

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 93

OSTEOPATHS

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-93-1 Objective. This chapter adopted by the board of osteopathic examiners, hereafter referred to as "board", is intended to clarify chapter 460, Hawaii Revised Statutes, to the end that the provisions thereunder may be best implemented and the public interest most effectively protected. [Eff 8/15/64; am 8/7/70; am and ren §16-93-1, 7/2/81; am and comp 2/4/83; comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

SUBCHAPTER 2

APPLICATION

§16-93-2 General requirements. (a) An application filed with the board shall be prepared in accordance with and contain the information called for in the application form prescribed by the board, or any instructions which may be issued by the board.

- (b) The applicant may be licensed by any of the following means:
 - (1) By examination;
 - (2) By endorsement; and,
 - (3) By reciprocity.
- (c) The applicant shall submit the following with the application:
 - (1) Verification of a Doctor of Osteopathy diploma from an AOA approved institution;
 - (2) Verification of a Certificate of Completion of an osteopathic internship from an AOA approved hospital or medical facility;
 - (3) Certificate of Competency from two licensed osteopathic physician and surgeon;
 - (4) Recent passport-sized photograph of the applicant; and
 - (5) Verification of any specialty postdoctoral awards. [Eff 8/15/64; ren 2.1, 8/7/70; am and ren §16-93-2, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-6)

§16-93-3 Application for license by examination. (a) In addition to the requirements of section 16-93-2(c), an applicant for license by examination shall comply with the requirements of this section.

(b) The applicant shall submit verification of eligibility for meeting the requirements of the American Osteopathic Association (AOA) toward a certificate from the National Board of Osteopathic Medical Examiners, Inc., (NBOME). The evidence of eligibility shall verify that the applicant meets the following:

- (1) Evidence of a passing grade on the examination given by the NBOME or by the Federation of State Medical Board of the United States, Inc., (FLEX). The passing score for the NBOME and FLEX is a score of 75 or more for each part of component; and
- (2) Verification of any other osteopathic licenses held in other jurisdictions. [Eff 8/15/64; am and ren 2.2, 8/7/70; am and ren §16-93-3, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

§16-93-4 Application for license by endorsement. In addition to the requirements of section 16-93-2(c), an applicant for license by endorsement shall comply with the requirements of this section and shall submit the following:

- (1) Verification of the NBOME certificate; or the FLEX transcript of grades; and
- (2) Verification of any other osteopathic licenses held in other jurisdictions. [Eff 8/7/70; am and ren §16-93-4, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-9)

§16-93-4.1 Application for license by reciprocity. In addition to the requirements of section 16-93-2(c), an applicant for license by reciprocity shall comply with the requirements of this section and shall submit the following:

- (1) Copy of license and verification that the license is currently active, unrestricted, and not subject to disciplinary action;
- (2) Verification of osteopathic licenses held in all jurisdictions; and
- (3) Verification of any specialty postdoctoral awards. [Eff and comp 2/9/90] (Auth: HRS §460-9(a)) (Imp: HRS §§460-4, 460-9(a))

§16-93-5 Preliminary scrutiny of the application. The executive secretary, under supervision of the chairman, shall preliminarily scrutinize each application filed with the board, and shall preliminarily advise the applicant with regard to proper compliance with the laws and rules governing the application; provided that nothing in this section shall be construed to limit the board's authority and responsibility ultimately to pass upon the applicant's qualifications. [Eff 8/15/64; am and ren 2.4, 8/7/70; am and ren §16-93-5, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

§16-93-6 Preliminary investigation of applicants. Upon request of any member of the board, the executive secretary of the board shall, under supervision of the chairman, initiate preliminary investigation of applicants in conjunction with the investigative staff of the department of commerce and consumer affairs. [Eff 8/15/64; am and ren 2.5, 8/7/70; am and ren §16-93-6, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

§16-93-7 Denial of application. In the event any application for a license is not reported favorably, the board shall notify the applicant by mail of the

board's action which letter shall include a concise statement of the reasons therefor and a statement informing the applicant of the right to a hearing. [Eff 8/15/64; ren 1.9, 3/28/66; ren 2.6, 8/7/70; am and ren §16-93-7, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

§16-93-8 Proceedings upon demand for hearing. If a demand for hearing is filed with the board within sixty days of the date of the letter informing the applicant of the denial of application, the board shall order a hearing, in accordance with the standard procedures of the department. [Eff 8/15/64; ren 1.11, 3/28/66; am and ren 2.7, 8/7/70; am and ren §16-93-8, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-14)

§16-93-9 Abandonment of application. An application shall be deemed to have been abandoned if all requirements, including filing of forms and payment of fees, have not been completed within one year from the date first filed. [Eff and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

SUBCHAPTER 3

EXAMINATION

§16-93-12 Examination requirements. The examination registration requirements for the National Board of Osteopathic Medical Examiners, Inc., and the Federation of State Medical Board of the United States, Inc., are as follows:

- (1) The applicant shall apply directly with the National Board of Osteopathic Examiners Inc., for examination which is divided into three examination parts:
 - (A) Part I may be taken after satisfactorily completing one-half of the second year in an approved college of osteopathic medicine;
 - (B) Part II may be taken after satisfactorily completing part I and one-half of senior year in an approved college of osteopathic medicine;
 - (C) Part III may be taken after satisfactorily completing parts I and II, earning a Doctor of Osteopathy degree from an approved college of osteopathic medicine, and completing at least six months of internship; and

- (2) The applicant shall apply with the board for examination with the Federation of State Medical Board of the United States, Inc. [Eff 8/15/64; am and ren 3.1, 8/7/70; am and ren §16-93-12, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

SUBCHAPTER 4

LICENSE

§16-93-16 Biennial renewal. Renewal fees paid by mail shall be considered as paid when due if the envelope bears the postmark of June[^]O30 or earlier in each even-numbered year. [Eff 8/15/64; am and ren 1.12, 3/28/66; am and ren 4.1, 8/7/70; am and ren §16-93-16, 7/2/81; am and comp 2/4/83; comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-5)

§16-93-17 Activation of license. (a) Prior to activation of a license and entering into active practice in this State the licensee shall give the board written notification of the intended location of the licensee's practice.

(b) Any licensee who has ceased to engage in the practice of osteopathy in this State for a period of two or more years and who plans to practice in this State shall be considered as a licensee entering into active practice.

(c) Before entering active practice, the licensee shall:

- (1) Notify the board of licensee's intent to resume and the intended location of the practice of osteopathy in this State;
- (2) File an affidavit with the board describing the licensee's activities during the inactive period; and
- (3) Complete an application for activation of license and pay such fees as are required by the board and includes but not limited to verification of licenses from each jurisdiction where an osteopathic license was held. [Eff 8/7/70; am and ren §16-93-17, 7/2/81; am and comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

§16-93-18 Restoration of forfeited license. A license which has been forfeited for failure to pay the biennial renewal fee as required may be restored by the board:

- (1) Within two years of the date of forfeiture upon written application and payment of the biennial renewal fee, penalty fee, and the applicable compliance resolution fund assessments; or
- (2) After two years from the date of forfeiture upon written application and payment of the biennial renewal fee, penalty fee, and compliance resolution fund assessments; provided the board may require the applicant to provide verification of licenses from all jurisdiction in which the applicant held a license from the time of forfeiture. [Eff and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

SUBCHAPTER 5

NOTIFICATION

§16-93-21 Notification of change of name or current address. Any change of name or mailing address shall be filed with the board within thirty days of the change. [Eff 8/15/64; ren 1.13, 3/28/66; am and ren 5.1, 8/7/70; am and ren §16-93-21, 7/2/81; am and comp 2/4/83; comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

SUBCHAPTER 6

CODE OF ETHICS

§16-93-23 Standards of behavior. Licensees shall be bound by the code of ethics as adopted and printed in the current directory of the American Osteopathic Association. [Eff 8/7/70; am and ren §16-93-23, 7/2/81; comp 2/4/83; am and comp 2/9/90] (Auth: HRS §460-4) (Imp: HRS §460-4)

SUBCHAPTER 7

§16-93-24 Repealed. [R 2/9/90]

§16-93-25 Repealed. [R 2/9/90]

§16-93-26 Repealed. [R 2/9/90]

§16-93-27 Repealed. [R 2/9/90]

§16-93-28 Repealed. [R 2/9/90]

§16-93-29 Repealed. [R 2/9/90]

§16-93-30 Repealed. [R 2/9/90]

§16-93-31 Repealed. [R 2/9/90]

SUBCHAPTER 8

PRACTICE AND PROCEDURE

§16-93-36 Administrative practice and procedure. The rules of practice and procedure for osteopathy shall be as provided in chapter 16-201, the rules of practice and procedure of the department, which are incorporated by reference and made a part of this chapter. [Eff and comp 2/9/90] (Auth: HRS §91-2) (Imp: HRS §91-2)

SUBCHAPTER 9

ORAL TESTIMONY

§16-93-40 Oral testimony. (a) The board shall accept oral testimony on any item which is on the agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented:
 - (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
 - (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
 - (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
 - (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
 - (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.
- (b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief provisions of chapter 16-201.
- (c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 2/9/90] (Auth: HRS §92) (Imp: HRS §92-3)

SUBCHAPTER 10

OSTEOPATHIC PHYSICIAN'S ASSISTANT

§16-93-44 Purpose. The purpose of this section is to implement section 460-1(2), HRS, to provide the osteopathic physician's assistant standards of supervision. [Eff and comp 2/9/90] (Auth: HRS §460-1(2) (Imp: HRS §460-1(2))

§16-93-45 Standards of supervision. The following shall apply to the osteopathic physician's assistants but not those persons, such as nurses and clerical personnel, who provide limited assistance to a licensed osteopathic physician and surgeon:

- (1) Osteopathic physician's assistant shall be employed by the licensed osteopathic physician and surgeon and the osteopathic physician's assistant shall not charge fees to patients for services;
- (2) Care rendered by an osteopathic physician's assistant should be given in the presence of a licensed osteopathic physician and surgeon; however, an osteopathic physician's assistant may provide certain medical services to patients without direct supervision where in the physician and surgeon's opinion a patient is not endangered nor where unforeseen complications could arise;
- (3) Services rendered by an osteopathic physician's assistant shall be those commonly furnished in licensed osteopathic physician and surgeon's office;
- (4) An osteopathic physician's assistant shall not be called on to render medical judgments without consent and approval of the licensed physician and surgeon; and
- (5) The osteopathic physician's assistant augments and not supplements the care rendered by a licensed osteopathic physician and surgeon.
[Eff and comp 2/9/90] (Auth: HRS §460-1(2)) (Imp: HRS §460-1(2))

Amendments to and compilation of chapter 16-93, and the repeal of chapter 16-158, Hawaii Administrative Rules, on the Summary Page dated November 17, 1989, were adopted on November 17, 1989, following a public hearing held on November 16, 1989, after public notices were given in the Honolulu Star-Bulletin, Honolulu Advertiser, Hawaii Tribune-Herald, West Hawaii Today, Maui News, and the Garden Island News on October 18, 1989.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Rod G. Bjordahl

ROD G. BJORDAHL, Chairman
Board of Osteopathic Examiners

APPROVED AS TO FORM: Date: 12/8/89

/s/ Norma Doctor Sparks

Deputy Attorney General

APPROVED: Date: 1/17/90

/s/ Robert A. Alm

ROBERT A. ALM

Director of Commerce and Consumer Affairs

APPROVED: Date: 1/30/90

/s/ John Waihee

JOHN WAIHEE

Governor
State of Hawaii

January 30, 1990

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-93
Hawaii Administrative Rules

November 17, 1989

SUMMARY

1. §§16-93-2 to 16-93-4 are amended.
2. A new §16-93-4.1 is added.
3. §§16-93-5 to 16-93-8 are amended.
4. A new §16-93-9 is added.
5. §16-93-12 is amended.
6. §16-93-17 is amended.
7. A new §16-93-18 is added.
8. §16-93-23 is amended.
9. §§16-93-24 to 16-93-31 are repealed.
10. A new subchapter 8 (§16-93-36) is added.
11. A new subchapter 9 (§16-93-40) is added.
12. A new subchapter 10 (§§16-93-44 to 16-93-45) is added.
13. Chapter 16-93 is compiled.
14. Chapter 16-158 is repealed.

TITLE 16
DEPARTMENT OF REGULATORY AGENCIES
CHAPTER 158
UNIFORM RULES OF ADMINISTRATIVE PROCEDURE
of the Board of Osteopathic Examiners

Repealed

§§16-158-1 to 16-158-80 Repealed. [2/9/90]