SB 1264



DARWIN L. D. CHING DIRECTOR

COLLEEN Y. LaCLAIR DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR. EXECUTIVE DIRECTOR OFFICE OF LANGUAGE ACCESS

STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS OFFICE OF LANGUAGE ACCESS

HONOLULU, HAWAII 96813 www.hawaii.gov/labor/ola Phone: (808) 586-8730 / Fax: (808) 586-8733 Email: dlir.ola@hawaii.gov

830 PUNCHBOWL STREET, ROOM 322

TO:

Honorable David Y. Ige, Chair

Honorable Josh Green, M.D., Vice Chair

Members of the Committee on Health

Honorable Rosalyn H. Baker, Chair

Honorable David Y. Ige, Vice Chair

Members of the Committee on Commerce and

Consumer Protection

FROM:

Serafin "Jun" Colmenares, Executive Director, Office of Language Access

RE:

Testimony in Support of Intent of SB1264

Hearing: February 23, 2009, 3:00 p.m., Room 016

I. OVERVIEW OF CURRENT PROPOSED LEGISLATION

SB1264 proposes to allow consumers to make informed health care decisions by providing them with basic information about medical treatment providers through a physician profile to include information on medical education, training and licensing; disciplinary action (including criminal action) taken against the physician; and hospitals where the physician is able to practice.

II. CURRENT LAW

Chapter 453 of the Hawaii Revised Statutes addresses medical licensing and discipline, but there is no requirement on the development and disclosure of physician profiles as proposed here. The Hawaii Medical Board Newsletter describes Board actions taken against physicians over the past year.

III. SB1264

The Office of Language Access (OLA) supports the intent of SB1264.

The physician profile may include information on language access. The availability of language access through an interpreter or bilingual medical staff is a vital component for consumers seeking medical assistance. The OLA supports the intent of this measure to the extent that it furthers the goals of the state Language Access Law (enacted by the Legislature in 2006) to ensure meaningful access to state-funded services, programs and activities by persons with limited English proficiency.

Thank you for this opportunity to testify.



OFFICERS

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Cynthia Jean Goto, MD Immediate Past President

Thomas Kosasa, MD Secretary

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April Donahue Executive Director

Hawaii Medical Association 1360 S. Beretania St. Suite 200 Honolulu, HI 96814 (808) 536-7702 (808) 528-2376 fax www.hmaonline.net

February 23, 2009, 3:00 p.m. in Room 016

To: Senate Committee on Health

Senator David Y. Ige, Chair

Senator Josh Green, MD, Vice Chair

Senate Committee on Commerce and Consumer Protection

Senator Rosalyn H. Baker, Chair Senator David Y. Ige, Vice Chair

By: Hawaii Medical Association

Gary A. Okamoto, MD, President

Philip Hellreich, MD, Legislative Co-Chair Linda Rasmussen, MD, Legislative Co-Chair

April Donahue, Executive Director Richard C. Botti, Government Affairs Lauren Zirbel, Government Affairs

Re: SB1264 RELATING TO MEDICAL TREATMENT

Chairs & Committee Members:

While HMA supports the intent of this measure, we respectfully oppose SB1264 due to its redundancy. The public already has access to check on licensed professionals through the DCCA website: http://pvl.ehawaii.gov/pvlsearch/app. SB1264 would duplicative and expensive. Thank you for the opportunity to testify.

Professional and Vocational Licensing (PVL) Search - Search

This search is designed to help the public obtain basic information about businesses and individuals that hold professional and vocational licenses issued by the State of Hawaii.

Note: You must click the appropriate submit query button to run the search

Please correct the following errors before proceeding:

I There were no matches to your business/person name search! Please try to search by license number or trade name.

	Search by License Number	
License Type* (Look up Codes-> (Separate multiple license numbe		
MD		
Submit Query		
* all contractors are of license by	36 °CT".	

Search by Business Name or Individual*		
* For Individuals, search by Last Name First Name Middle Initial order without commes. You may enter partial information for your search criteria such as Last Name and part of the First Name:		
Submit Query		

Search by Trade Name or DBA Name		
<u> </u>		
Submit Query		

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PRESENTATION OF THE PROFESSIONAL AND VOCATIONAL LICENSING DIVISION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

and

HAWAII MEDICAL BOARD

TO THE SENATE COMMITTEE ON HEALTH

AND

TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH STATE LEGISLATURE REGULAR SESSION of 2009

Monday, February 23, 2009 3:00 p.m.

TESTIMONY ON SENATE BILL NO. 1264, RELATING TO MEDICAL TREATMENT.

TO THE HONORABLE DAVID Y. IGE, CHAIR, TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE COMMITTEES:

My name is Noe Noe Tom, Licensing Administrator with the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("DCCA"). I would like to thank you for the opportunity to provide testimony on S.B. No. 1264, Relating to Medical Treatment. While DCCA and the Hawaii Medical Board support and continue to strive, within the capabilities of our resources, to provide information to consumers to make informed decisions, for the reasons stated below we oppose this bill as it places data collecting and publishing responsibilities on DCCA that we cannot bear without additional resources, and it requires collection of information that is not related to licensing. It further, inappropriately and harshly, authorizes

sanctions against a licensee if the physician fails to comply with furnishing information as well as failing to timely report updates to information.

We first would like to point out that DCCA's web sites already furnish a significant amount of information required by S.B. No. 1264.

S.B. No. 1264, however, proposes substantially more data be published and the effect of this is that it will require us to input information that we currently do not post to our database but is otherwise available in hard copy form (for any online publishing, the source of information must come from a database), and to collect and publish information for licensure that we currently do not collect.

On the matter of requiring DCCA to publish information that will result in inputting information that we currently do not post to our database but is otherwise available in hard copy form, this is a workload issue. To manage this task would require additional staff and funding which, in the current economic situation, appears unlikely.

On the matter of requiring us to collect and publish information that we currently do not collect, both Chairs have heard in a recent hearing on another bill similar in concept (S.B. 43, Relating to Workforce Development), DCCA's objections to collecting information which does not have a direct nexus to a physician's competence and qualifications to practice medicine. You further heard DCCA objections to using the licensing process to affect (in this case, to sanction) a license for failure to provide information unrelated to licensing. S.B. 1264 requires many pieces of information which fit in this category. We again affirm our position that we oppose such data collection as

part of the licensing process and to utilizing the licensing process in such a punitive manner.

To facilitate discussion and to help understand which enumerated items contained in S.B. 1264 (pages 2-6) fall into the categories described above, we set forth below by subject matter and the corresponding enumerated items from the bill, what information is currently posted on our web sites, what information we collect but is not in our database and thus is not information that can be extracted to post on an online system and to do so would require additional resources, and what information we do not currently collect (because it has no nexus to licensing purposes).

Information currently posted on our web sites:

- (1) The full name of the physician; *This information is in the form of first name, middle initial (if provided), and last name.*
- (3) A description of any final disciplinary action by the board against the physician, including fines, penalties, probation, suspension, or revocation of license;
- (12) Status of compliance with continuing education requirements; This information is not posted in our database but if a licensee has a current and active status as disclosed on our online service, that would mean compliance with continuing education requirements have been met.

For the Committee's information, we also publish the license number of the physician, current license status, original date of licensure, expiration date of the license, any conditions and restrictions placed on the license, prior license name (in the case of name changes), complaint history (the Regulated Industries Complaints Office website),

and final disciplinary actions, including settlement agreements (the Office of Administrative Hearings website).

Information we collect but is not posted to our database (additional resources needed to do so):

- (2) A description of any criminal convictions for felonies and serious misdemeanors, as determined by the board, including convictions reported to the board pursuant to section 329-44;
- (4) A description of any final disciplinary action taken by any other licensing jurisdiction in other states against the physician within the last five years;
- (5) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence, character, or substance abuse that have been taken by the hospital's governing board or administrative officer, or resignation from or nonrenewal of medical staff membership or restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary action. Adverse decisions reported to the board pursuant to section 663-1.7 shall be included in the profile;
- (6) All medical malpractice court judgments or awards in which a payment was awarded to a complainant, including those reported to the board pursuant to sections 453-8.7, 671-5, and 671-15;
- (7) Name of medical school attended, dates of attendance, and date of graduation;
- (8) Name of graduate medical education program, dates of attendance, and date of completion; We have this information for the majority of licensees. The exception

- would be those residents applying for licensure after their first year of residency training. As they would not have completed residency training, we would only have information with respect to the first year.
- (10) State or jurisdiction in which the physician is licensed, date of licensure; *This information is disclosed only with the application for licensure but is not collected at any point thereafter.*
- (11) Names of hospitals where the physician has privileges; *This information is disclosed only with the application for licensure but is not collected at any point thereafter.*

SECTION 3, amendments to Section 453-7.5, Hawaii Revised Statutes relating to: (3) The board shall include in the physician profile under section 453- a statement that an adverse decision has been reported to the board.

For the Committee's information, enumerated items 2, 4, 5, 6, and the last item relating to amendments to Section 453-7.5 are the bases for complaints against licensees through the Regulated Industries Complaints Office of DCCA or as complaints initiated by the Board's Office. Therefore, underlying reasons for such actions by a physician do result in a complaint that would be available through the web site on complaint history on a licensee.

Information we do not currently collect (no nexus to licensing):

(1) The address and telephone number of primary practice office, and electronic mail address;

- (9) Specialty board certification. The toll free number of the American Board of Medical Specialties shall be included to verify current board certification status;
- (10) Current status of licensure of the State or jurisdiction in which the physician is licensed; This information is disclosed only with the application for licensure but is not collected at any point thereafter.
- (13) Name of the professional liability insurance carrier or self-insured and status of compliance with financial responsibility provisions;
- (14) Indication of whether the physician participates in the medicaid program, health plans, or accepts workers' compensation cases;
 - (b) The physician may elect to include the following information: professional and community memberships, community activities, publications in peer reviewed medical literature, appointments to medical school faculty, language access, and any specialized areas of treatment.

In light of the above, we cannot support this bill should it move forward with requiring collection and publication of information unrelated to licensing. Should the Committees want DCCA to publish information that it collects but is not posted to our data base, it will require support of positions and funding. If the funding mechanism is to be by way of increased fees to physicians to subsidize the additional staffing, both DCCA and the Hawaii Medical Board would have concerns on increasing fees.

Thank you for the opportunity to provide testimony on S.B. No. 1264.



An Independent Licensee of the Blue Cross and Blue Shield Association

February 23, 2009

The Honorable David Ige, Chair The Honorable Rosalyn Baker, Chair

Senate Committees on Health and Commerce and Consumer Protection

Re: SB 1264 – Relating to Medical Treatment

Dear Chair Ige, Chair Baker and Members of the Committees:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB 1264.

With information available allowing consumers to make informed choices about the purchase and use of consumer goods, we believe that it is time to provide consumers with information about their physicians as well. The creation of a database of licensed physicians in the state of Hawaii listing disciplinary actions, felony convictions, malpractice judgments, board certifications, schools attended and plans contracted with will give consumers much more information in order to make an informed decision when choosing a physician. Although the measure does not specify how this data must be made available, we would request that the Hawaii Medical Board be encouraged to post this information online to be more easily accessible by consumers.

Thank you for the opportunity to testify today. We would respectively urge the Committees' support of this measure.

Sincerely

Jennifer Diesman Assistant Vice President Government Relations

TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) formerly known as the CONSUMER LAWYERS OF HAWAII (CLH) IN SUPPORT OF S.B. NO. 1264

February 23, 2009

To: Chairman David Ige and Chairperson Rosalyn Baker and Members of the Senate Committee on Health and the Senate Committee on Commerce and Consumer Protection:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in support of S.B. No. 1264.

Purpose of Bill

This bill calls for greater transparency of information collected by the DCCA Board of Medical Examiners (BME) on Hawaii's physicians and requires publication of the information on their website. The categories of information include standard facts such as contact information and status of licensure, biographical facts such as medical education and academic appointments, business-related facts such as insurance carrier, hospital affiliations, medical practice specialty areas, and malpractice awards, and profession-related data such as disciplinary actions and criminal convictions.

The Patient's Right to Know

This bill is aptly called the "Patient's Right to Know Act." In Hawaii, very little information is readily accessible to the public about the 7400 physicians who treat our residents and visitors. Our body is so important that we require food manufacturers to list ingredients, nutrition, and the identity of the manufacturer on packaging so that consumers can decide whether to ingest the food product. Yet, when it comes to choosing a doctor to heal our body, we ask patients to take their qualifications on faith. We don't require doctors to provide even the most basic information about themselves,

such as how long they've practiced medicine and whether they are certified in a medical specialty!

Hawaii residents are starved for information about physicians so that they can make informed decisions about medical providers. It is no wonder that the "Best Doctors" edition of the Honolulu magazine is one of the most sought after and widely read publication. For patients, there is some comfort in selecting a doctor because his/her name appears on a "best" list even if no other data is provided in the article. And doctors must also believe there is a need to provide information about themselves because their advertisements include biographical facts, years of experience, medical specialties, and personal attributes such as hobbies and community activities.

DCCA Board of Medical Examiners Collects, But Does Not Publicly Release, Essential Physician Data

Currently, the BME provides two pieces of information on its website: status and dates of current license and cryptic descriptions of disciplinary action. If a patient can figure out how to access license information by clicking on an obscure label called "online services," the patient will eventually be rewarded with a screen that describes that information. (See, sample Attachment 1) And if a patient is savvy enough to click on the label "Office of Administrative Hearings" the patient may discover a list of 39 disciplinary decisions published between 1995 and 2007.

Despite the dearth of available public information, doctors and other private and governmental entities are required to submit certain information to the BME, which collects the data but does not release it. Specifically, the following data is submitted and collected:

Physician's license application: medical education and training, hospital affiliation, licensed in other jurisdictions, disciplinary action in other jurisdictions, malpractice claims, denial of malpractice insurance, criminal convictions. Physician has a continuing duty to update information and report new events to the BME, including malpractice settlements, claims, and awards.

Affiliated Hospitals: confirmation or denial of staff privileges, disciplinary actions taken in a training program, actions relating to safe practices, adverse decisions of peer review committees (HRS §453-7.5).

Court system: certain criminal convictions (HRS §329-44) and malpractice judgments (HRS §453-8.7).

Insurance carriers: medical malpractice settlements, judgments and awards (HRS §671-5).

MCCP: malpractice awards (HRS §671-15).

This bill simply requires the BME to publish the information that it already collects.

Hawaii's Physician Information System Doesn't Work is and Inadequate

Most patients are given a doctor's name by a friend or family member or by a referring physician. However, for serious illnesses or sensitive conditions, patients should not have to rely on the word of another. Instead, before a patient is forced to sign an "informed consent" form, the patient should also make an "informed decision" about the medical provider. That's why this bill is necessary. Under Hawaii's current system, it is not sufficient to know that a doctor has a current license to practice medicine. Even though cryptic disciplinary action information appears to be provided, a

patient cannot rely on the absence of disciplinary information as assurance that the doctor is competent to deliver services.

Here are two cases on point.

First, a check of the licensure status of Richard Bost. MD, indicates that his license is "current, valid & in good standing" and expires on 1/31/2010. Any patient reading that information would have no reason to look further by clicking on the standard language "complaint history" link. Yet, the complaint history reveals two disciplinary actions taken, in 2003 and 2006, both for failure to disclose disciplinary action in another jurisdiction or agency. The 2003 action is not reported as one of the 39 published disciplinary decisions. The 2006 action placed Dr. Bost on probation for 1095 days, with a compliance date of 11/03/09. The actual disciplinary order reveals that he was disciplined in Florida and failed to report that disciplinary action to Hawaii BME, resulting in a three year probation. Based on the disciplinary order, it appears that Dr. Bost should still be on probation until November 30, 2009. Yet the license status is "current, valid & in good standing." (See, Attachment 1)

Second, Robert Ricketson, MD, is the doctor who implanted a screwdriver rod instead of medically appropriate titanium rods, during spinal surgery on Arturo Iturralde at Hilo Medical Center in February 2001. The rod broke, and Iturralde suffered intense pain and loss of certain bodily functions as he underwent several surgeries to correct the problems. Iturralde died in June 2003. In March 2006, a jury found that Dr. Ricketson committed malpractice. During the 2006 trial, evidence emerged that Dr. Ricketson had a history of drug abuse, was disciplined in the late 1990's by Oklahoma for writing false prescriptions for drugs which he took, and his medical license was

revoked by Texas in 2000 for unprofessional conduct likely to deceive or injure the public. Dr. Ricketson testified that he was re-credentialed by Hilo Medical Center even though it knew about his prior disciplinary actions and drug abuse. Further, trial evidence revealed that Dr. Ricketson's file at Hilo Medical Center contained eight complaints of malpractice.

While Dr. Ricketson's malpractice is shocking, his disciplinary history in Hawaii tells a troubling story of a system that protects the doctor, not the public. Dr. Ricketson fled to Hawaii and obtained a license to practice here in 1998. In May 1999, he entered an agreement with the Hawaii Medical Association (HMA) to refrain from taking illegal drugs. Eighteen months later, in November 2000, after being charged with failure to report disciplinary action by another jurisdiction, Dr. Ricketson entered into a settlement agreement with BME to be placed on probation for 4 years, and to abide by the same terms as his prior agreement with HMA. Six years later, in July 2006, (four months after the widely publicized malpractice trial returned a verdict against Dr. Ricketson), the BME initiated disciplinary action against Dr. Ricketson for violation of probation in 2002 when he ingested cocaine in an attempt to commit suicide. Over one year later, the BME revoked Dr. Ricketson's medical license.

The published records on his disciplinary actions are vaguely described on the website "complaint history" page as three complaints, but only the 2007 revocation action is posted as a disciplinary decision. (See, Attachment 2) Neither the settlement agreement with HMA nor the probationary action appears to have been publicly disclosed at the time; these facts were described in the 2007 revocation decision.

Clearly, the system protected Dr. Ricketson from public disclosure of his disciplinary

history, both here in Hawaii and in other states. In this case, the system failed to protect the patient and the public.

This transparency bill addresses the deficiencies identified by the Bost and Ricketson cases, and properly puts patient safety first.

Hawaii Needs to Keep Up with Transparency Laws Enacted in Other States

Many states recognize that patient safety and preventative practices will do more toward reducing the high costs of health care, litigation, and malpractice insurance than tort remedies designed to close the courthouse door to victims of medical malpractice.

These states have enacted transparency laws that require physician profiles be published on the agency's website.

A sampling of physician profiles from other states is attached for the committee's review.

Massachusetts – Attachment 3

California – Attachment 4

Rhode Island – Attachment 5

Connecticut – Attachment 6

Colorado – Attachment 7

Maine - Attachment 8

Conclusion

Patient's rights and patient safety must be Hawaii's highest priority in the delivery of health care services. The pendulum has swung from the policy of "buyer beware" to "buyer be aware" as the consumer protection movement has grown over the years and consumers demand more information before making a choice. This bill gives licensing

and enforcement agencies an opportunity to play an important role in building patient confidence that there is reliable information about doctors available for them to make informed decisions on medical providers.

Thank you for the opportunity to testify on this measure and we ask this committee to pass this bill.

ATTACHMENT

1

Professional and Vocational Licensing (PVL) Search - General Licensee

GENERAL LICENSEE			
LIC ID: MD-8776	Active/Inactive:		
NAME: RICHARD M BOST			
TRADE NAME:			
STATUS: CURRENT, VALID & IN GOOD STANDING			
ENTITY: INDIVIDUAL	BUSINESS CODE:		
ORIG LIC DATE: 05/27/1994	EXPIRE DATE: 01/31/2010		
CLASS PREFIX:	SPECIAL PRIVILEGE:		
RESTRICTION:	EDUCATION CODE:		
CONDITIONS AND LIMITATIONS:			
BUSINESS ADDR:			
MAILING ADDR:			

Click here to enter search criteria for prior complaints history ->
For prior complaints and disciplinary history, contact licensing and business information center at (808)
587-3295.

License information on this site reflects information in the Professional and Vocational Licensing Division as of January 18, 2009; however applications and forms are subject to standard processing time, and the information here does not reflect pending changes which are being reviewee The site is updated daily, Monday through Friday, except holidays.

The State of Hawaii makes no guarantees as to the accuracy of the information accessed, the timeliness of the delivery of transactions, delivery the correct party, preservation of the privacy and security of users and makes no warranties, including warranty of merchantability and fitness for particular purpose. User is advised that if the information obtained herein is to be reasonably relied upon, user should confirm the accuracy of su information with the provider thereof.



Current as of 01/18/2009 15:02

Complaint History Report

NOTE: PLEASE CONTACT THE CONSUMER RESOURCE CENTER AT (808) 587-3222 IF YOU HAVE A QUESTION ABOUT THIS REPORT. THE FOLLOWING INFORMATION PERTAINS TO COMPLAINT HISTORY ONLY. FOR LICENSING INFORMATION, PLEASE CALL (808) 587-3222 OR CHECK THE PROFESSIONAL & VOCATIONAL LICENSING DIVISION WEBSITE AT http://pvl.ehawaii.gov/pvlsearch/app. TO SEARCH FOR BUSINESS INFORMATION PLEASE VISIT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS BUSINESS NAME SEARCH AT http://hbe.ehawaii.gov/documents/search.html.

The business & licensee complaints history database is designed to serve as a neutral repository of complaints filed with OCP or RICO. Users should judge a business' complaints history on the outcome of the complaints and not on the number of complaints or on the fact that a complaint was filed.

Summary of Names		
COMPANY OR PROPER NAME	BOST, RICHARD M. (M.D.)	
ASSOCIATED NAMES	NONE KNOWN AT THIS TIME	
OTHER NAMES	NONE KNOWN AT THIS TIME	

COMPANY OR PROPER NAME

BOST, RICHARD M. (M.D.)

ASSOCIATED NAMES

COMPLAINT NO: MED-2006-0242L

ALLEGATION:

FAILURE TO DISCLOSE ANY DISCIPLINARY ACTION BY PERSON OR

ORGANIZATION.

ALLEGATION:

DISCIPLINARY ACTION TAKEN IN OTHER JURISDICTION.

ACTION:

PRE-PETITION SETTLEMENT AGREEMENT FILED

OUTCOME:

SETTLEMENT AGREEMENT AND ORDER

DATE:

11/03/2006

REMEDY:

LICENSE PROBATION:

EFFECTIVE DATE: 11/03/2006

TERMS:

1095 DAYS

MONETARY SANCTIONS:

FINE:

\$1,000.00

COMPLIANCE DATE:

11/03/2009

COMPLAINT NO: MED-2003-0045L

ALLEGATION:

FAILURE TO DISCLOSE ANY DISCIPLINARY ACTION BY PERSON OR

ORGANIZATION.

ALLEGATION:

DISCIPLINARY ACTION TAKEN IN OTHER JURISDICTION.

ACTION:

PRE-PETITION SETTLEMENT AGREEMENT FILED

OUTCOME:

SETTLEMENT AGREEMENT AND ORDER

DATE:

10/08/2004

REMEDY:

LICENSE CENSURE:

EFFECTIVE DATE: 10/08/2004

MONETARY SANCTIONS:

FINE:

\$1,000.00

COMPLIANCE DATE:

11/15/2004

The information is provided by the State of Hawaii Department of Commerce and Consumer Affairs (DCCA) from its website as a public service and is intended to be used solely as reference material. No posted information is intended to constitute legal or professional advice and this report is NOT an official record. The records available through this web site are NOT official records. Assessing the accuracy and reliability of information contained herein is the user's responsibility. The information obtained from the DCCA website DOES NOT comprise all information from official DCCA records available to the public. Please consult the DCCA website for additional terms and conditions of use.

DARIA A. LOY-GOTO 6175
DENISE P. BALANAY 5526
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
State of Hawaii
Leiopapa A Kamehameha Building
235 South Beretania Street, Suite 900
Honolulu, Hawaii 96813
Telephone: 586-2660

Attorney for Department of Commerce and Consumer Affairs

BOARD OF MEDICAL EXAMINERS DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS STATE OF HAWAII

In the Matter of the)	MED 2006-242-L
License to Practice Medicine of)	
)	SETTLEMENT AGREEMENT PRIOR TO
RICHARD M. BOST, M.D.,)	FILING OF PETITION FOR DISCIPLINARY
)	ACTION AND BOARD'S FINAL ORDER;
Respondent.)	EXHIBIT "1"
		[EXHIBIT 1 redacted for publication purposes]

SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER

Respondent RICHARD M. BOST, M.D. (hereinafter "Respondent"), and the Department of Commerce and Consumer Affairs, through its Regulated Industries Complaints Office (hereinafter "RICO"), through its undersigned attorneys enter into this Settlement Agreement on the terms and conditions set forth below.

A. <u>UNCONTESTED FACTS</u>

 Respondent is licensed by the Board of Medical Examiners (hereinafter the "Board") as a physician under License Number MD 8776. Said license was issued on May 27, 1994 and currently has an expiration date of January 31, 2008.

- The last known address for Respondent is 650 Fem Street, West Palm Beach,
 Florida 33401.
- 3. RICO received information that a Uniform Disciplinary Citation, accepted July 6, 2005, was issued against Respondent by the Florida Department of Health (hereinafter the "Florida Citation"). A true and correct copy of the Florida Citation is attached as Exhibit "1."
- The Florida Citation concluded the Respondent failed to notify the Department of Health of a change of address.
 - 5. Pursuant to the Florida Citation, Respondent was fined \$339.00.
- 6. Respondent failed to report the Florida Citation to the Board within thirty (30) days, as required by Hawaii Revised Statutes (hereinafter "HRS") §§ 436B-19(15) and 453-8(14). Respondent disclosed the Florida Citation to the Board on a December 8, 2005 renewal application.
- 7. RICO is prepared to file a petition for disciplinary action against the Respondent for his failure to comply with HRS §§ 436B-19(15) and 453-8(14).
- 8. The Board has jurisdiction over the subject matter herein and over the parties hereto.

B. REPRESENTATIONS BY RESPONDENT:

- 1. Respondent is fully aware that he has the right to be represented by an attorney of his choosing in this matter and voluntary waives that right.
- 2. Respondent enters into this Settlement Agreement freely and voluntarily and under no coercion or duress.

- 3. Respondent has been informed of his right to have a hearing to determine the issues in RICO's investigation. Pursuant to HRS § 91-9(d), Respondent voluntarily waives his right to a hearing and agrees to a disposition of this case in accordance with the terms and conditions of this Settlement Agreement.
- 4. Respondent being at all times relevant herein licensed as a physician by the Board acknowledges that he is subject to penalties including but not limited to, revocation, suspension or limitation of his license and civil fines, if the foregoing violations are proven at hearing.
- Respondent does not admit that he has violated any law or rule, but acknowledges
 that RICO has sufficient cause to file a Petition for Disciplinary Action against his license to
 practice medicine.
- 6. Respondent enters into this Settlement Agreement as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter.
- 7. Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO Case No. MED 2006-242-L.

C. TERMS OF SETTLEMENT:

- Probation. Respondent's license to practice medicine in the State of Hawaii is hereby placed on probation for a period of three (3) years. During the probationary period, Respondent agrees to the following terms and conditions:
- 2. Compliance with Law Relating to Reporting of Disciplinary Actions. Respondent agrees to report to the Hawaii Board any future disciplinary actions against any license to practice medicine held by the Respondent within thirty (30) days of the issue date of the disciplinary action as required by law. Respondent understands notice to the Hawaii Board must be in

writing. Any mailing must be postmarked by the 30th day to be in compliance with this Settlement Agreement.

- 3. Administrative fine. Respondent agrees to pay a fine in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00). Said payment shall be made by cashier's check or money order made payable to "State of Hawaii Compliance Resolution Fund" and mailed to the Regulated Industries Complaints Office, Attn: Denise P. Balanay, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813. Payment of the fine shall be due at the time this fully executed Settlement Agreement is returned to RICO.
- 4. Failure to Comply with Settlement Agreement. If Respondent fails to fully and timely comply with the terms of probation as set forth in paragraphs C. 1, C.2, and C.3 above, Respondent's license to practice medicine shall be automatically revoked for a period of five (5) years upon RICO's filing of an affidavit with the Hawaii Board attesting to such failure. In case of such revocation, Respondent shall turn in all indicia of his licensure to the Executive Officer of the Hawaii Board within ten (10) days after receipt of notice of the revocation. Upon completion of the revocation period, Respondent understands that he will need to apply to the Hawaii Board for a new license pursuant to and subject to the requirements and conditions set forth in HRS § 436B-21.
- 5. <u>Possible further sanction</u>. The Board, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Board may deem appropriate if Respondent violates any provision of the statutes or rules governing the conduct of physicians in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

- 6. Approval of the Board. Respondent agrees that, except for the representations, agreements and covenants contained in Paragraphs C.7, C.8, C.9 and C.10 below, this Settlement Agreement shall not be binding on any of the parties unless and until it is approved by the Board.
- 7. No Objection if Board Fails to Approve. If the Board does not approve this

 Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy, but instead an administrative hearing is conducted against Respondent in the Board's usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither he nor any attorney that he may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Board's proceeding against him on the basis that the Board has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.
- 8. Any Ambiguities Shall be Construed to Protect the Consuming Public. It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.
- 9. No Reliance on Representations by RICO. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondent to induce entry into this Settlement Agreement, and Respondent is not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

10. <u>Complete Agreement</u>. This Settlement Agreement is a complete settlement of the rights, responsibilities and liabilities of the parties hereto with respect to the subject matter hereof; contains the entire agreement of the parties; and may only be modified, changed or amended by written instrument duly executed by all parties hereto.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date(s) set forth below.

}	[West Palm	Beach]		
DATED:		, [Florida]	, [October 10, 2006]	
	(CITY)	(STATE)		

Isi RICHARD M. BOST, M.D.
RICHARD M. BOST, M.D.
Respondent

DATED: Honolulu, Hawaii, [October 17, 2006]

/s/ DENISE P. BALANAY

DARIA A. LOY-GOTO
DENISE P. BALANAY
Attorneys for Department of Commerce and
Consumer Affairs

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE OF RICHARD M. BOST, M.D.; SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER; EXHIBIT "1"; RICO CASE NO. MED 2006-242-L

APPROVED AND SO ORDERED: BOARD OF MEDICAL EXAMINERS STATE OF HAWAII

PVL 07/01/06

[November 3, 2006]		
DATE		
ISI BRIAN E. CODY		
BRIAN E. CODY		
/s/ JOHN T. McDONNELL, M.D.		
JOHN T. McDONNELL, M.D.		
isi fereydoun don parsa, m.d.		
FEREYDOUN DON PARSA, M.D.		
G. MARKUS POLIVKA		

COUNTY OF [Paim Beach]) SS.)
On this [10th]day of [Oc	tober] , 2006, before me personally appeared
[Richard M. Bost] , to	o me known to be the person described and who executed the
foregoing instrument and acknowle	edged the same as his/her free act and deed.
,	
	[Signature redacted]
	[Signature redacted] Name: [Terrie L. Vanover]

ATTACHMENT

2

Professional and Vocational Licensing (PVL) Search - General Licensee

GENERAL LICENSEE		
LIC ID: MD-10248	Active/Inactive:	
NAME: ROBERT RICKETSON		
TRADE NAME:		
STATUS: REVOKED		
ENTITY: INDIVIDUAL	BUSINESS CODE:	
ORIG LIC DATE: 05/11/1998	EXPIRE DATE: 01/31/2008	
CLASS PREFIX:	SPECIAL PRIVILEGE:	
RESTRICTION:	EDUCATION CODE:	
CONDITIONS AND LIMITATIONS:		
BUSINESS ADDR:		
MAILING ADDR:		

Click here to enter search criteria for prior complaints history ->
For prior complaints and disciplinary history, contact licensing and business information center at (808)
587-3295.

License information on this site reflects information in the Professional and Vocational Licensing Division as of January 18, 2009; however applications and forms are subject to standard processing time, and the information here does not reflect pending changes which are being reviewe The site is updated daily, Monday through Friday, except holidays.

The State of Hawaii makes no guarantees as to the accuracy of the information accessed, the timeliness of the delivery of transactions, delivery the correct party, preservation of the privacy and security of users and makes no warranties, including warranty of merchantability and fitness for particular purpose. User is advised that if the information obtained herein is to be reasonably relied upon, user should confirm the accuracy of su information with the provider thereof.



Current as of 01/18/2009 14:32

Complaint History Report

NOTE: PLEASE CONTACT THE CONSUMER RESOURCE CENTER AT (808) 587-3222 IF YOU HAVE A QUESTION ABOUT THIS REPORT. THE FOLLOWING INFORMATION PERTAINS TO COMPLAINT HISTORY ONLY. FOR LICENSING INFORMATION, PLEASE CALL (808) 587-3222 OR CHECK THE PROFESSIONAL & VOCATIONAL LICENSING DIVISION WEBSITE AT http://pvl.ehawaii.gov/pvlsearch/app. TO SEARCH FOR BUSINESS INFORMATION PLEASE VISIT THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS BUSINESS NAME SEARCH AT http://hbe.ehawaii.gov/documents/search.html.

The business & licensee complaints history database is designed to serve as a neutral repository of complaints filed with OCP or RICO. Users should judge a business' complaints history on the outcome of the complaints and not on the number of complaints or on the fact that a complaint was filed.

	Summary of Names
COMPANY OR PROPER NAME	RICKETSON, ROBERT (M.D.)
ASSOCIATED NAMES	NONE KNOWN AT THIS TIME
OTHER NAMES	NONE KNOWN AT THIS TIME

COMPANY OR PROPER NAME

RICKETSON, ROBERT (M.D.)

ASSOCIATED NAMES

COMPLAINT NO: MED-2006-0076L

ALLEGATION:

FAILURE TO ABIDE BY CONDITIONS OF LICENSE/ REGISTRATION.

ALLEGATION:

FAILURE TO COMPLY WITH CHAPTER OR THE RULES AND

REGULATIONS.

ACTION:

PETITION FILED

OUTCOME:

FINAL ORDER

DATE:

07/13/2007

REMEDY:

LICENSE REVOCATION:

EFFECTIVE DATE: 07/13/2007

TERMS:

1825 DAYS

COMPLIANCE DATE:

07/13/2017

COMPLAINT NO: MED-2003-0086L

ALLEGATION:

FAILURE TO COMPLY WITH CHAPTER OR THE RULES AND

REGULATIONS.

OUTCOME:

PRIOR ACTION TAKEN

DATE:

09/18/2007

COMPLAINT NO: MED-2000-0003L

ALLEGATION:

FAILURE TO DISCLOSE ANY DISCIPLINARY ACTION BY PERSON OR

ORGANIZATION.

ACTION:

PRE-PETITION SETTLEMENT AGREEMENT FILED

OUTCOME:

SETTLEMENT AGREEMENT AND ORDER

DATE:

11/17/2000

MONETARY SANCTIONS:

FINE:

\$500.00

COMPLIANCE DATE:

11/17/2004

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BOARD OF MEDICAL EXAMINERS OFFICE OF ADMINISTRATIVE HEARINGS DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS STATE OF HAWAII

In the Matter of the License to)	MED-2006-76-L
Practice Medicine of)	
)	BOARD'S FINAL
ROBERT RICKETSON, M.D.,)	ORDER
)	
Respondent.)	
)	
)	

BOARD'S FINAL ORDER

On or about May 18, 2007, the duly appointed Hearings Officer submitted his Findings of Fact, Conclusions of Law, and Recommended Order in the above-captioned matter to the Board of Medical Examiners ("Board"). Copies of the Hearings Officer's recommended decision were also transmitted to the parties. On June 13, 2007, Respondent Robert Ricketson, M.D., ("Respondent") filed exceptions to the recommended order. Neither party requested an opportunity to present oral arguments.

Upon review of the entire record of this proceeding, the Board adopts the Hearings Officer's recommended decision as the Board's Final Order. Accordingly, the Board finds and concludes that the preponderance of the evidence established that Respondent violated the terms of the Settlement Agreement and Order and Hawaii Revised Statutes §436B-19(17).

For the violation found, the Board orders that Respondent's medical license be revoked and that Respondent be required to immediately submit all indicia of licensure as a physician in the State of Hawaii to the Executive Officer of the Board.

DATED: Honolulu, Hawaii:	[July 13, 2007]

/s/ H. ROGER NETZER, M.D.
H. ROGER NETZER, M.D.
Chairperson

/s/ BRIAN E. CODY /s/ MARIA BRUSCA PATTEN, D.O. MARIA BRUSCA PATTEN, D.O. BRIAN E. CODY Vice-Chairperson **Board Member** /s/ JOHN T. McDONNELL, M.D. /s/ RONALD H. KIENITZ, D.O. RONALD H. KIENITZ, D.O. JOHN T. MCDONNELL, M.D. **Board Member Board Member** M. PIERRE K.W. PANG, M.D. DANNY M. TAKANISHI, JR., M.D. **Board Member Board Member** /s/ BEN K. AZMAN, M.D. FEREYDOUN DON PARSA, M.D. BEN K. AZMAN, M.D. **Board Member Board Member** /s/ PETER A. MATSUURA, M.D. /s/ G. MARKUS POLIVKA G. MARKUS POLIVKA PETER A. MATSUURA, M.D. Board Member **Board Member**



BOARD OF MEDICAL EXAMINERS OFFICE OF ADMINISTRATIVE HEARINGS DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS STATE OF HAWAII

In the Matter of the License to)	MED-2006-76-L
Practice Medicine of)	
)	HEARINGS OFFICER'S
ROBERT RICKETSON, M.D.,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Respondent.)	AND RECOMMENDED
)	ORDER
)	

HEARINGS OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER

I. <u>INTRODUCTION</u>

On July 25, 2006, the Department of Commerce and Consumer Affairs, through its Regulated Industries Complaints Office ("Petitioner"), by and through its attorney, John T. Hassler, Esq., filed a petition for disciplinary action against the medical license of Robert Ricketson, M.D. ("Respondent"). The matter was duly set for hearing, and the notice of hearing and pre-hearing conference was transmitted to the parties.

On February 13, 2007, the hearing in the above-captioned matter was convened by the undersigned Hearings Officer pursuant to Hawaii Revised Statutes ("HRS") Chapters 91, 92 and 453. Petitioner was represented by its attorney, John T. Hassler, Esq. Respondent appeared by telephone.

Having reviewed and considered the evidence and arguments presented at the hearing, together with the entire record of this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law and recommended order.

II. FINDINGS OF FACT

- 1. Respondent has been licensed to practice medicine by the Board of Medical Examiners ("Board"), License No. MD 10248, since 1998.
- 2. On May 20, 1999, Respondent and the Hawaii Medical Association ("HMA"), entered into a Memorandum of Understanding ("MOU").
- 3. In the MOU, Respondent agreed to, among other things, refrain from taking mind-altering drugs or alcohol on any occasion unless he was hospitalized as a patient or under treatment by a physician.
- 4. On November 17, 2000, the Board approved a Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order ("Settlement Agreement and Order") in the Matter of the License to Practice Medicine of Robert Ricketson, M.D.;

 Case No. MED-2000-3-L.
- 5. In Paragraph 5, <u>Probation</u>, of the Settlement Agreement and Order, Respondent agreed, among other things, to be placed on probation for 4 years "with the terms and conditions of the probation to be the same as provided in the [MOU].
- 6. In Paragraph 6, <u>Automatic Revocation for failure to comply</u>, of the Settlement Agreement and Order, Respondent agreed that if he failed to comply with Paragraph 5 of the MOU, his license would be automatically revoked without further hearing upon the filing of an affidavit by RICO attesting that he had violated the provisions of the Settlement Agreement and Order.
- 7. In or about February 2002, while residing in Hawaii and during the period of probation under the Settlement Agreement and Order, Respondent ingested cocaine in an attempt to commit suicide.

III. CONCLUSIONS OF LAW

The Petition charges Respondent as follows:

The conduct described [in the Petition] is grounds for automatic revocation of Dr. Ricketson's license under the terms of the Final Order and RICO is prepared to file an affidavit to be submitted to the Board. Furthermore, Dr. Ricketson's conduct in failing to comply with the terms of the Final Order violated Hawaii Revised Statutes section 436B-19(17) [sic] (violating an order of the licensing authority).

HRS §436B-19(17) provides:

§436B-19 Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses. In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

* * * *

(17) Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

The evidence was sufficient to prove that Respondent violated the Settlement Agreement and Order by ingesting cocaine in 2002.

IV. RECOMMENDED ORDER

Based on the foregoing findings and conclusions, the Hearings Officer recommends that the Board find and conclude that the preponderance of the evidence established that Respondent violated the terms of the Settlement Agreement and Order and HRS §436B-19(17).

For the violation found, the Hearings Officer recommends that Respondent's medical license be revoked¹ and that Respondent be required to immediately submit all indicia of licensure as a physician in the State of Hawaii to the Executive Officer of the Board.

DATED at Honolulu, Hawaii: [MAY 18, 2007]

IS/ CRAIG H. UYEHARA

CRAIG H. UYEHARA
Administrative Hearings Officer
Department of Commerce
and Consumer Affairs

¹ Although Respondent testified that his ingestion of cocaine in 2002 was an isolated incident and that he remains competent to practice medicine, no objective evidence to support these contentions was presented.

Other Information at WWW.MASSMEDBOARD.ORG

Board Disciplinary Actions

Annual Reports and Publications

Contact Information

Directions to the Board

Complaint Forms & Instructions

Units to Massachusetts Flospitals

Links to Major Health Plans

Links to Other State Agencies

Board Regulations

Parient Safety Updates

Commonwealth of Massachusetts Board of Registration in Medicine 200 Harvard Mill Square Suite 330

Wakefield MA 01880 781-876-8200 988-377-8550

Commonwealth of Massachusetts eval L. Patrick Timothy P. Murray Lieutenant Governo



Massachusetts Board of Registration in Medicine

Physician Profiles Consumer Guide

781-876-8200 www.massmedboard.org

PHYSICIAN PROFILES SERVICE MALPRACTICE AND BOARD DISCIPLINE

etts was the first state to release malpractice payment information in this way. Consumers should read the extensive disclaimer and explanations that accompany the information. Just because a physician made a malpractice payment, don't assume that the physician is not a good doctor. Sometimes, the insurer decides to settle a chira without ever discussing it with the doctor. The best way to understand malpractice dista is to talk to the doctor about it.

"Did this malpractice payment involve the same procedure I am having?"

"Did you make any changes to your practice in response to the problem?"

Different doctors will respond to questions in different ways. Someone who tells you it's none of your business may not have the communication skills you want.

Another doctor may say something like this:

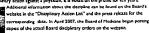
"I used to do this procedure in my office. I learned that I didn't have enough backup when there were complications and that's why patients, like you, are now asked to have the procedure in the hospital."

Such an answer would show you that you are culting to a doctor who respects your question, learns from his/her experiences, and is willing to make changes to improve patient safety

Multiractice payments are presented within the context of the physician's specialty. Some medical specialises are far more bloch to have more numerous and more expensive payments. Comparing physicians to others in the same specialty accounts for these specialty differences.

Board Discipline

When the Beard takes final disciplinary action against a physician, it is noted on the profile for ten years.





Massachusetts was the first state to give patients access to information about the education, training, and experience of all licensed physi-

The "Physician Profiles" program is one tool patients can use to make the right health care decisions. Patients are encouraged to use the physician profile information to foster better communication with a



Consumers use Physi-

cian Profiles when trying to choose a physician from a list supplied by their health insurer. Others have found the information useful when they have been referred to a spe-cialist. Expectant mothers use Physician Profiles as one step in choosing an obstetrician.

Many physicians use the system to help patients when making a referral to a specialist.



- Education
- Training
- Medical Specialities
- Professional demographics, including business address, insurance plan and hospital af-fillations, and available translation services.
- Professional or community awards received
- Research or publications by the physician
- · Majoractice claims gald in the past ten years Hospital discipling in the past ten years
- . Criminal convictions in the past ten years
- Disciplinary actions of the Massachusetts Board of Registration in Medicine in the past

What's NOT On a Profile ?

- . The number of suits filed against a physician
- Complication rates for hospitals or physicians
- Patient mortality rates



Using Physician Profiles

Search for a physician in a specific city or town. Find a specialist in a town by entering both the town and the specialty on the search page.

See if a physician accepts your insurance plan. Please be aware that these contractual arrangements change guickly and you should always con

981 98°

If there is a specific hospital that you prefer to use, find out if a physician has privileges at that facility Some physicians have full admitting privileges while others have different levels of access to a hospital's services. Ask the physician to explain the type of privileges he/she has.

information on where the doctor went to medical school and trained as a resident.

This section shows the area of medicine in which the physician specializes. Board certification shows that the physician has additional training in that medical specialty or has passed special exams to prove his/her competence in the specialty. This cortification is from a medical protessional association, not the state medical board. Physicians are not required to be Board Certifled, but many patients prefer to see physicians with these



Physicians are not required to submit this infor-mation, but patients find the information extremely helpful in choosing a new physician For example, a patient with a significant family history of diabetes may prefer a physician who has published research papers in this area.

Any serious criminal matters reported to the Board in the past ten years are listed in this section. The criminal issue may or may not be related to the practice of medicine.

lob

Whenever a Massachusetts hospital suspends or revokes a physician's privileges in the hospital, the Board of Medicine is Informed. Details on the cause for the action should be requested from the physician. Usually, the Board of Medicine will not have additional information about the reason for the action available to



Physician Profiles can be found on the Board's web site: www.massmedboard.org Or through the Consumer Services Call Center 800-377-0550



· online services · agencies · elected officials · help

Back | Home | How to Read a Profile



Massachusetts Board of Registration in Medicine Physician Profile

Robert P. Wespiser, M.D.

Physician Information

(The information in sections I - VI has been provided by the physician.)

License Status:

Active

License Issue Date:

3/19/1986

Accepting New Patients:

Yes

Accepts Medicaid:

Yes

Primary Work Setting:

Private Office

Business Address:

710 Stockbridge Road

Lee, MA 01238

Phone:

(413) 243-0122

Translation Services Available:

None Reported

Insurance Plans Accepted:

Blue Cross Blue Shield Community Health Plan Health New England, Inc.

Numerous Plans Accepted

Hospital Affiliations:

Berkshire Health Systems

Nursing Home

II. Education & Training

Medical School:

University of Massachusetts Medical School

Graduation Date:

1983

Post Graduate Training:

Umass Medical Center (7/1/1983-6/30/1984) Umass Medical Center (7/1/1984-6/30/1986)

III. Specialty

Area of Specialty:

Internal Medicine

IV. Board Certifications

American Board of Medical Specialties (ABMS)

Board Name

General Certification

Subspecialty

Internal Medicine

Internal Medicine

V. Honors and Awards

This physician has reported no awards.

VI. <u>Professional Publications</u>

This physician has reported no publications.

VII. <u>Malpractice Information</u>

Some studies have shown that there is no significant correlation between malpractice history and a doctor's competence. At the same time, the Board believes that consumers should have access to malpractice information. In these profiles, the Board has given you information about both the malpractice history of the physician's specialty and the physician's history of payments. The Board has placed payment amounts into three statistical categories: below average, average, and above average. To make the best health care decisions, you should view this information in perspective. You could miss an opportunity for high quality care by selecting a doctor based solely on malpractice history.

When considering malpractice data, please keep in mind:

- Malpractice histories tend to vary by specialty. Some specialties are more likely
 than others to be the subject of litigation. This report compares doctors only to
 the members of their specialty, not to all doctors, in order to make individual
 doctor's history more meaningful.
- This report reflects data for the last 10 years of a doctor's practice. For doctors
 practicing less than 10 years, the data covers their total years of practice. You
 should take into account how long the doctor has been in practice when
 considering malpractice averages.
- The incident causing the malpractice claim may have happened years before a payment is finally made. Sometimes, it takes a long time for a malpractice lawsuit to move through the legal system.
- Some doctors work primarily with high risk patients. These doctors may have malpractice histories that are higher than average because they specialize in cases or patients who are at very high risk for problems.
- Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred.

You may wish to discuss information provided in this report, and malpractice generally, with your doctor. The Board can refer you to other articles on this subject.

Dr. Wespiser has not made a payment on a malpractice claim in Massachusetts in the past ten years.

VIII. <u>Disciplinary and/or Criminal Actions</u>

A. Criminal Convictions, Pleas and Admissions:

The information in this section may not be comprehensive. The courts are now required by law to supply this information to the Board.

Dr. Wespiser has had no criminal convictions in the past ten years.

B. Hospital Discipline:

This section contains several categories of disciplinary actions taken by Massachusetts hospitals during the past ten years which are specifically required by law to be released in the physician's profile.

Dr. Wespiser has no record of hospital discipline in the past ten years.

C. Board Discipline:

This section includes final disciplinary actions taken by the Massachusetts Board of Registration in Medicine during the past ten years.

1. <u>Date:</u> 12/17/2008

Case #: 2008-051

Action: Suspension, Stay of Suspension, Probation

Instrument: Consent Order

Action Note: Indefinite Suspension

Additional information about a physician, including closed complaints, may be available by calling the Massachusetts Board of Registration in Medicine Phone 781-876-8230

Toll Free Number (Massachusetts only) 1-800-377-0550

Return to Physician Profile Search

Direct questions and comments about these results to Massachusetts Board of Registration in Medicine 200 Harvard Mill Square, Suite 330, Wakefield, MA 01880 Phone 781-876-8200

For direct response please use Email

Please read the Board of Registration in Medicine Disclaimer



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COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.	Board of Registration in Medicine	
	Adjudicatory Case No. 2008-09	51
In the Matter of		÷
Robert P. Wespiser, M.D.))	

STATEMENT OF ALLEGATIONS

In Board of Registration in Medicine (the Board) Docket No. 07-302, the Board has reason to believe that Robert P. Wespiser, M.D. (Respondent) has fraudulently obtained controlled substances by issuing prescriptions in the names of fictitious patients and then filling them for self-use.

BIOGRAPHICAL INFORMATION

1. The Respondent was born on May 27, 1957. He graduated from University of Massachusetts Medical School in June 1983, and has been licensed to practice medicine in Massachusetts since March 19, 1986 under certificate number 55555. The Respondent specializes in internal medicine and is certified by the American Board of Internal Medicine. He is a partner in Suburban Internal Medicine, a group practice located in Lee, Massachusetts. He has nursing home privileges at Laurel Lake Center for Health and Rehabilitation in Lee, where he is medical director, and at Providence Care Nursing Center in Lenox. He has hospital privileges at Berkshire Medical Center.

FACTUAL ALLEGATIONS

2. For a period of about six months, beginning in February 2001, the Respondent was prescribed hydrocodone/APAP (a Schedule III controlled substance) and tramadol (a Schedule VI controlled substance) by an orthopedic surgeon, following a leg fracture.

N

Medical Board of California



2005 Evergreen Street, Suite 1200 Sacramento, CA 95815 Consumer Information Line: (916) 263-2382

Physician Information

Licensee Name:

LURA JUSTICE REDDINGTON, MD

License Type:

PHYSICIAN AND SURGEON

License Number:

G76987

License Status:

LICENSE RENEWED & CURRENT

Public Record Actions: HOSPITAL DISCIPLINE

Original Issue Date:

JUNE 28, 1993

Expiration Date:

FEBRUARY 28, 2011

Address:

6730 N WEST AVE # 115

FRESNO, CA 93711

County:

FRESNO

Public Disclosure

To find out what information is and is not available, please click here.

If information is posted in the Administrative/Disciplinary Actions or Administrative Citation Issued categories below, documents may be available for review. Please click <u>here</u> to search the public document database.

Administrative/Disciplinary Action

No information available.

Administrative Action Taken by Other State or Federal Government

No information available from this agency.

Felony Conviction

No information available from this agency.

Misdemeanor Conviction

No information available from this agency.

Administrative Citation Issued

No information available.

Hospital Disciplinary Action

The action taken by this healthcare facility against this physician's staff privileges to provide healthcare services at this facility was for a medical disciplinary cause or reason. The Medical Board is authorized by law to disclose only revocations and terminations of staff privileges. The Medical Board is prohibited from releasing a copy of the actual report or any other information.

Complaint Number:

08 2000 109065

Health Care Facility:

FRESNO SURGERY CENTER FRESNO, CALIF.

Description of Action:

TERMINATION OR REVOCATION OF STAFF

PRIVILEGES

Effective Date of Action:

MARCH 31, 2000

Malpractice Judgment

No information available from this agency.

Arbitration Award

No information available from this agency.

Malpractice Settlements

No information available from this agency.

Note: "No information available from this agency" may not indicate none exists; but indicates no information has been reported to the Medical Board of California and/or that the Board is unable to post the information on the Web site by law.

Education

Medical School: MEDICAL COLLEGE OF PENNSYLVANIA

Year Graduated: 1989

This information is updated Monday through Friday - Last updated: FEB-06-2009

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AIM

Association of State Medical Board Executive Directors

Rhode Island Department of Health Board of Medical Licensure and Discipline Search Results

JOHN ANDREW HALLBERG
EXPIRED - MUST REINSTATE
MD07302
MD
10 HUTCHINSON DR
FAIRMONT WV 26554-1235
(860)-536-0773
1956
Male
ORTHOPAEDIC SURGERY
1990
No secondary Specialty
06/01/1988
06/30/2008
2006
TULANE UNIVERSITY SCHOOL OF MEDICINE
NEW ORLEANS LA UNITED STATES
1982
National Boards
Yes
Westerly Hospital
YES

This physician's record was last updated on 02/05/2009

Direct questions and comments about these results to Rhode Island Department of Health Board of Medical Licensure and Discipline This Board's data has been searched 850196 times since 12/11/1997

Please read the AIM Disclaimer

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BOARD OF MEDICAL LICENSURE AND DISCIPLINE

No. C07-335

IN THE MATTER OF J. Andrew Hallberg, M.D. License Number: MD 07302

Consent Order

Pursuant to R.I. General Laws §5-37-5.2, 1956, as amended, (2002 Reenactment) a notification was received by the Board of Medical Licensure and Discipline [Board] regarding J. Andrew Hallberg, M.D. ("Respondent"). This matter was referred to an Investigating Committee of the board for investigation and recommendation. The following are findings of fact and conclusions of law:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

- The Respondent is a physician born in 1956 and has been licensed to practice medicine in Rhode Island since 1988. He is a 1982 graduate of the Tulane University School of Medicine. His primary area of practice is Orthopedic surgery. He had hospital privileges at the Westerly Hospital until March 2007. The Respondent failed to answer a question relating to past disciplinary action correctly on the 2006 2008 Rhode Island medical license renewal application regarding whether he had any hospital disciplinary action. He failed to disclose action taken by the hospital.
- 2. The Westerly Hospital notified the Rhode Island Board of Medical Licensure and Discipline about its action and it reported that the Respondent's privileges have been placed on probation for 3 years to the National Practitioner Data Bank.



CONNECTICUT **DEPARTMENT OF PUBLIC HEALTH**

Physician Profile

MARTIN PERLIN MD

This profile contains information that may be used as a starting point in evaluating the physician. This profile should not, however, be your sole basis for selecting a physician.

I. Physician Information

Connecticut License Number: 030601

Date Issued: 02/23/1990

Date Expires: 08/31/2009

License Status: Current, Prior Discipline

Currently practicing medicine in Connecticut: Yes

Practice Location(s):

Martin Perlin, M.D. 9 Bettswood Road

Norwalk, CT 06851-5103

Languages spoken other than English

at the practice location:

French, Italian, Spanish

Hospitals/Nursing Home

Affiliations:

Norwalk Hospital, Norwalk CT

Westport Health Care Center, Westport CT

Wilton Meadows Health Care Center, Wilton CT

Honey Hill Rehabilitation And Nursing Center, Norwalk CT

Stamford Hospital, The, Stamford CT

Marathon Healthcare Center Of Norwalk, Norwalk CT

II. Education

Medical School: SUNY Downstate

Year of Graduation: 1976

III. Post Graduate Training

Dates of training	Training	Level	Hospital, City and State
07/01/1976 - 06/30/1977	Internal Medicine	Intern	New York Hospital

New York, NY

New York Hospital

07/01/1977 - 06/30/1979 Internal Medicine Resident

New York, NY

07/01/1979 - 06/30/1982 Hematology/Oncology Fellowship New York Hospital

New York. NY

IV. Specialty

Specialty: Internal Medicine Subspecialty: Hematology

Current American Board Certification:

None reported.

This physician has reported the above Certification.

For more information regarding Board Certification please contact:

The American Board of Medical Specialties at www.abms.org

or The American Osteopathic Association at www.am-osteo-assn.org

V. Medical Educational Responsibility (This section is voluntary)

None reported.

VI. Publications, Professional Services, Activities and Awards (This section is voluntary and may include a maximum of ten items)

None reported.

VII. Malpractice Information

Some studies have shown that there is no significant correlation between malpractice history and a physician's competence. At the same time, consumers should have access to malpractice information. This profile contains information about the malpractice payment history of the physician. Payment amounts have been placed into three statistical categories: below average, average and above average. To make the best health care decisions, you should view this information in perspective. You could miss an opportunity for high quality care by selecting a doctor based solely on malpractice history.

When considering malpractice data, please keep in mind:

- Malpractice histories tend to vary by specialty. Some specialities are more likely than others to be the subject of litigation. This report compares physicians only to the members of their specialty, not all physicians, in order to make an individual physician's history more meaningful.
- This malpractice information reflects data for the last 10 years of the physician's practice. For physicians practicing less than 10 years, the data covers their total years of practice. You should take into account how long the doctor has been in practice when considering malpractice averages.
- The incident causing the malpractice claim may have happened years before payment is finally made. Sometimes it takes a long time for a malpractice lawsuit to move through the legal system.
- Some physicians work primarily with high risk patients. These physicians may have malpractice histories that are higher than average because they specialize in cases or patients who are at very high risk of problems.
- Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occured. For example, an insurer may choose to settle a case even if the physician opposes such settlement.

You may wish to discuss the information provided in this report, and malpractice generally, with your physician.

Physicians licensed in specialty(Internal Medicine): 6166 Number who made malpractice payments in the last ten years: 460

Payments made by or on behalf of this physician

Date Resolved Payment Category

Specialty

09/25/2001

Average

Internal Medicine

VIII. Hospital Discipline Within the Last Ten Years

This section contains several categories of disciplinary actions taken by hospitals during the past 10 years which are specifically required by law to be released in the physician's profile.

Hospital

City, State

Nature of Discipline

None reported.

IX. Felony Convictions Within the Last Ten Years

Date of Conviction Nature of Conviction

None reported.

X. Connecticut Licensure Disciplinary Actions

License Status: Current, Prior Discipline

Date of Action

Action

06/17/2008

Consent Order Signed

To obtain a copy of the discipline reported above, make note of license number and <u>click here</u>

Please direct questions and comments about this profile to:

Connecticut Department of Public Health
Physician Profiles
410 Capitol Ave., M.S. 12 APP
P.O. Box 340308
Hartford, CT 06134-0308
(860) 509-7557

STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH HEALTHCARE SYSTEMS BRANCH

In Re: Martin Perlin, M.D.

Petition No. 2007-0320-001-042

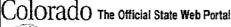
CONSENT ORDER

WHEREAS, Martin Perlin (hereinafter "respondent") of Norwalk, Connecticut has been issued license number 030601 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

- 1. In January 2007, patient DM, a resident under respondent's care at Westport Health Care Center nursing home, was referred to Norwalk Hospital's Emergency Department for flank and abdominal pain and diagnosed with "infectious pan-colitis". Upon discharge from the hospital to the nursing home, respondent did not adequately monitor DM's continuing abdominal symptoms and/or obtain test results for C. Dificile infection in a timely manner.
- 2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, 20-13(c), including but not limited to, 20-13(c)(4).

WHEREAS, respondent has chosen not to contest the Department's allegations but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut; and





Division of Registrations

Department Home Division Home Physician Profiling

Physician Profile

Search

Kenneth Clinton Parsons

Aliases

Parsons, Kenneth Clinton

Address

License

Englewood, CO 80111-0000

License Number: 24980 License Type: DR

License Status: Active

License First Issued: 10/14/1982 Last Renewal Date: 07/17/2008 Last Expiration Date: 05/31/2009

Physician Profile

Last updated: 06/26/2008

Other Medical Licenses

Have you ever held, or do you currently hold, any other medical licenses from any other state, country or province?

Yes

License	License	Year	Expire/	State/	License
Number	Type	Issued	Renew	Country	Status
030161	Physician	1971	2008	MI	Inactive
G59819	Physician	1987	2007	CA	Other
J4956	Physician	1993	2008	TX	Active

Board Certifications

Do you hold any current Board Certifications?

Yes

Certification	<u></u> -	Other
Physical Medicine and	Rehabilitation	

Practice Specialties

Yes

Specialty	Other
Physical Medicine and Rehabilitation: Spinal Cord Injury Medicine	

CO Hospital Affiliations

Do you have an affiliation with any Colorado hospital?

No

Other Health Care Facilities and Out of State Hospitals

Do you have an affiliation with any health care facility or a non-Colorado hospital?

Yes

Facility	Affiliatio	1	
Name	Type	Other Type	City, State
The Institute of Rehab and Research	Other	Consulting recently	Houston, TX

	pital	Other	Consulting recently	Houston, TX	
Business Ownership Do you have a current ownission relates to the proproducts?				e No	
Employment Contracts Do you have a current en whose mission relates to products?	the provis	ion of health	care services o		
Entity Name Paradigm Healthcare		ct Length ed Annually	Contract P Independer	osition at Contractor	
Disciplinary Actions Have you ever had public medical license by a boar country?				No	
Restrictions or Suspension Have you ever entered in temporarily cease the pra- issued restricting or susp	to any agreactice of m	edicine or ha	ad a board orde	r No	
Health Care Facility Actions Have you ever had any instatus on or reduction, no suspension of hospital or Facility City, Actions	nvoluntary onrenewal, healthcare	denial, revo	cation or ileges?	Yes	
	pe Year	Duration (CompleteComp	oleteTerms	
Hospital		Indefinite I	No	Appointment expired due to inactivity, insufficient patient contacts.	
l .	oluntarily s	surrender yo	ur United States	expired due to inactivity, insufficient patient contacts.	
U.S. DEA Registration Have you ever had to inv	oluntarily s nistration F nal <u>crimina</u> from the c	surrender your registration?	ur United States (s) or plea or alleged	expired due to inactivity, insufficient patient contacts.	
U.S. DEA Registration Have you ever had to inv Drug Enforcement Admir Convictions Have you ever had any fi arrangement(s) resulting commission of a felony o	oluntarily s nistration F nal <u>crimina</u> from the c r <u>crime</u> of	surrender yo Registration? al convictione commissione moral turpitu	ur United States (s) or plea or alleged ude in any	expired due to inactivity, insufficient patient contacts.	
U.S. DEA Registration Have you ever had to inv Drug Enforcement Admir Convictions Have you ever had any fi arrangement(s) resulting commission of a felony o jurisdiction? Paid Claims Have you ever had any fi entered into by, or arbitra	oluntarily s nistration F nal <u>crimina</u> from the c r <u>crime</u> of nal judgme	surrender your registration? al conviction recommission of the moral turpiturent against, and on your recommission of the contract against, and the contract against	ur United States (s) or plea or alleged ude in any settlement ur behalf for	expired due to inactivity, insufficient patient contacts. No No	

GENERAL DISCLAIMER

The information posted on the state board of medical examiner's website was provided by applicants for an original medical license; applicants for reinstatement or reactivation of an existing medical license; as well as by those physicians renewing a medical license. This information is not verified by the board. The board will take action to obtain compliance with the requirements to provide accurate and timely information as required by law when information is received that indicates information required by law has not been received or is not accurate.

AVAILABILITY DISCLAIMER

If no Profile is found it could be for the following reasons: Physicians who held an active license issued by the Board prior to January 1, 2008 are not required to complete a physician profile until the May 31, 2009 license renewal period. Physicians who have an inactive or lapsed license are not required to complete a physician profile until they apply for reactivation or reinstatement. To verify whether there have been any board actions against this physician click here to go to the Automated Licensure Information System (ALISON).

MALPRACTICE CLAIMS DISCLAIMER

Some studies have shown that there is no significant correlation between malpractice history and a doctor's competence. At the same time, consumers should have access to malpractice information. To make the best health care decisions, you should view this information in perspective. You could miss an opportunity for high quality care by selecting a doctor based solely on malpractice history. When considering malpractice data, please keep in mind: (1) Malpractice histories tend to vary by specialty. Some specialties are more likely than others to be the subject of litigation. (2) You should take into account how long the doctor has been in practice when considering malpractice averages. (3) The incident causing the malpractice claim may have happened years before a payment is finally made. Sometimes, it takes a long time for a malpractice lawsuit to move through the legal system. (4) Some doctors work primarily with high-risk patients. These doctors may have malpractice histories that are higher than average because they specialize in cases or patients who are at very high risk for problems. (5) Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred. You may wish to discuss information provided, and malpractice generally, with your doctor.



1560 Broadway, Suite 1350 Denver, CO 80202 (303) 894-7800 - Phone (303) 894-7693 - Fax E-Mail

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AIM

Association of State Medical Board Executive Directors



Physician Search

State of Maine Board of Licensure in Medicine

137 State House Station Augusta, ME 04333-0137 (207) 287-3601

General Information

Gene Cheng MD

License Number: 015417

6 Middle St

License Status:

Active

Initial License:

9/21/2000

Augusta ME 04330 License Expires 2/28/2009

207-622-4400

Education and Training

Note: Information up to the date of initial licensure is verified by the Board. Information provided by the licensee after this date is not verified by the Board.

Medical School:

TULANE UNIVERSITY, NEW ORLEANS, LA

Graduation Date: 1997

*Specialty:

Internal Medicine

*The Board does not verify current specialties. To determine if a physician has been board certified by the American Board of Medical Specialties please visit www.abms.org

Board Actions

Actions: None

This information was extracted on 2/7/2009

Please read the AIM Disclaimer

Maine Doctor Ratings

Cheng, Gene MD 6 Middle St, Augusta 04330 · view map

Uses Clinical Office Systems





Practice has **made good progress** in using clinical office systems for managing your care.

Keeps electronic medical records
Practice did not complete survey, or survey
shows no progress.



Uses electronic prescriptions
Practice has made good progress in
using clinical office systems for managing
your care.



Maintains a chronic illness registry Practice has well developed clinical office systems for managing your care.



Follows clinical guidelines
Practice has well developed clinical office
systems for managing your care.



Reviews patient risk factors
Practice has well developed clinical office
systems for managing your care.



Creates action plans
Practice has made good progress in
using clinical office systems for managing
your care.



Coordinates patient care
Practice has well developed clinical office
systems for managing your care.

Measures Results of Diabetes Care





Measures outcomes for diabetes patients

Practice is measuring outcomes and achieving recognized results.

101 patients measured

Measures Results of Heart Disease Care





Measures outcomes for heart disease patients

Practice is measuring outcomes and achieving recognized results.

42 patients measured