes
 - B. November 14, 2024, Open Session Meeting Minutes
 - C. November 14, 2024, Executive Session Meeting Minutes

The Board may enter into Executive Session to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4) to review the executive session minutes.

3. Adjudicatory, HRS Chapter 91

- A. In the Matter of the Physician's License of Timothy McLaughlin, D.O.; Settlement Agreement Prior to Filing of a Petition for Disciplinary Action and Board's Final Order; Exhibit "1"; MED 2024-233-L.

4. Applications for License/Certification:

The Board will enter into Executive Session pursuant to Hawaii Revised Statutes §§ 92-5(a)(1) and 92-5(a)(4) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

A. Applications:

(i) Physician (Permanent/Endorsement):

- a. Jennifer Armstrong, M.D.
- b. Gerald Kim Rowland, M.D.
- c. Oren Ganor, M.D.

(ii) Physician (Permanent/Non-Endorsement):

- a. Hiroo Kinami, M.D.
- b. Sanjeev Ravipudi, M.D.
- c. Dimitry Sukenik, M.D.

(iii) Podiatrist (Permanent)

- a. Neil Patel, D.P.M.

B. Conditional License:

- (i) Sung S. Yang, M.D., License No. MD-14745

C. Ratification List (See attached list)

- (i) December 12, 2024, Ratification List

5. 2025 Legislative Session:

- A. Proposed Legislation Relating to Administrative Licensure Actions Against Sex Offenders

The purpose of this bill is to allow the timely revocation of a license and denial of renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

B. Legislative Liaison(s)

The Board will consider appointing legislative liaison(s) to assist in providing positions and testifying on legislative proposals.

6. Executive Officer Report

A. 2025 Board Meeting Schedule

7. Interstate Medical Licensure Compact Commission (IMLCC)

A. Michael Jaffe, D.O., Hawaii IMLCC Commissioner, Annual IMLCC Conference Report

Dr. Jaffe will present his report to the Board regarding his participation at the IMLCC Annual Meeting held in Scottsdale, Arizona, from November 18 – 19, 2024.

8. Next Meeting: January 16, 2025

Virtual Videoconference Meeting – Zoom Meeting

and

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

9. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Randy Ho at (808) 586-2699, between the hours of 7:45 a.m. – 4:30 p.m. or by email at medical@dcca.hawaii.gov preferably by December 10, 2024, or as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

12/5/2024

HAWAII MEDICAL BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: November 14, 2024

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, Third Floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar

<https://dcca-hawaii.gov.zoom.us/j/81639607524?pwd=RNlagUQfc5m0DgMo2daybDVp2ZKq3p.1>

Zoom Recoding Link: <https://youtu.be/3tuckjBeBiM>

Present: Danny M. Takanishi, M.D., Chairperson, Honolulu Member
Gary Belcher, Vice Chairperson, Public Member
Andrew R. Fong, M.D., Hawaii County Member
Elizabeth “Lisa Ann” Ignacio, M.D., Maui Member
Angela Pratt, M.D., Honolulu Member
Rebecca Sawai, M.D., Honolulu Member
Geri Young, M.D., Kauai Member
William Brian Hatten, D.O., Osteopathic Member
Shari J. Wong, Deputy Attorney General (“DAG”)
Ahlani K. Quiogue, Licensing Administrator
Randy Ho, Executive Officer
Chelsea Fukunaga, Executive Officer
Dawn Lee, Administrative Assistant
Johnny Li (Technical Support)

Excused: Michael Jaffe, D.O., Osteopathic, Honolulu Member
Wesley Mun, Public Member

Zoom Guests: CB
John Burns
William Harrison Esq
Miki Bekkum
Dale Parson
Liza Canady

In-Person Guest(s): Rebecca Yonashiro
Malia Erersole

Agenda: The agenda for this meeting was posted to the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

A short video was played to explain the meeting procedures and how members of the public could participate in the virtual meeting.

Call to Order: The meeting was called to order at 1:10 p.m., at which time quorum was established.

Mr. Belcher welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present and alone.

Approval of the
October 10, 2024,
Open Session
Minutes:

Dr. Sawai referred to page 6, agenda item Applications for License/Certification A.(i).b. Kozue Shimabukuro, M.D., and stated that both she and Dr. Hatten had recused themselves from the discussion and the voting on this matter due to their employment with Kaiser Permanente. However, this recusal was not reflected in the minutes. Based on this recusal the meeting minutes should reflect the following amendment:

After due consideration of the information received, it was moved by Chair Takanishi, seconded by Mr. Belcher, [~~and unanimously carried~~] **with the exception of Drs. Hatten and Sawai who recused themselves from the discussion and vote,** to approve Dr. Shimabukuro’s application for licensure.

Mr. Belcher requested a motion to approve the meeting minutes from the October 10, 2024, meeting, with the above-referenced amendments. It was moved by Dr. Pratt, seconded by Dr. Ignacio, and unanimously carried, to approve the October 10, 2024, open session minutes with amendments.

Mr. Belcher asked if anyone from the public would like to provide oral testimony on this agenda item. There was none.

Ch. 91, HRS,
Adjudicatory
Matters:

Mr. Belcher called for a recess from the meeting at 1:19 p.m., to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS (Note: Board members and staff entered the Zoom Breakout Room).

B. **In the Matter of the Physician’s Licensing of Thomas K.S. Noh, M.D.; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; MED-2023-88-L.**

After due consideration of the information received, it was moved by Dr. Pratt, seconded by Dr. Ignacio, and unanimously carried, to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order.

C. In the Matter of the License to Practice Osteopathy of Shannon P. Calhoun, D.O.; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" and "2"; MED-2022-158-L.

After due consideration of the information received, it was moved by Dr. Hatten, seconded by Dr. Ignacio, and unanimously carried, to approve Dr. Calhoun's request to for early termination of probation pursuant to paragraph C.5. of the Board's Final Order dated January 19, 2023. It was noted that Dr. Calhoun provided proof of completion of state disciplinary actions in Colorado and Kentucky.

Chair Takanishi entered the Zoom Chapter 91, HRS, Adjudicatory Session Breakout Room at 1:30 p.m.

Dr. Pratt's Zoom video froze, and she exited the Zoom Chapter 91, HRS, Adjudicatory Session Breakout Room at 1:31 p.m.

Dr. Pratt re-entered the Zoom Chapter 91, HRS, Adjudicatory Session Breakout Room at 1:36 p.m.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Takanishi announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:42 p.m. Board members and staff returned to the open session Zoom meeting. All Board members confirmed that they were present and alone.

A. In the Matter of the Physician's License of Curtis R. Bekkum, M.D.; Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order; MED-2018-85-L.

At 1:43 p.m., Rebecca Yonashiro, Esq., appeared in-person on behalf of the Regulated Industries Complaints Office, Department of Commerce and Consumer Affairs, State of Hawaii ("Petitioner").

At 1:43 p.m., William Harrison, Esq. appeared on Zoom on behalf of his client, Curtis R. Bekkum, M.D. ("Respondent"), who was also present on Zoom.

Chair Takanishi commenced the proceedings and announced that the Board would be holding oral arguments on the above-captioned matter.

Chair Takanishi explained to the parties that they will each be given a maximum of 15-minutes to present their oral arguments and 10-minutes for rebuttal. After the parties have presented their oral arguments, the Board will recess to deliberate on the matter pursuant to Chapter 91, HRS, prior to voting on its decision.

Chair Takanishi opened the floor to Ms. Yonashiro to present her oral arguments.

Ms. Yonashiro greeted the board and proceeded with her presentation.

Ms. Yonashiro affirmed the State's position that it stands on its pleadings, including its statement in support of the Hearings Officer's Recommended Order ("HORO"), and offered to answer any questions that the Board may have. She stated that before the Board, is a tried and convicted sex offender, in a position of power and privilege with an unrestricted license to practice medicine in the community, with unfettered access to women, children, and men, and with a record for practicing medicine outside of the clinical setting. In this case, Respondent preyed on an older woman by offering to provide free medical treatment and then sexually assaulted her while they were alone in her home in two separate incidents, all under the guise of providing medical treatment and care.

Ms. Yonashiro stated that Respondent argued, "the logical question that needs to be addressed is would anyone sincerely believe a young 47-year-old doctor would have any sexual desire for an ailing 60-plus-year-old woman?" She emphasized that the jury did believe it was possible, beyond a reasonable doubt, and after examining the evidence, including defense counsel's cross-examination of the victim in which defense counsel attacked the victim's credibility and character, Respondent's twelve (12) peers still believed the victim and convicted Respondent on two counts of sexual assault in the fourth degree.

Ms. Yonashiro stressed that Respondent knew what he was doing and preyed on a vulnerable person because nobody would believe her. She argued that sexual violence is not necessarily about desire, but more about power, and Respondent's convictions demonstrate that he abused his power as a physician to harm another person in this case. Respondent has qualified his convictions and argues, "these are misdemeanors, not felonies," and in doing so, Respondent greatly minimizes the serious nature of the underlying conduct of his convictions. She further clarified that it is criminal conduct that violated another person sexually, that caused psychological harm to another person's well-being, demonstrating Respondent's inability to manage his emotions and control impulsive behavior. It is criminal conduct that erodes the moral and ethical integrity vital to the practice of medicine, demonstrating Respondent's failure to maintain the highest standards of professional conduct. It is criminal conduct that undermines the confidence and trust that patients and the public alike are entitled to expect from a physician, lowering the standard

of the whole medical profession in the eyes of the public. These are not just misdemeanors!

Respondent also argued, "I'm just a small country doctor, I don't have an ego," yet throughout these entire proceedings, Respondent failed to demonstrate any sense of remorse that despite having been convicted of two sex assaults, he continues to take every opportunity to attack the victim and bash her character. Respondent has failed to accept any responsibility for his actions and continues to blame everyone but himself, including his former defense attorney to the victim, the State, the Hearings Officer. Respondent continues to argue and believes, "there is a concerted political effort to get rid of me." Respondent fails to acknowledge any harm to the victim, to the medical profession, and to the community and society, who he owes an ongoing duty to maintain the highest standards of professional conduct.

Finally, throughout these proceedings, Respondent has continuously and callously disregarded the Hearings Officer's authority by ignoring multiple deadlines, instructions, and notices, and by disrespecting the Hearings Officer and the decorum of these administrative proceedings. Ms. Yonashiro argued that Respondent is a convicted sex offender, who lacks remorse for the harm that he has caused, who has an ego, and disregards authority from administrative procedure rules to criminal statutes. She continued by stating that this predator is going into the most remote areas of Hana to render undocumented and unsupervised services and medication to the most vulnerable populations in the privacy of their homes.

Ms. Yonashiro reminded the Board that it has an obligation to ensure only qualified and fit individuals are licensed to practice medicine, and by his conduct and convictions, Respondent has demonstrated that he is neither qualified nor fit to practice. She argued that for the Board to order any sanction less than a revocation in this case, signals to its licensees, the public, and the victim in this case, that the Board in its collective professional medical opinion, tolerates and accepts Respondent's conduct. She opined that Respondent has demonstrated he will abuse his status as a physician to harm others, because he has done it not once, but twice in this case. The only question is whether the Board will give him the opportunity to do it again. The State has been firm in its position from the beginning. The Hearings Officer was thorough in her legal rationale and application of case law established by the Hawaii Supreme Court, applied by the tribunal, and adopted by the Board, and is clear in her Recommended Order. Respondent is not fit to be vested with the power and privilege to practice medicine. Accordingly, revocation is not only warranted by Respondent's egregious conduct, his unrepentant posture throughout these proceedings, and the lack of any

mitigating circumstances, but it is really the only appropriate sanction in this case. None of the other sanctions address the issue that is at the heart of this case: Respondent abused his status as a physician, to create his own opportunity to go into the victim's home, a person who is not only a patient, but a member of the community. He manipulated the victim into a vulnerable position before sexually assaulting her, and in doing so, Respondent traumatized her. Respondent violated the patient, her boundaries, her body, her security, and the trust and confidence in Respondent as a physician. That violation of trust and confidence in Respondent as a physician is not something that can be remedied with probation, fines, or even conditions. At the end of the day, Respondent cannot be entrusted independently with the power, privilege, and status that physicians hold in the community. A person who is not fit to hold a physician's license should not have one. It is that simple.

The Board cannot control what Respondent does. He is a convicted sexual predator who will create his own opportunities. The Board, however, can control who it authorizes to be part of its community. It can control whether Respondent has the backing and the legitimacy of a license authorized by the State the next time he does this. The licensing statutes, to include but not limited to HRS section 453-8(a)(12), authorize the Board with the power to order the revocation of a license. The State requests that the Board now exercise its power and fulfill its obligation to protect the health, safety, and welfare of patients and the public alike, by adopting the HORO as it is and accordingly revoke Respondent's license to practice medicine in the State of Hawaii.

Ms. Yonashiro thanked the Board for its time.

Chair Takanishi thanked Ms. Yonashiro for her presentation and opened the floor for Mr. Harrison to present his oral arguments.

William Harrison Esq., counsel for Dr. Bekkum, thanked the Board for the opportunity speak on his behalf, and proceeded with his presentation.

Mr. Harrison informed the Board that he did not represent Dr. Bekkum during his criminal trial or any part of the previous administrative proceedings. As a result, it took him a while to become familiar with all the facts and circumstances surrounding this matter. He thanked the Board for allowing him the additional time.

Mr. Harrison stated that one of the things that we treasure in this country is the right to have a full, fair, and impartial hearing. It is important to have a level playing field when brought into either a court or administrative proceedings such as this. He argued that

Dr. Bekkum did not receive fair and impartial due process in this proceeding, and asked the Board to allow Dr. Bekkum to respond to the allegations such as the DCCA counsel has offered against him, relative to the facts of this case.

Mr. Harrison alleged Dr. Bekkum never received the chance to have that level playing field and was not provided his due process in these proceedings. Before addressing some other issues, Mr. Harrison asked the Board to consider remanding this matter back to the Hearings Officer to allow Dr. Bekkum the opportunity to have a fair hearing and present to the Hearings Officer and ultimately to the Board, the facts and circumstances surrounding this matter. More importantly, Dr. Bekkum should be afforded the opportunity to present evidence to support his position on this case.

It is Mr. Harrison's understanding, and again, he was not involved in the criminal or administrative proceedings previously, so his representations are based solely on a review of the records and conversations he had with Dr. Bekkum, that Dr. Bekkum was told in his initial meeting with the Hearings Officer that an attorney was not required and could proceed without one.

Dr. Bekkum has had a long and tortuous road in getting to this point. He had expended vast resources and representation during his criminal case and was without the necessary resources to hire counsel to assist him during the early part of this matter, thus did not have counsel. Thus, when Dr. Bekkum was told by the Office of Administrative Hearings that an attorney was not required, he took that at face value. Given that he is a doctor, and not a lawyer, Dr. Bekkum is not aware of the specific procedures that are required when you proceed with an administrative process, including circuit court rules and Administrative Procedures. He was not aware of the procedural aspects of the rules with regard to proceedings such as this, he was not aware of the several proceeding rules, circuit court rules, the APA (Administrative Practice and Procedure¹) rules with regard to these proceedings as well. He was also not familiar with the proceedings regarding motions for summary judgment, so he was not properly prepared to proceed in this matter. He did not respond when the Motion for Summary Judgment was filed by Petitioner.

Mr. Harrison asked the Board to consider affording Dr. Bekkum a level playing field because he was going up against the resources of the State, counsel who was prepared and aware of the rules, which he was not.

¹ Hawaii Administrative Rules Title 16, Chapter 201, Administrative Practice and Procedures [Link: [HAR Chapter 201 – Administrative Practice and Procedure \(unofficial\)](#)].

Mr. Harrison acknowledged that Dr. Bekkum missed deadlines set by the Hearings Officer and did not fully understand the importance of these deadlines. Mr. Harrison implied that these deadlines were missed because he was told by the Hearings that an attorney was not required for the administrative hearings process; therein lies the problem. Dr. Bekkum believed that he could take on the very onerous task of preparing for this matter and representing himself. The failure of not understanding the administrative process, being prepared, and proceeding appropriately was because Dr. Bekkum did not have legal counsel. However, Dr. Bekkum does have counsel now, and Mr. Harrison implored the Board for it to consider that he be allowed to, again, respond to the facts and circumstances surrounding this matter properly, so he will have a thorough and fair opportunity to make an appropriate decision based on all the relevant facts, not based on a one-sided submission of facts.

The DCCA counsel has asked the Board to refuse to allow consideration of filings that were made that were beyond the time frame allowed under the rules that Dr. Bekkum has filed. As a result, there is no basis to submit additional facts to the Board. The DCCA counsel argued that the individual in this case has been violated by Dr. Bekkum, and now a position has been throughout in his entry of a not-guilty plea in this matter that he is innocent and proven guilty beyond a reasonable doubt. Now, there has been a judicial order in this case. There has been a jury verdict in this case. However, as everyone knows here, that Dr. Bekkum has appealed that verdict, and one of the things that happens when you appeal a verdict is you ask the court for a Stay of Mittimus, which is, stay of the actual sentencing in this matter, and the court has to go through a couple of factors before they allow for a stay, one of which is to determine whether the person is a danger to the public. The court has determined, in this instance, that Dr. Bekkum is not a danger to the public and has stayed this matter. Any allegation that he is a danger to other people at this point in time, if we take this to the logical conclusion, is that there is an order from a court in this matter that he is not a danger. Otherwise, he would have been ordered to proceed with his sentencing pending the appeal of his criminal case.

Mr. Harrison reiterated that he was not Dr. Bekkum's counsel during the criminal proceedings; however, he had some information concerning the trial proceedings through the pleadings that were filed with the Supreme Court to have the matter reviewed and reversed. Dr. Bekkum has an excellent chance of having the criminal convictions reversed based on his review of the pleadings and evidence submitted as part of the pleadings, and other things evident in the pre- and post-trial discovery by subsequent counsel. There is a significant basis for the

overturning of the conviction, and that should play heavily into the thought processes of the Board as to whether Dr. Bekkum has had a fair and full opportunity to present his case to the Hearings Officer.

Mr. Harrison informed the Board that he would not waste any further time with the Board in making further arguments in this regard, but emphasized that the Board must decide whether it is going to allow proceedings to continue against an individual whose livelihood is at stake.

Mr. Harrison asked the Board to search the records in this case, but also to search their hearts. He asked the Board members if they would like to rubberstamp a decision on a matter that the physician did not put on a proper defense in the case as well as a one-sided determination. Mr. Harrison and Dr. Bekkum are asking the Board to strongly consider remanding this matter back to the Office of Administrative Hearings to provide Dr. Bekkum with a full and fair opportunity to prepare the record in this case.

Mr. Harrison thanked the Board for the opportunity to present oral arguments.

Chair Takanishi thanked Mr. Harrison and allowed a 10-minute rebuttal for Ms. Yonashiro.

Ms. Yonashiro asserted that the State objects to Mr. Harrison's arguments as outlined below:

- Respondent is not a danger.

There is no evidence to support this assertion and no evidence was submitted as part of these proceedings.

- Respondent was not afforded a level playing field and he did not have the same opportunities as the State.

The record does not support this argument. Respondent had the full opportunity to present his case, including any evidence, or any evidence of witnesses, but failed to do so. Respondent failed to demonstrate that there was a genuine issue of material fact, and he failed to show that the cited case law did not apply. Dr. Bekkum had his opportunity, not just to respond to the Petition or Motion for Summary Judgment, but he was even allowed to supplement the record after the deadline, and he was given the full opportunity to be heard at the hearing. The Hearings Officer acted within her discretion and adjudicated the case in granting the State's Motion for Summary Judgment. Therefore, an evidentiary hearing is

not necessary. The Hawaii Supreme Court established that compliance with HRS Chapter 91 and the Administrative Practice and Procedures administrative rules constitute due process. Due process is satisfied when Respondent is provided notice and the opportunity to be heard at a contested case hearing in accordance with chapter 91, HRS, which Respondent had on June 26, 2024.

The Respondent was given both the opportunity and reasonable notice for this process. Due process has been served, and the State thoroughly addressed that in its written Statement in Support of the HORO.

- Regarding the pending appeal of Respondent's criminal case.

The State's position is that the pending appeal is irrelevant and has no bearing on these proceedings. Under *Loui v. Board of Medical Examiners*, the Hawaii Supreme Court addressed the issue exactly that is being argued here. A pending appeal does not have any effect on, nor does it negate Respondent's convictions. For purposes of these disciplinary proceedings, Respondent was convicted and that is final. Giving any consideration to the merits or even the status of a pending appeal would demonstrate that the pending appeal does have an effect or negates the convictions, and that contradicts established case law.

Respondent failed to cite any case law that overrules or contradicts *Loui v. Board of Medical Examiners*. His argument has no legal merit, and should not be considered by the Board. While the State understands he is standing by his innocence, there has already been a conviction by a jury of his peers, which means they have found, beyond a reasonable doubt, that Respondent did not sexually assault the victim once, but twice on both counts. Any argument regarding Respondent's innocence or the complainant's credibility is irrelevant for purposes of these proceedings. As the State has previously argued in its pleadings, the only questions of fact that need to be established are whether Respondent was convicted by penal offenses, which he has been, and whether Respondent failed to comply, observe, or adhere to any law, which he has. The remaining elements are established as a matter of law, and as thoroughly argued in Petitioner's Statement in Support, Motion for Summary Judgement, and Opposition to Respondent's Motion to Dismiss. Again, Respondent's argument is irrelevant and should not be considered by the Board.

There is no evidence in the record that can be cited by Respondent because it does not exist. There is nothing to show that there are any mitigating circumstances. The Hearings Officer made it clear that there are none, and there is nothing to show that he is not a danger.

Regarding Petitioner's earlier argument about the Board's authority to sanction a license, revocation is the only appropriate sanction. Dr. Bekkum was given multiple opportunities by the Hearings Officer, including several continuances and the opportunity to bring in evidence that was not relevant after deadlines. The State did not oppose these allowances; he had his day.

- Respondent was discouraged from hiring legal counsel by the Hearings Officer.

Ms. Yonashiro emphasized that while this is argued by counsel, it must be noted that there is no record of this.

At every step of this case, whether in the pre-hearing conference, the hearing itself, or even in the notices of hearing, it is very clear that under the rules, Respondent has that right to an attorney. His decision to not hire an attorney does not allow him to delay these proceedings and to send it back. The Hearings Officer's HORO is clear, Dr. Bekkum violated the statutes cited in the Conclusions of Law; there is no question of this fact. The State respectfully requests that Respondent's arguments not be considered. More importantly, the Board must consider the harm to the community.

Ms. Yonashiro appealed to the Board that it exercise its power in protecting the public by revoking Dr. Bekkum's license to practice medicine.

Ms. Yonashiro thanked the Board for allowing her time to present her case.

Chair Takanishi thanked Ms. Yonashiro and provided Mr. Harrison 10-minutes for rebuttal.

Mr. Harrison thanked the Board for allowing him this opportunity.

Mr. Harrison stated that DCCA counsel continues to exhort to the Board that there is nothing in the record, and what he is asking the Board is to allow Dr. Bekkum to make a record, a proper record.

DCCA counsel argues that there are no mitigating circumstances, and no evidence in the record. Clearly there is none because Dr. Bekkum was not allowed to make a record, and that is basically what he is asking the Board to do, to allow for a proper record to be made and a proper hearing with counsel representing Dr. Bekkum. He stated that he is only asking for a fair opportunity for a level playing field.

Mr. Harrison again thanked the Board for the opportunity to present this information.

Chair Takanishi called for a recess from the meeting at 2:14 p.m., to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Note: Board members and staff entered the Zoom Breakout Room).

- A. In the Matter of the Physician's License of Curtis R. Bekkum, M.D.; Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order; MED-2018-85-L.

After due consideration of the arguments presented and the records provided, it was moved by Dr. Pratt, seconded by Dr. Sawai, and unanimously carried, to accept the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order as its Final Order.

Following the Board's review, deliberation, and decision on the matter pursuant to Chapter 91, HRS, Chair Takanishi announced that the Board reconvene its regular Chapter 92, HRS, meeting at 2:31 p.m. Board members and staff returned to the open session Zoom meeting. All Board members confirmed that they were present and alone.

Chair Takanishi informed the parties and the public of the Board's decision to accept the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order as its Final Order, In the Matter of the Physician's License of Curtis R. Bekkum, M.D.; MED-2018-85-L.

Applications for License/
Certification:

A. Applications:

It was moved by Dr. Sawai, seconded by Dr. Young, and unanimously carried to enter into executive session at 2:32 p.m., pursuant to HRS §92-5(a)(1), to consider and evaluate personal information relating to individuals applying for professional licenses cited in HRS §26-9 and, pursuant to HRS §92-5 (a)(4), to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities

and liabilities. (Note: Board members and staff entered the Zoom Breakout Room).

Chair Takanishi proceeded with a roll call of the Board members in the Zoom Breakout Room. All members confirmed that they were present and alone.

(i) Physician (Permanent/Endorsement):

a. Catherine Samuels Uram, M.D.

b. John Paul Burns, M.D.

Dr. Pratt's Zoom video froze, and she exited the Zoom Executive Session Breakout Room at 2:39 p.m.

John Paul Burns, M.D. entered the Zoom Breakout Room at 2:42 p.m.

John Paul Burns, M.D. exited the Zoom Breakout Room at 2:49 p.m.

Dr. Pratt re-entered the Zoom Executive Session Breakout Room at 2:52 p.m.

The Board took a brief recess from 2:50 p.m. to 2:55 p.m.

(ii) Podiatrist (Permanent):

a. Neil Patel, D.P.M.

It was moved by Dr. Sawai, seconded by Dr. Hatten, and unanimously carried to return to the open session meeting at 3:15 p.m. Board members and staff returned to the main Zoom meeting. All Board members confirmed that they were present and alone.

(i) Physician (Permanent/Endorsement):

a. Catherine Samuels Uram, M.D.

After due consideration of the information received, it was moved by Dr. Fong, seconded by Dr. Young, and unanimously carried to approve Dr. Uram's application for licensure.

b. John Paul Burns, M.D.

After due consideration of the information received, it was moved by Mr. Belcher, seconded by Dr. Hatten, and unanimously carried to approve Dr. Burns's application for licensure.

(ii) Podiatrist (Permanent):

a. Neil Patel, D.O.

It was moved by Dr. Young, seconded by Mr. Belcher, and unanimously carried to defer Dr. Patel's application pending availability of Dr. Patel to appear before the board.

B. Ratification List (See attached list)

(i) November 14, 2024, Ratification List

It was moved Dr. Sawai, seconded by Dr. Ignacio, and unanimously carried to ratify the attached lists of individuals for licensure or certification from November 14, 2024.

Unfinished Business: A. Scope of Practice:

Does the administration of vitamin injections/shots (e.g., B12), fall under the practice of medicine as defined by Hawaii Revised Statutes §453-1

Chair Takanishi questioned whether the administration of vitamin injections/shots (e.g., B12) fall under the practice of medicine. If so, should the provider be licensed as a physician or physician assistant?

Chair Takanishi opened the floor for comments from the Board members.

Mr. Belcher stated that he believes a formal physical examination, including a medical history and diagnosis, most likely incorporating blood tests, should be required before administering anything via (Intravenous therapy) IV. If the person administering the IV is licensed, he thinks it would be acceptable. However, if not, he considers it questionable. This would change if the licensed individual were directly supervising someone who also has the credentials to use an IV.

Chair Takanishi agreed with Mr. Belcher's comments and referenced the definition of the practice of medicine. HRS section 453-1, provides that:

For the purposes of this chapter, the practice of medicine by a physician or an osteopathic physician includes the use of drugs and medicines; surgery; manual medicine; water; electricity; hypnotism; telehealth; the interpretation of tests, including primary diagnosis of pathology specimens, medical imaging, or any physical; osteopathic

medicine; any means, method, or agent, either tangible or intangible, to diagnose, treat, prescribe for, palliate, or correct disease, or prevent any human disease, condition, ailment, pain, injury, deformity, illness, infirmity, defect, physical or mental condition in the human subject.

Dr. Young expressed her agreement with both Chair Takanishi and Mr. Belcher's comments.

Chair Takanishi emphasized that, like many members of this Board who have experiences in medical education, such as training medical students and residents in the field of surgery, they would not allow individuals to perform injections without some form of supervision or training. This aligns with what Mr. Belcher has stated. However, he is open to hearing thoughts from other members of the Board.

Dr. Sawai stated that she as well as other physicians use vitamins for therapeutic purposes and considers that for these purposes it is used similar to other medications. In her practice she often uses various B vitamins and vitamin K. Therefore, she supports the regulation of this practice.

Chair Takanishi expressed his opinion that, based on his understanding of the statutes and the materials provided the members, this practice would fall under the definition of medicine as set forth in HRS section 453-1. He noted that he had not heard any dissenting opinions from other Board members regarding this interpretation. Consequently, he emphasized that anyone providing such services should be properly licensed.

Chair Takanishi asked if members agree with this discussion.

All Board members expressed their agreement.

Lastly, in accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes, only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

Chair Takanishi asked if anyone from the public would like to provide oral testimony on this agenda item. There was none.

- B. Interstate Medical Licensure Compact Commission (IMLCC):
 - (i) Update Regarding Implementation of the IMLCC

Mr. Randy Ho, Executive Officer, will provide the Board a summary of his recent training with IMLCC staff to ensure proper implementation of the IMLCC in the State of Hawaii.

Mr. Ho discussed the implementation of the IMLCC for the State of Hawaii. Mr. Dave Clark, the Operations Manager at the IMLCC, traveled to Hawaii to train the DCCA Professional and Vocational Licensing (PVL) staff on how to review and approve IMLCC applications for medical licensure. He spent several days with Board staff, providing guidance through the necessary processes for reviewing and accepting applications and other aspects to establish the internal systems needed to enable Board staff and the Professional and Vocational Licensing Division to begin processing IMLCC approvals by January 2025.

Chair Takanishi asked if any Board Members had questions.

Dr. Ignacio asked how much of this information can be shared.

Chair Takanishi mentioned that, to his knowledge, and with the input of the Executive Officers and DAG Wong for clarification, once these materials are available for our review by the members of the Board, it becomes a matter of public access.

Dr. Ignacio thanked Chair Takanishi for his response.

Chair Takanishi sought additional comments from other members.

Mr. Belcher expressed his gratitude to Mr. Ho for compiling the document about his experience. He found the information presented extremely informative.

Mr. Belcher asked Mr. Ho whether Compact licensure would be ready to go live in January 2025.

Mr. Ho replied that achieving this goal is ultimately the objective. Staff are working diligently to ensure that it happens. However, anything that involves multiple departments, including IT systems, can encounter hiccups. Therefore, there are no absolute guarantees, but that is what the Board staff is striving for.

Chair Takanishi asked if there are any potential challenges with background checks for applicants.

Mr. Ho responded that the Department is currently working on legislation to implement what would be called "Criminal History Record Checks", which are the equivalent of background checks in this State.

Chair Takanishi inquired whether this could be a potential hurdle

for implementation in January 2025.

Mr. Ho responded that the Board's ability to participate in the IMLCC and go online in January 2025, would not be affected. There are essentially two primary categories of participation from the perspective of state boards: IMLC Member State serving as State of Principal License (SPL) and IMLC Member State non-SPL. Currently, we are classified as a non-SPL, which means we do not have the authority to conduct initial reviews of applicants seeking compact licensure since we have not completed the necessary background checks. As a result, we can only review applications received from applicants who have already gone through other states for compact licensure. This limitation can hinder other functions of the state board. For instance, the ability to impose sanctions is one area that may be restricted due to our non-SPL status.

C. Federation of State Medical Boards, Inc. (FSMB)

(i) Advisory Commission on Additional Licensing Models

Chair Takanishi informed the Board that the Advisory Commission on Additional Licensing Models has released draft preliminary recommendations for public comment. The recommendations, once finalized, are intended for state medical boards, state legislators, policymakers and interested stakeholders to help inform those jurisdictions interested in developing or modifying additional licensing pathways for physicians who have completed training internationally.

Chair Takanishi stated that the Advisory Commission is focused on alternate licensing regardless of the name of the and description. The goal is not to create a second system but to explore other models. This Advisory Commission was formed through collaboration among three key entities: the Federation of State Medical Boards, which is responsible for regulation and licensure; the Accreditation Council for Graduate Medical Education ("ACGME"), the sole accrediting body for residency and fellowship training programs in the United States; and Intealth, which includes the Foundation for Advancement of International Medical Education and Research (FAIMER) and the Educational Commission for Foreign Medical Graduates ("ECFMG"). The ECFMG is particularly significant as it vets international medical graduates to determine their eligibility to take medical licensing exams. A series of meetings took place, and we are nearing the final stages, and reviewing the draft document. We have explored multiple models, driven in part by legislative efforts in eight states that are considering additional pathways for internationally trained physicians who lack ACGME-accredited graduate medical training in the U.S. However, for several states

where the chairs are part of this commission, the outcomes have not met their expectations. The core of the proposed model is outlined on page five, which details nine overarching principles. One key principle is that rulemaking authority should rest with each state medical board, as they oversee the regulatory processes for licensing. Additionally, it is deemed essential that individuals applying for this licensing have a job offer in hand prior to applying. This requirement ensures that these individuals will be supervised and can be assessed to guarantee their performance aligns with patient safety standards. The third point is about the World Federation of Medical Education, which collaborates with the World Health Organization (WHO) on a program called the World Directory of Medical Schools. Individuals involved in this initiative must come from accredited medical schools to ensure recognition of the quality and comprehensiveness of their education. Additionally, it is necessary for these individuals to complete postgraduate training, even outside of the United States. Moreover, applicants must hold a valid license, registration, or authorization in their home country, depending on the jurisdiction. Similar to existing practices for endorsement by medical boards, there will be a limit on the duration of inactivity in practice, meaning that if candidates have been out of practice for too long, they won't be eligible to apply. Ultimately, there will be a requirement for candidates to be eligible for full, unrestricted licensure once they meet a specific reporting metric. The comment period for this document is open until December 6th. It has been widely distributed to all medical boards and hospital associations. The Federation of State Medical Boards encourages broad feedback and is still soliciting comments until December 6th. There will be a final meeting in January to collate all comments and create a final document for submission to various medical regulatory jurisdictions and state legislatures for legislative approval.

Mr. Belcher believes that implementing this initiative is essential, as evidenced by its growing momentum. However, he sees that doing it effectively would require a structure similar to a residency program. This would involve several key components: comprehensive observation, evaluation, and promotion of participants. Additionally, substantial administrative support would be necessary, along with trained supervisory staff. While he is confident that these supervisors would have the skills needed due to their training, a formalized approach is important. Furthermore, the faculty involved would need to be compensated appropriately. This initiative would resemble a residency program, and it would likely be beneficial to have a national overseeing body, such as the FSMB or possibly the ACGME. He acknowledges that these organizations already have significant responsibilities, which makes the implementation of such a program a considerable undertaking if it is to be done correctly.

Chair Takanishi mentioned that they have had several discussions regarding this matter. Dr. Thomas Nasca from the ACGME is a member of this commission, and Dr. Mary Klingensmith, the ACGME's Chief Accreditation Officer, is involved as part of the staff for this component. The ECFMG is an important player in this process as well. Dr. Eric Holmboe, the president and CEO who previously served as the Senior Vice President, Milestone Development and Evaluation at the ACGME, is also a member of this committee. The group has exchanged ideas extensively, and their consensus seems to be that it would fall under item number nine, specifically regarding the assistance provided by partner organizations. Dr. Humayun "Hank" Chaudhry, the president and CEO of the FSMB, has noted that while this does not directly involve medical boards work, it is essential for the data to be kept within the medical board's purview, as they are positioned to monitor these roles effectively. Additionally, it is important that these positions are credentialed by the institutions that employ them. This employment requirement is a key prerequisite. The committee includes legislative representatives, and their goal is to create a template for legislation in each state. Legislators would need to recognize that to offer this opportunity, they must allocate resources to the various medical boards so they can serve as the repository for this information. This process has been lengthy and has included multiple meetings over the years.

Mr. Belcher inquired about the status of ACGME International ("ACGME-I"). Are they a significant player, or can they genuinely offer valuable assistance with this?

Chair Takanishi indicated that ACGME-I can provide assistance. Dr. James Arrighi is the current president and CEO. He was invited to one of the meetings, where it was emphasized that, since the number of programs accredited by ACGME-I is limited, they consider making it broader. ACGME-I programs are in Singapore and the Middle East, primarily due to the resource-intensive nature of these programs. However, there are also several countries, such as Australia, New Zealand, and parts of Europe, that do not have ACGME-I accreditation but are still considered to have sound medical education systems, as recognized by the World Federation of Medical Education. Additionally, a senior vice president of the World Federation of Medical Education is a member of the 17-member commission overseeing this initiative. All this feedback was gathered to determine the best approach, one that was inclusive yet rigorous enough to ensure proper assessment and monitoring of competence.

Mr. Belcher thanked Chair Takanishi for this information.

Chair Takanishi concluded this topic by informing the Board that they can submit their feedback through the FSMB website. Alternatively, they can send their input to Mr. Ho or Ms. Quiogue, who will then submit it to the Federation.

(ii) Policy on Physician Illness and Impairment: Towards a Model that Optimizes Patient Safety and Physician Health (Policy).

The Board considered the FSMB's Policy and the working group's recommended amendments to its questions on its initial and renewal applications regarding addiction, dependency, or habituation to alcohol and other substances.

Chair Takanishi proceeded to address the policy regarding physician illness and impairment, with a focus on optimizing patient safety and physician health. One reason for revisiting this topic is the workgroup that he participated in. In the past, Board began to examine the questions included in on its application forms and sought to align them more closely with national standards.

This workgroup comprised not only representatives from the medical board but also members from the American Society of Addiction Medicine and the Federation of Physician Health Programs. It was a diverse group that brought input to the entire Federation's House of Delegates for an approval process aimed at making improvements. Although the workgroup was faced many responsibilities and could not continue its efforts at that time, valuable input was provided. The goal has always been to ensure that any decisions made are consistent with what we collectively believe is important to assess. He believes that now is an opportune moment to revisit the earlier work and revamp the questions in our application form. Chair Takanishi requested comments or questions specifically pertaining to disorders related to substance use.

Dr. Ignacio stated that she supports this and appreciates all of Chair Takanishi's efforts thus far on the topic. She believes it needs careful examination and thoughtful consideration for Hawaii physicians.

Dr. Young mentioned that representatives from Pu'ulu Lapa'au did meet with Chair Takanishi. She was present, along with Dr. Angela Gough, to support some proposed changes. Dr. Young asked Chair Takanishi, if he is suggesting that we form another group since it seems a few members of your work team are present?

Chair Takanishi responded that the Board has already begun

addressing the matter. This topic was discussed at one of its past meetings.

Chair Takanishi would like to open the floor for suggestions on how to best move forward. Additionally, he seeks input from the Executive Officers. Considering workflow, complexity of making changes to forms, etc., Chair Takanishi asked Ms. Quiogue for input given her familiarity with the Board.

Ms. Quiogue responded that Dr. Young was correct. There was an established group that included Chair Takanishi, Dr. Jaffe, Mr. Belcher, and Dr. Bjornson (when he was with the Physician Health Program). This group conducted research on the issue, examined applications from other states and their questions. They considered how to best amend the two questions on the Board's initial and renewal/restoration applications.

Ms. Quiogue stated that she would provide all of the research again to the same group, excluding Dr. Bjornson's input. Once the information is re-reviewed, the Board can consider the findings along with possible amendments to the board on the two questions posed.

Dr. Young replied that sounds really good. She also suggested that Dr. Angela Gough be considered to join the group.

Ms. Quiogue stated that she could do that, asking if Chair Takanishi and Mr. Belcher were also agreeable.

Mr. Belcher confirmed and asked Ms. Quiogue if the Board needs to go to the legislature to change the questions on these applications.

Ms. Quiogue stated that for the initial applications, it is procedurally easier to change the question. However, for renewals and restorations, those questions are utilized across several different areas. Making revisions or amendments may take a bit longer, depending on the profession. The Division will do its best to align both sets of questions as closely as possible.

Chair Takanishi noted that the Federation of State Medical Boards is willing to assist the Board if it expresses interest, as they have helped other states in the past. Some board members from states like South Carolina have already navigated this process, which is advantageous since we will not be the first board to tackle it. In contrast to the alternative licensing models implemented by eight states, four of which have had them in place longer, there have been reports indicating that these systems are not functioning as intended. This has prompted a careful deliberation process within the commission. Regarding the revision of questions related to

substance use disorder, the boards represented in this workgroup have expressed satisfaction with the outcomes so far. Importantly, they agree that these changes have not measurably impacted public safety.

Dr. Young expressed her gratitude to Chair Takanishi for his leadership on this issue. It is important to note that you serve as the chair of the FSMB work group on physician impairment.

Chair Takanishi mentioned that he was likely placed in his position because his colleagues believed he was the least knowledgeable about the subject matter. However, he found the experience to be incredibly eye-opening. He explained that the role of the chair is not based on expertise alone; rather, it is about facilitating discussions. His colleagues were the experts, but he still brought a valuable educational perspective to the table. Overall, it was a great experience. Additionally, Chair Takanishi noted that the team was very data-driven, which he appreciated as an effective approach.

Chair Takanishi also noted that as the year draws to a close, it was suggested that there might be some important initiatives that need attention. One major topic he highlighted was the Interstate Medical Licensure Compact, which he believes is a significant development. The Legislature has supported the Board, and Ms. Quiogue worked hard to ensure that everyone understood the details, which ultimately led to it becoming law. Now, the focus will shift to the implementation process.

Chair Takanishi pointed out that there are also other outstanding issues to address, emphasizing the importance of self-regulation among physicians. He believes it is crucial to create a safe environment where physicians feel comfortable disclosing their challenges. He is confident that data shows physicians who are receiving treatment can still provide excellent care. All of this ties in with the advisory commission and the exploration of alternative licensing models, which aim to address healthcare shortages. It is important for regulatory boards to focus on keeping physicians in the workforce and allowing those who are unwell to continue practicing, as this tackles some critical issues in a thoughtful and responsible manner. Furthermore, it is crucial for the Board to consider how this contributes to public health, particularly regarding access to care and barriers that people face, all while ensuring public safety.

Dr. Ignacio expressed her gratitude and noted that Chair Takanishi's humility in service is both touching and inspiring. She appreciates how Takanishi downplays individual contributions, emphasizing the importance of teamwork. Dr. Ignacio also wanted to clarify that she doesn't wish to introduce any conflict or

bias but feels it is important for the board to advocate for certain measures. Both she and Dr. Pratt are on the executive leadership team for the Hawaii Medical Association. They just returned from the AMA Interim House of Delegates, where several states discussed their safe haven programs, particularly Virginia's. They highlighted the need to revise licensure questions to ensure that applicants confront the requirement to disclose sensitive information in a supportive manner when applying for licensure. Please let us know if you need our support; we are more than happy to serve as resources and voices in this effort. We just returned from the American Medical Association (AMA) meeting, where we participated in the interim House of Delegates. Several states discussed their various safe haven programs, particularly focusing on Virginia. The conversation highlighted the intersection between these programs and the licensure process. It is essential to revise the questions related to this topic to ensure that applicants have the opportunity to disclose relevant information. For many, applying for licensure may be one of the first times they confront the need to share this information, so it is important to address how to do this effectively while still seeking help.

Chair Takanishi noted that it is interesting to observe the experiences he has had over the years with the Federation of State Medical Boards. In several states, the appointees to their state medical boards are selected through their state medical associations. Hawaii has a broader approach, but the processes in place are very safe. In many states, there is a gubernatorial nomination process followed by a Senate confirmation process.

D. United States Medical Licensing Examination (USMLE)

- (i) The USMLE is seeking current and former physician board members to volunteer for its panels/committees, including test development and non-test development committees.

Chair Takanishi discussed the USMLE, which is governed by the National Board of Medical Examiners and the Federation of State Medical Boards. That is why it is referred to as the Medical Licensing Exam (MLE). This exam is a requirement for all students graduating from allopathic medical schools. Similarly, the COMLEX is required for students graduating from osteopathic medical schools.

Chair Takanishi highlighted the need for individual volunteers to serve on various committees related to these exams. The only requirement for participation is that the individual must be a current or former board member of a medical board. This speaks to the level of commitment involved; volunteers may participate in test development committees, which typically require 40 to 50 hours of work per year, or in standard-setting panels, which involve a one-time meeting and some preparatory work. This is

an opportunity for those interested, and if a member decides to volunteer, that please inform the executive officers, who will submit your name.

Chair Takanishi shared his personal experience from 2007, when he volunteered and was invited to a one-and-a-half-day meeting to observe the test question creation process. He emphasized the value of this program and noted that participants receive a fair amount of continuing medical education (“CME”) credits. For example, during his time on a test development committee, he earned 40 CME credits, and he confirmed that the time commitment of 40 to 50 hours per year was indeed accurate. Although he later reduced his involvement, he found the experience to be a wonderful opportunity back in 2007, 2008. The program is always seeking representation from medical boards.

Chair Takanishi inquired whether the minutes were approved.

Mr. Belcher responded that the minutes had been approved, with some modifications suggested by Dr. Sawai.

Chair Takanishi then asked the Executive Officers if there were any items to discuss other than the December 12, 2024, meeting.

The executive officers confirmed there were no additional matters to discuss.

Next Meeting: Thursday, December 12, 2024

In-Person Meeting Location: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual Videoconference Meeting – Zoom Webinar

Adjournment: The meeting adjourned at 4:00 p.m.

Reviewed and Approved by:

/s/ Randy Ho

Mr. Randy Ho
Executive Officer

Taken and Recorded by:

/s/ Dawn Lee

Ms. Dawn Lee
Administrative Assistant

() Minutes approved as is.

() Minutes approved with changes:

HAWAII MEDICAL BOARD
December 12, 2024, Ratification List

| | |
|------------|-----------------------------|
| AMD-1414-0 | BRITTNEY A M GARCIA |
| AMD-1415-0 | NICOLE M OAKLEY |
| AMD-1416-0 | MADISON B GOUGH |
| AMD-1417-0 | KAYANA K KAMOKU |
| AMD-1418-0 | SEBASTIAN MALAVE-TZIRIMIS |
| | |
| DOS-2635-0 | MELANIE WORLEY |
| DOS-2636-0 | MARIEDEL L BARROGA-SCHLEGEL |
| DOS-2637-0 | ANNIE K LIM |
| DOS-2638-0 | FIRAS YOUSEF NAJI |
| DOS-2639-0 | MATTHEW SCOTT WALTON |
| DOS-2640-0 | AZFAR S SYED |
| DOS-2641-0 | ALLA SHILMAN |
| DOS-2642-0 | CHELSEA GIPSON |
| DOS-2643-0 | TODD LEWIS PAXTON |
| DOS-2644-0 | ROHAN SHIRISH PATANKAR |
| | |
| EMT1-35-0 | AARON TEMPLE WEINER |
| | |
| EMT-3430-0 | ROY MUNEYUKI OGASAWARA |
| EMT-3431-0 | JOSHUA R GRUBER |
| EMT-3432-0 | CHRISTINE UILANI ATONIO |
| EMT-3433-0 | CHRISTINE HANA CHEN |
| EMT-3434-0 | KATHERINE-ELIZABETH K. FU |
| EMT-3435-0 | KAINALU C. KEALOHA |
| EMT-3436-0 | KYEESIA P. MAKEKAU |
| EMT-3437-0 | AUSTIN T. MORGAN |
| EMT-3438-0 | RICK PANG |
| EMT-3439-0 | EZEKIEL KAMAKA QUEMADO |
| EMT-3440-0 | KRISTA MARIE RENNERT |
| EMT-3441-0 | SKYLER DELA CRUZ REZENTES |
| EMT-3442-0 | KAIYA EIKO SASAKI |
| EMT-3443-0 | NIKOLAS K. STIAVETTI-GAUDIO |
| EMT-3444-0 | KAMALANI E TABBAL |
| EMT-3445-0 | BRENT T. WATANABE |
| EMT-3446-0 | RYAN GEE MING WONG |
| EMT-3447-0 | WYATT TSUYOSHI ERNST |

HAWAII MEDICAL BOARD
December 12, 2024, Ratification List

| | |
|-------------|---------------------------------|
| EMTP-2499-0 | BLAKE ALLAN ARMSTRONG |
| MD-24849-0 | BAXTER BALLANTINE ALLEN |
| MD-24850-0 | JOE D BAAL |
| MD-24851-0 | MICHAEL JOSEPH KLAUSNER |
| MD-24852-0 | ALEXIS LEIGH CRAWLEY |
| MD-24853-0 | STEPHANIE SONG HOCKING |
| MD-24854-0 | VIJAY VISWANATHAN |
| MD-24855-0 | LUIS E TORRES |
| MD-24856-0 | NICHOLAS VU |
| MD-24857-0 | PHILLIP WONG |
| MD-24858-0 | JONATHON J CAMPBELL |
| MD-24859-0 | ERIN GILBERT |
| MD-24860-0 | ANNIE LAI |
| MD-24861-0 | EDGAR MOLINA |
| MD-24862-0 | FREDERICK TAYLOR LYNCH |
| MD-24863-0 | DIANA LOURINE DUNNIGAN |
| MD-24864-0 | CHRISTIAN STERLING JACKSON |
| MD-24865-0 | LORI PAI |
| MD-24866-0 | DEIPTI HARDEEP TREHUN |
| MD-24867-0 | WILLIAM PEARSON |
| MD-24868-0 | RANA RABEI |
| MD-24869-0 | MITCHELL SCHOEN HEROLD |
| MD-24870-0 | BENJAMIN DEE SMITH |
| MD-24871-0 | JANEL MARIE LYNCH |
| MD-24872-0 | JENNIFER CHAO |
| MD-24873-0 | CATHERINE URAM |
| MD-24874-0 | JOHN PAUL BURNS |
| MD-24875-0 | ELIZABETH P CHEN |
| MD-24876-0 | JEFFREY D LEE |
| MD-24877-0 | MIGDALIA ISABEL GARCIA-GONZALEZ |
| MD-24878-0 | JILL KEYES |
| MD-24879-0 | BRANDON ARTHUR MINES |
| MD-24880-0 | KENNETH SAI YU POON |
| MD-24881-0 | PAULI NILPRABHASSORN AMORNKUL |
| MD-24882-0 | MARJORY BRAVARD |
| MD-24883-0 | PAUL R YOUNG |
| MD-24884-0 | EMMANUEL CRUZ GOROSPE |
| MD-24885-0 | JESSICA TAN |

HAWAII MEDICAL BOARD
December 12, 2024, Ratification List

| | |
|------------|-------------------------------|
| MD-24886-0 | ELAINE Y CHAN |
| MD-24887-0 | JACOB PAUL WANNEMACHER |
| MD-24888-0 | DAVID MARTINEZ |
| MD-24889-0 | PUSKAR PATTANAYAK |
| MD-24890-0 | CHRISTOPHER MUTCH |
| MD-24891-0 | VLADIMIR TCHIKRIZOV |
| MD-24892-0 | JOSE A ROBAINA JR |
| MD-24893-0 | HINATA KAI |
| MD-24894-0 | ALEXANDRA KRISTEL ROZAS |
| MD-24895-0 | JULIO DE LEON |
| MD-24896-0 | KEIKO KIMURA |
| MD-24897-0 | JOHN MCCULLOUGH |
| MD-24898-0 | BHARAT GUPTA |
| MD-24899-0 | BESIM OMER UZGIL |
| MD-24900-0 | CHEN-YUAN E LU |
| MD-24901-0 | PETER CHARLES FISHER |
| MD-24902-0 | JOSHUA JARBEAU |
| MD-24903-0 | AMY LAI |
| MD-24904-0 | OMAR SYED AHMED |
| MD-24905-0 | NATALIE BRIDGET VOITHOFER |
| MD-24906-0 | JONGWOO SONG |
| MD-24907-0 | PALLABI SANYAL-DEY |
| MD-24908-0 | DAVID CHESS |
| MD-24909-0 | ROBERT L ASHLOCK |
| MD-24910-0 | DAVID JAMES ROSSOW |
| MD-24911-0 | PANAYIOTIS STYLIANOS SAVVIDES |
| MD-24912-0 | TODD DOUGLAS CORN |
| MD-24913-0 | DAVID PING-HSIN WU |
| | |
| PO-255-0 | SUCHIR K SHETH |

___**.B. NO.**___

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of State licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist program, board
16 of massage therapy, Hawaii medical board, mental
17 health counselors licensing program, board of

.B. NO.

1 naturopathic medicine, state board of nursing, nurse
2 aide program, nursing home administrator program,
3 occupational therapy program, dispensing opticians
4 program, midwives licensing program, board of
5 examiners in optometry, board of pharmacy, board of
6 physical therapy, board of psychology, behavior
7 analyst program, respiratory therapist program, social
8 worker licensing program, and state board of speech
9 pathology and audiology to automatically revoke and
10 deny the renewal or restoration of a license to a
11 licensee who is a registered sex offender;

- 12 (2) Establish conditions for the disciplinary action; and
- 13 (3) Ensure consumer protection by requiring any final
- 14 order of discipline taken to be public record.

15 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§436E- Revocation of license or denial of application
19 to renew, restore, or reinstate a license based on conviction as
20 a registered sex offender; conditions. (a) Notwithstanding any
21 law to the contrary, the board shall automatically revoke a

.B. NO.

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 request a hearing to be held within thirty days of the
20 revocation or denial. The proceeding shall be conducted in
21 accordance with chapter 91.

.B. NO.

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

.B. NO.

1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

.B. NO.

1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 request a hearing to be held within thirty days of the
8 revocation or denial. The proceeding shall be conducted in
9 accordance with chapter 91.

10 (d) For the purposes of enforcement of this section, a
11 plea or verdict of guilty, or a conviction after a plea of nolo
12 contendere, shall be deemed a conviction. The record of
13 conviction shall be conclusive evidence of the fact that the
14 conviction occurred.

15 (e) If the related conviction of the license holder is
16 overturned upon appeal, the revocation or denial ordered
17 pursuant to this section shall automatically cease. Nothing in
18 this subsection shall prohibit the program from pursuing
19 disciplinary action based on any cause other than the overturned
20 conviction.

21 (f) Any final order of discipline taken pursuant to this
22 section shall be a matter of public record.

.B. NO.

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "**§439A- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

.B. NO.

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 request a hearing to be held within thirty days of the
16 revocation or denial. The proceeding shall be conducted in
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a
19 plea or verdict of guilty or a conviction after a plea of nolo
20 contendere, shall be deemed a conviction. The record of
21 conviction shall be conclusive evidence of the fact that the
22 conviction occurred.

.B. NO.

1 (e) If the related conviction of the license holder is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the board from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The board shall not restore, renew, or otherwise
10 reinstate the license of a person under any of the following
11 circumstances:

12 (1) The person has been required to register as a sex
13 offender pursuant to the requirements of chapter 846E,
14 regardless of whether the conviction has been
15 appealed; and

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the
18 relationship was terminated primarily for the purpose
19 of committing the offense."

20

.B. NO.

1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

.B. NO.

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 request a hearing to be held within thirty days of the
6 revocation or denial. The proceeding shall be conducted in
7 accordance with chapter 91.

8 (d) For the purposes of enforcement of this section, a
9 plea or verdict of guilty or a conviction after a plea of nolo
10 contendere, shall be deemed a conviction. The record of
11 conviction shall be conclusive evidence of the fact that the
12 conviction occurred.

13 (e) If the related conviction of the license holder is
14 overturned upon appeal, the revocation or denial ordered
15 pursuant to this section shall automatically cease. Nothing in
16 this subsection shall prohibit the board from pursuing
17 disciplinary action based on any cause other than the overturned
18 conviction.

19 (f) Any final order of discipline taken pursuant to this
20 section shall be a matter of public record.

.B. NO.

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12
13 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§447- Revocation of license or denial of application
17 to renew, restore, or reinstate a license based on conviction as
18 a registered sex offender; conditions. (a) Notwithstanding any
19 law to the contrary, the board shall automatically revoke a
20 license or deny an application to renew, restore, or reinstate a
21 license under either of the following circumstances:

.B. NO.

1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 request a hearing to be held within thirty days of the
18 revocation or denial. The proceeding shall be conducted in
19 accordance with chapter 91.

20 (d) For the purposes of enforcement of this section, a
21 plea or verdict of guilty or a conviction after a plea of nolo
22 contendere, shall be deemed a conviction. The record of

.B. NO.

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

.B. NO.

1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

.B. NO.

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 request a hearing to be held within thirty days of the
6 revocation or denial. The proceeding shall be conducted in
7 accordance with chapter 91.

8 (d) For the purposes of enforcement of this section, a
9 plea or verdict of guilty or a conviction after a plea of nolo
10 contendere, shall be deemed a conviction. The record of
11 conviction shall be conclusive evidence of the fact that the
12 conviction occurred.

13 (e) If the related conviction of the license holder is
14 overturned upon appeal, the revocation or denial ordered
15 pursuant to this section shall automatically cease. Nothing in
16 this subsection shall prohibit the board from pursuing
17 disciplinary action based on any cause other than the overturned
18 conviction.

19 (f) Any final order of discipline taken pursuant to this
20 section shall be a matter of public record.

.B. NO.

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "**§448F- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

.B. NO.

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 request a hearing to be held within thirty days of the
16 revocation or denial. The proceeding shall be conducted in
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a
19 plea or verdict of guilty, or a conviction after a plea of nolo
20 contendere, shall be deemed a conviction. The record of
21 conviction shall be conclusive evidence of the fact that the
22 conviction occurred.

.B. NO.

1 (e) If the related conviction of the license holder is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the program from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person under any of the following
11 circumstances:

12 (1) The person has been required to register as a sex
13 offender pursuant to the requirements of chapter 846E,
14 regardless of whether the conviction has been
15 appealed; and

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the relationship
18 was terminated primarily for the purpose of committing the
19 offense."

20 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:

.B. NO.

1 "§451A- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the provisions of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The director shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).

21 (c) Upon revocation of the license or denial of an
22 application to renew, restore, or reinstate, the licensee may

.B. NO.

1 request a hearing to be held within thirty days of the
2 revocation or denial. The proceeding shall be conducted in
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a
5 plea or verdict of guilty, or a conviction after a plea of nolo
6 contendere, shall be deemed a conviction. The record of
7 conviction shall be conclusive evidence of the fact that the
8 conviction occurred.

9 (e) If the related conviction of the license holder is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the program from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

15 (f) Any final order of discipline taken pursuant to this
16 section shall be a matter of public record.

17 (g) The director shall not restore, renew, or otherwise
18 reinstate the license of a person under any of the following
19 circumstances:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,

.B. NO.

1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the relationship
5 was terminated primarily for the purpose of committing the
6 offense."

7 SECTION 10. Chapter 451JF, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§451J- Revocation of license or denial of application
11 to renew, restore, or reinstate a license based on conviction as
12 a registered sex offender; conditions. (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or

.B. NO.

1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 request a hearing to be held within thirty days of the
12 revocation or denial. The proceeding shall be conducted in
13 accordance with chapter 91.

14 (d) For the purposes of enforcement of this section, a
15 plea or verdict of guilty, or a conviction after a plea of nolo
16 contendere, shall be deemed a conviction. The record of
17 conviction shall be conclusive evidence of the fact that the
18 conviction occurred.

19 (e) If the related conviction of the license holder is
20 overturned upon appeal, the revocation or denial ordered
21 pursuant to this section shall automatically cease. Nothing in
22 this subsection shall prohibit the program from pursuing

.B. NO.

1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the relationship
14 was terminated primarily for the purpose of committing the
15 offense."

16 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§452- Revocation of license or denial of application**
20 **to renew, restore, or reinstate a license based on conviction as**
21 **a registered sex offender; conditions.** (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

.B. NO.

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 request a hearing to be held within thirty days of the
20 revocation or denial. The proceeding shall be conducted in
21 accordance with chapter 91.

.B. NO.

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

.B. NO.

1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§453- **Revocation of license or denial of application**
7 **to renew, restore, or reinstate a license based on conviction as**
8 **a registered sex offender; conditions.** (a) Notwithstanding any
9 law to the contrary, the board shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the requirements of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

.B. NO.

1 (b) The board shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 request a hearing to be held within thirty days of the
8 revocation or denial. The proceeding shall be conducted in
9 accordance with chapter 91.

10 (d) For the purposes of enforcement of this section, a
11 plea or verdict of guilty or a conviction after a plea of nolo
12 contendere, shall be deemed a conviction. The record of
13 conviction shall be conclusive evidence of the fact that the
14 conviction occurred.

15 (e) If the related conviction of the license holder is
16 overturned upon appeal, the revocation or denial ordered
17 pursuant to this section shall automatically cease. Nothing in
18 this subsection shall prohibit the board from pursuing
19 disciplinary action based on any cause other than the overturned
20 conviction.

21 (f) Any final order of discipline taken pursuant to this
22 section shall be a matter of public record.

.B. NO.

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12
13 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§453D- Revocation of license or denial of application
17 to renew, restore, or reinstate a license based on conviction as
18 a registered sex offender; conditions. (a) Notwithstanding any
19 law to the contrary, the director shall automatically revoke a
20 license or deny an application to renew, restore, or reinstate a
21 license under either of the following circumstances:

.B. NO.

1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the provisions of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The director shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 request a hearing to be held within thirty days of the
18 revocation or denial. The proceeding shall be conducted in
19 accordance with chapter 91.

20 (d) For the purposes of enforcement of this section, a
21 plea or verdict of guilty, or a conviction after a plea of nolo
22 contendere, shall be deemed a conviction. The record of

.B. NO.

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the relationship
20 was terminated primarily for the purpose of committing the
21 offense."

.B. NO.

1 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§455- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

.B. NO.

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 request a hearing to be held within thirty days of the
6 revocation or denial. The proceeding shall be conducted in
7 accordance with chapter 91.

8 (d) For the purposes of enforcement of this section, a
9 plea or verdict of guilty or a conviction after a plea of nolo
10 contendere, shall be deemed a conviction. The record of
11 conviction shall be conclusive evidence of the fact that the
12 conviction occurred.

13 (e) If the related conviction of the license holder is
14 overturned upon appeal, the revocation or denial ordered
15 pursuant to this section shall automatically cease. Nothing in
16 this subsection shall prohibit the board from pursuing
17 disciplinary action based on any cause other than the overturned
18 conviction.

19 (f) Any final order of discipline taken pursuant to this
20 section shall be a matter of public record.

.B. NO.

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457- **Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

.B. NO.

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 request a hearing to be held within thirty days of the
16 revocation or denial. The proceeding shall be conducted in
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a
19 plea or verdict of guilty or a conviction after a plea of nolo
20 contendere, shall be deemed a conviction. The record of
21 conviction shall be conclusive evidence of the fact that the
22 conviction occurred.

.B. NO.

1 (e) If the related conviction of the license holder is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the board from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The board shall not restore, renew, or otherwise
10 reinstate the license of a person under any of the following
11 circumstances:

12 (1) The person has been required to register as a sex
13 offender pursuant to the requirements of chapter 846E,
14 regardless of whether the conviction has been
15 appealed; and

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the
18 relationship was terminated primarily for the purpose
19 of committing the offense."

20

.B. NO.

1 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

.B. NO.

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 request a hearing to be held within thirty days of the
6 revocation or denial. The proceeding shall be conducted in
7 accordance with chapter 91.

8 (d) For the purposes of enforcement of this section, a
9 plea or verdict of guilty, or a conviction after a plea of nolo
10 contendere, shall be deemed a conviction. The record of
11 conviction shall be conclusive evidence of the fact that the
12 conviction occurred.

13 (e) If the related conviction of the license holder is
14 overturned upon appeal, the revocation or denial ordered
15 pursuant to this section shall automatically cease. Nothing in
16 this subsection shall prohibit the program from pursuing
17 disciplinary action based on any cause other than the overturned
18 conviction.

19 (f) Any final order of discipline taken pursuant to this
20 section shall be a matter of public record.

.B. NO.

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the relationship
10 was terminated primarily for the purpose of committing the
11 offense."

12 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457B- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

.B. NO.

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 request a hearing to be held within thirty days of the
16 revocation or denial. The proceeding shall be conducted in
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a
19 plea or verdict of guilty, or a conviction after a plea of nolo
20 contendere, shall be deemed a conviction. The record of
21 conviction shall be conclusive evidence of the fact that the
22 conviction occurred.

.B. NO.

1 (e) If the related conviction of the license holder is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the program from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person under any of the following
11 circumstances:

12 (1) The person has been required to register as a sex
13 offender pursuant to the requirements of chapter 846E,
14 regardless of whether the conviction has been
15 appealed; and

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the relationship
18 was terminated primarily for the purpose of committing the
19 offense."

20 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:

.B. NO.

1 "§457G- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the provisions of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The director shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).

21 (c) Upon revocation of the license or denial of an
22 application to renew, restore, or reinstate, the licensee may

.B. NO.

1 request a hearing to be held within thirty days of the
2 revocation or denial. The proceeding shall be conducted in
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a
5 plea or verdict of guilty, or a conviction after a plea of nolo
6 contendere, shall be deemed a conviction. The record of
7 conviction shall be conclusive evidence of the fact that the
8 conviction occurred.

9 (e) If the related conviction of the license holder is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the program from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

15 (f) Any final order of discipline taken pursuant to this
16 section shall be a matter of public record.

17 (g) The director shall not restore, renew, or otherwise
18 reinstate the license of a person under any of the following
19 circumstances:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,

.B. NO.

1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the relationship
5 was terminated primarily for the purpose of committing the
6 offense."

7 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§458- Revocation of license or denial of application
11 to renew, restore, or reinstate a license based on conviction as
12 a registered sex offender; conditions. (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or

.B. NO.

1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 request a hearing to be held within thirty days of the
12 revocation or denial. The proceeding shall be conducted in
13 accordance with chapter 91.

14 (d) For the purposes of enforcement of this section, a
15 plea or verdict of guilty, or a conviction after a plea of nolo
16 contendere, shall be deemed a conviction. The record of
17 conviction shall be conclusive evidence of the fact that the
18 conviction occurred.

19 (e) If the related conviction of the license holder is
20 overturned upon appeal, the revocation or denial ordered
21 pursuant to this section shall automatically cease. Nothing in
22 this subsection shall prohibit the program from pursuing

.B. NO.

1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the relationship
14 was terminated primarily for the purpose of committing the
15 offense."

16 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§459- Revocation of license or denial of application**
20 **to renew, restore, or reinstate a license based on conviction as**
21 **a registered sex offender; conditions.** (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

.B. NO.

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 request a hearing to be held within thirty days of the
20 revocation or denial. The proceeding shall be conducted in
21 accordance with chapter 91.

.B. NO.

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

.B. NO.

1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§461- **Revocation of license or denial of application**
7 **to renew, restore, or reinstate a license based on conviction as**
8 **a registered sex offender; conditions.** (a) Notwithstanding any
9 law to the contrary, the board shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the requirements of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

.B. NO.

1 (b) The board shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 request a hearing to be held within thirty days of the
8 revocation or denial. The proceeding shall be conducted in
9 accordance with chapter 91.

10 (d) For the purposes of enforcement of this section, a
11 plea or verdict of guilty or a conviction after a plea of nolo
12 contendere, shall be deemed a conviction. The record of
13 conviction shall be conclusive evidence of the fact that the
14 conviction occurred.

15 (e) If the related conviction of the license holder is
16 overturned upon appeal, the revocation or denial ordered
17 pursuant to this section shall automatically cease. Nothing in
18 this subsection shall prohibit the board from pursuing
19 disciplinary action based on any cause other than the overturned
20 conviction.

21 (f) Any final order of discipline taken pursuant to this
22 section shall be a matter of public record.

.B. NO.

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "**§461J- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

.B. NO.

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 request a hearing to be held within thirty days of the
16 revocation or denial. The proceeding shall be conducted in
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a
19 plea or verdict of guilty or a conviction after a plea of nolo
20 contendere, shall be deemed a conviction. The record of
21 conviction shall be conclusive evidence of the fact that the
22 conviction occurred.

.B. NO.

1 (e) If the related conviction of the license holder is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the board from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The board shall not restore, renew, or otherwise
10 reinstate the license of a person under any of the following
11 circumstances:

12 (1) The person has been required to register as a sex
13 offender pursuant to the requirements of chapter 846E,
14 regardless of whether the conviction has been
15 appealed; and

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the
18 relationship was terminated primarily for the purpose
19 of committing the offense."

20 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:

.B. NO.

1 "§463E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The board shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).

21 (c) Upon revocation of the license or denial of an
22 application to renew, restore, or reinstate, the licensee may

.B. NO.

1 request a hearing to be held within thirty days of the
2 revocation or denial. The proceeding shall be conducted in
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a
5 plea or verdict of guilty or a conviction after a plea of nolo
6 contendere, shall be deemed a conviction. The record of
7 conviction shall be conclusive evidence of the fact that the
8 conviction occurred.

9 (e) If the related conviction of the license holder is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the board from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

15 (f) Any final order of discipline taken pursuant to this
16 section shall be a matter of public record.

17 (g) The board shall not restore, renew, or otherwise
18 reinstate the license of a person under any of the following
19 circumstances:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,

.B. NO.

1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

7 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§465- Revocation of license or denial of application
11 to renew, restore, or reinstate a license based on conviction as
12 a registered sex offender; conditions. (a) Notwithstanding any
13 law to the contrary, the board shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or

.B. NO.

1 (2) The licensee has been required to register as a sex
2 offender pursuant to the requirements of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The board shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 request a hearing to be held within thirty days of the
12 revocation or denial. The proceeding shall be conducted in
13 accordance with chapter 91.

14 (d) For the purposes of enforcement of this section, a
15 plea or verdict of guilty or a conviction after a plea of nolo
16 contendere, shall be deemed a conviction. The record of
17 conviction shall be conclusive evidence of the fact that the
18 conviction occurred.

19 (e) If the related conviction of the license holder is
20 overturned upon appeal, the revocation or denial ordered
21 pursuant to this section shall automatically cease. Nothing in
22 this subsection shall prohibit the board from pursuing

.B. NO.

1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purpose
15 of committing the offense."

16 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§465D- _____ Revocation of license or denial of application**
20 **to renew, restore, or reinstate a license based on conviction as**
21 **a registered sex offender; conditions.** (a) Notwithstanding any
22 law to the contrary, the director shall automatically revoke a

.B. NO.

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the provisions of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The director shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 request a hearing to be held within thirty days of the
20 revocation or denial. The proceeding shall be conducted in
21 accordance with chapter 91.

.B. NO.

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the program from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The director shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the relationship

.B. NO.

1 was terminated primarily for the purpose of committing the
2 offense."

3 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§466D- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

.B. NO.

1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 request a hearing to be held within thirty days of the
8 revocation or denial. The proceeding shall be conducted in
9 accordance with chapter 91.

10 (d) For the purposes of enforcement of this section, a
11 plea or verdict of guilty, or a conviction after a plea of nolo
12 contendere, shall be deemed a conviction. The record of
13 conviction shall be conclusive evidence of the fact that the
14 conviction occurred.

15 (e) If the related conviction of the license holder is
16 overturned upon appeal, the revocation or denial ordered
17 pursuant to this section shall automatically cease. Nothing in
18 this subsection shall prohibit the program from pursuing
19 disciplinary action based on any cause other than the overturned
20 conviction.

21 (f) Any final order of discipline taken pursuant to this
22 section shall be a matter of public record.

.B. NO.

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the relationship
10 was terminated primarily for the purpose of committing the
11 offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

.B. NO.

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 request a hearing to be held within thirty days of the
16 revocation or denial. The proceeding shall be conducted in
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a
19 plea or verdict of guilty, or a conviction after a plea of nolo
20 contendere, shall be deemed a conviction. The record of
21 conviction shall be conclusive evidence of the fact that the
22 conviction occurred.

.B. NO.

1 (e) If the related conviction of the license holder is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the program from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person under any of the following
11 circumstances:

12 (1) The person has been required to register as a sex
13 offender pursuant to the requirements of chapter 846E,
14 regardless of whether the conviction has been
15 appealed; and

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the relationship
18 was terminated primarily for the purpose of committing the
19 offense."

20 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
21 amended by adding a new section to be appropriately designated
22 and to read as follows:

.B. NO.

1 "§468E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The board shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).

21 (c) Upon revocation of the license or denial of an
22 application to renew, restore, or reinstate, the licensee may

.B. NO.

1 request a hearing to be held within thirty days of the
2 revocation or denial. The proceeding shall be conducted in
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a
5 plea or verdict of guilty or a conviction after a plea of nolo
6 contendere, shall be deemed a conviction. The record of
7 conviction shall be conclusive evidence of the fact that the
8 conviction occurred.

9 (e) If the related conviction of the license holder is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the board from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

15 (f) Any final order of discipline taken pursuant to this
16 section shall be a matter of public record.

17 (g) The board shall not restore, renew, or otherwise
18 reinstate the license of a person under any of the following
19 circumstances:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,

____.B. NO.____

Report Title:

Department of Commerce and Consumer Affairs; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstate

Description:

Authorizes the [REDACTED] certain licensed professions to automatically revoke and refuse to renew, restore, or reinstate certain professional licenses of registered sex offenders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DRAFT

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to Chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate timely denial or revocation of a professional license when the license holder becomes or is found to be a registered sex offender. This bill allows the automatic denial of an application to renew or restore, or revocation of certain professional licenses when the license holder is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

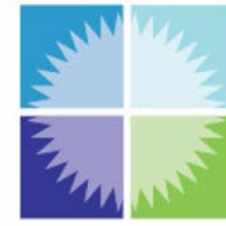
EFFECTIVE DATE: Upon approval.

**Hawaii Medical Board
Professional & Vocational Licensing Division
Department of Commerce & Consumer Affairs
State of Hawaii**

2025 MEETING SCHEDULE

Board meeting from 1:00 p.m. – 04:30 p.m.

| Meeting Date | Day | Conference Room |
|---------------------|------------|--------------------------------|
| January 16 | Thursday | Queen Liliuokalani and Virtual |
| February 13 | Thursday | Queen Liliuokalani and Virtual |
| March 13 | Thursday | Queen Liliuokalani and Virtual |
| April 10 | Thursday | Queen Liliuokalani and Virtual |
| June 12 | Thursday | Queen Liliuokalani and Virtual |
| August 14 | Thursday | Queen Liliuokalani and Virtual |
| October 9 | Thursday | Queen Liliuokalani and Virtual |
| December 11 | Thursday | Queen Liliuokalani and Virtual |



The Expedited Pathway to Medical Licensure

Michael Jaffe, DO / Randy Ho

- Your Hawaii Commissioners to the Interstate Medical Licensure Compact Commission

What is The IMLC?

- What is the Interstate Medical Licensure Compact (IMLC)
- The Interstate Medical Licensure Compact (IMLC) was officially launched in **2015**. It provides a voluntary, expedited pathway to licensure for qualified physicians who wish to practice in multiple states, thereby increasing access to healthcare, especially in underserved or rural areas
- The Interstate Medical Licensure Compact Commission (IMLCC) is a quasi-governmental organization (formal title = a governmental instrumentality). It is important to note that the IMLCC becomes a part of the state government for every state which joins the IMLCC, this is the mechanism that allows the state governments to cooperate and share information.

IMLC Overview

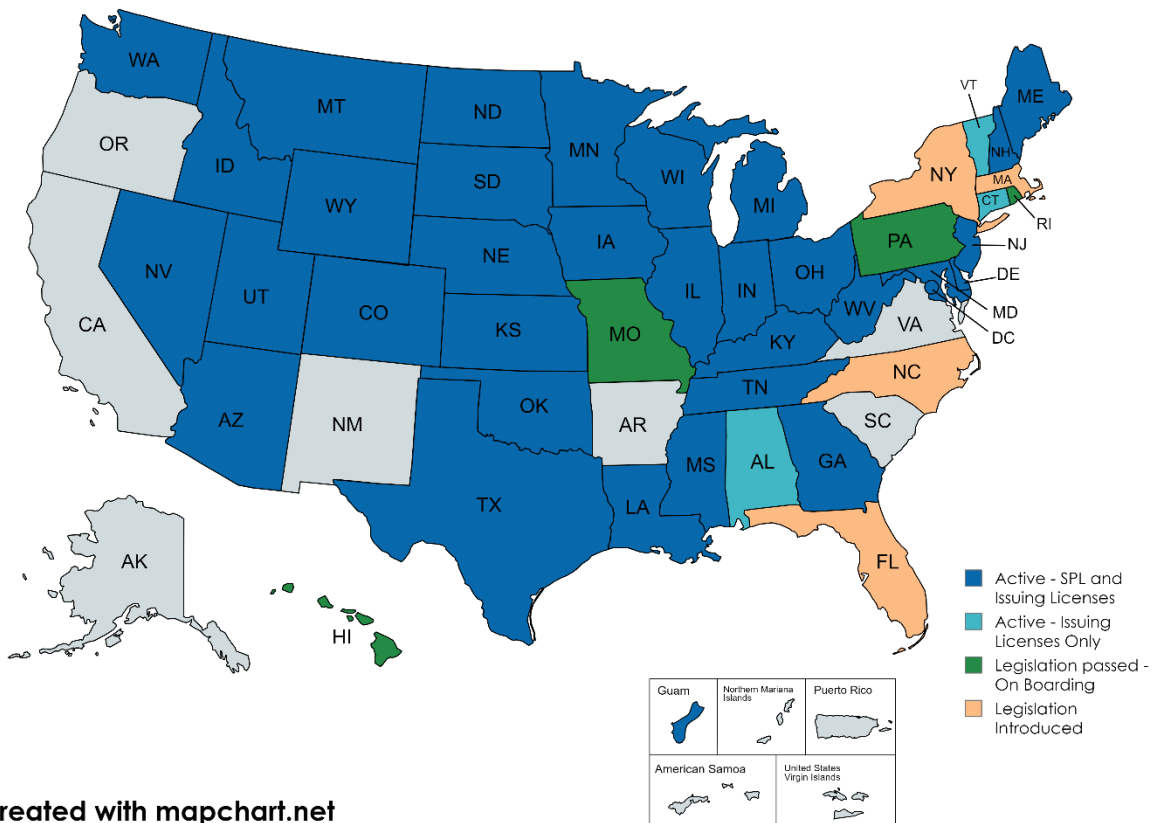
- The IMLCC process is available to physicians:
 - Doctors of Osteopathy (DO)
 - Doctors of Medicine (MD)
- The IMLCC provides an expedited process for physicians to obtain a **full, unrestricted license** from a member state.
- The license is issued by the member state's board and is subject to that state's practice of medicine requirements.

Why Do We Need a IMLCC

- In the simplest terms, the IMLCC is a contractual agreement between the member states to expedite the licensure process to facilitate physician license portability.
- The IMLCC's process increases access to care for patients, helps to address physician shortage areas, simplify and reduce license processing times (licenses issued in 7 to 10 days on average).

Compact Participation

Status



- Active – SPL and issuing licenses (34)
 - AZ, CO, DC, DE, GA, GU, IA, ID, IL, IN, KS, KY, LA, MD, ME, MI, MN, MS, MT, ND, NE, NH, NJ, NV, OH, OK, SD, TN, TX, UT, WA, WI, WV, WY
- Active – Issuing licenses only (3)
 - AL, CT, VT
- Legislation passed – On boarding (4)
 - HI, MO, PA, RI
- Legislation introduced (4)
 - FL, MA, NC, NY

Created with mapchart.net

How does the IMLC change how a physician applies for a state medical license?-

- The IMLCC creates an alternative licensure pathway for physicians. The traditional method of licensure exists side-by-side with the IMLCC process, but now physicians have a choice when it comes to how they obtain their full, unrestricted license.
- The IMLCC has created an expedited process for qualified physicians to quickly obtain licenses in multiple states through a single on-line application process. All the information on the application is primary source verified by a member board, who issues a Letter of Qualification (LOQ), this LOQ and the application are used by a member board to issue a license, rather than obtaining all the documentation normally required for a license.
- Over 26,000 physicians have used the IMLCC process - they have obtained over 77,000 LOQs and over 120,000 licenses using this process.

IMLC provides an expedited process to receive a license in other states. How does that coincide with each state's practice requirements?

- The IMLCC process is a new way for a physician to obtain a license. The vetting and documentation is done by the physician's home state (or State of Principal License - SPL). Once vetted and a LOQ is issued, then the other states issue a license based on the work of the home state.
- The state's traditional application process and requirements only apply to physicians who use the traditional application process to obtain their license.
- (An example - at the airport to get to the X-ray machines, you have 2 options - the traditional, regular way or the Pre-TSA way).
- Both licensure processes have been made into law in Hawaii by the legislature.

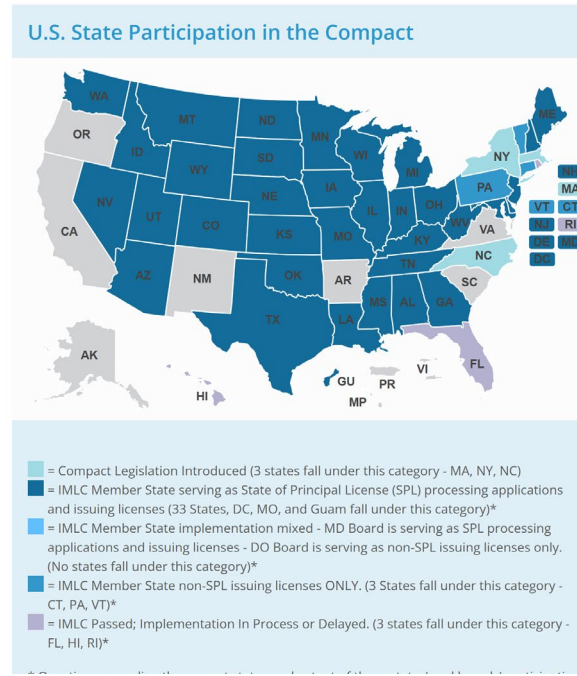
Will Misconduct by Physicians be Reported to all IMLC states?

- The IMLCC, since it is a governmental organization connected to all the member states, provides a disciplinary reporting process. Once the IMLCC is notified of a disciplinary action it is shared with all impacted member boards within 48 business hours.
- Additionally, member boards now have added investigative tools. Joint investigations are authorized, the sharing of investigative files is required, and suspension or revocation of a license by any state requires IMLCC process obtained licenses to be suspended for 90 days while the member board completes its investigation into the matter and makes a determination about the license issued.

Will the IMLC be “work neutral” for the states medical board executives and staff?

- The IMLCC process will bring an increase of 5 to 10% in the number of applications received by a board for processing; however, the processing time for IMLCC applications is usually shorter.
- There are a lot of ways to make the process "work neutral" and IMLCC staff can help, but it is unique to each member board.
- - Part of the implementation of the IMLCC process involved a detailed training process for the HI board staff. That training was completed in August and we are finalizing the implementation date.
- The training included working test accounts and processing applications in the test environment. The last step is finalizing the remittance or payment process - the board receives its normal licensing fee for every IMLCC application.

IMLC Web Site



Cumulative license requests = 121,714

Benefits

1. An increase in physicians available to provide services – with demonstrated increases in underserved and rural areas. The IMLCC process accounted for 31% of the new licenses issued by member states in 2022.
 - An independent study, to be released in October, has found that states who join the IMLCC can significantly address their state’s physician shortage crisis. The IMLCC process, according to the study, is twice as effective in bringing more physicians to a state than any other action.
 - This same study found that the IMLCC process had a significant impact in reducing the costs associated with multi-state licensure for a physician and practice.
 - Several member states have reduced licensure fee. It is expected that the increased fee revenue gained by member states will make this trend spread.
 - The IMLCC reviews the fees assessed for the process on an annual basis to ensure that they are reasonable.
 - The average cost of obtaining a license via the traditional process is approximately \$385.00 per application. Using the IMLCC process for 2 or more applications is a cost savings.
 - The IMLCC data shows that physician populations will continue increase at a regular pace year over year.
 - CMS guidance recognizes licenses obtained through the IMLCC process as “...valid and full licenses for purpose of meeting federal license purposes.”
2. New Physician License Data Study – Released September 15, 2023 – Shows that in 2022:
 - 17% of all new physician licenses issued in the US were through the IMLCC process
 - 31% of all new physician licenses issued by member states were through the IMLCC process, with many states showing those percentages in the 40 to 50% range.

Questions?

Marschall Smith, Executive Director –
imlccexecutivedirector@imlcc.net

Webpage – IMLCC.org

Mahalo from IMLC Annual Meeting in Phoenix

7.A. Interstate Medical Licensure Compact Commission

