

IN THE MATTER OF	§	BEFORE THE
THE APPLICATION	§	
FOR LICENSURE OF	§	TEXAS STATE BOARD OF
CHRIS C. TOKUNAGA, M.D.	§	MEDICAL EXAMINERS

ORDER

On this the 29th day of January, 1993, came on to be heard for final action by the Texas State Board of Medical Examiners, duly in session, the application of CHRIS C. TOKUNAGA, M.D., APPLICANT herein, wherein the Board was represented by Antonio A. Cobos, Staff Attorney, State Board of Medical Examiners, and APPLICANT appeared in person and by counsel, Larry W. Bass. APPLICANT submitted his application for licensure by reciprocity. It was alleged that APPELLANT does not qualify for licensure by reciprocity because he has not satisfied the requirements of Section 3.03 subsection (f) of Article 4495b, Texas Revised Civil Statutes and Board Rule 163.2(b)(6)(H). The matter was heard in public hearing on August 28, 1992, before Earl A. Corbitt, Administrative Law Judge, duly appointed by the Board. After consideration of the Proposal for Decision submitted to the Board by the Administrative Law Judge, the Board makes the following findings of fact, hereby denying each and every proposed finding of fact not specifically made herein:

FINDINGS OF FACT

1. The parties received proper and timely notice of the hearing.

2. CHRIS C. TOKUNAGA, M.D. (APPLICANT) filed an application with the Texas State Board of Medical Examiners (the Board) for licensure by reciprocity dated August 16, 1989.
3. APPLICANT holds a license to practice medicine in the State of New Jersey which was issued on July 1, 1989.
4. On August 22, 1991, the Reciprocal Endorsement Committee of the Board voted to deny APPLICANT's application for licensure by reciprocity based upon assertions that APPLICANT was not eligible for licensure in the country in which he graduated from medical school and because his clinical clerkships were not performed in an approved graduate medical education program in the same subjects as the clerkships, as provided in 22 TAC §§163.2(b)(2) and 163.2(b)(6)(H) respectively.
5. On September 20, 1991, APPLICANT appealed the Reciprocal Endorsement Committee's determination.
6. The parties stipulated that the only issues to be considered were whether APPLICANT met the requirements of TEX. REV. CIV. STAT. ANN. art. 4495b §3.03(f) and 22 TAC §163.2(b)(6)(H).
7. The Board's rules provide the following at 22 TAC §163.2(b)(6)(H): "clinical clerkships shall be carried out in a hospital with a program in graduate medical education in the same subjects as the clerkships".

8. TEX. REV. CIV. STAT. ANN. art. 4495b §3.03(f) entitled "Reciprocal agreements" provides as follows: "The board may refuse to issue a license to an applicant who graduated from a medical school outside of the United States and Canada if it finds that the applicant does not possess the requisite qualifications to provide the same standard of care as provided by a licensed physician in this state."
9. APPLICANT completed his clinical clerkships at Norwegian American Hospital, Chicago, Illinois.
10. Norwegian American Hospital, Chicago, Illinois, does not have a program in graduate medical education in the same subjects as the clinical clerkships.
11. APPLICANT graduated from Ross Medical School, Dominica, West Indies.
12. The Board has in the past waived the requirements of 22 TAC §163.2(b)(6)(H) for applicants for licensure who have been certified by one of the specialty boards.
13. APPLICANT, in April 1992, was certified as a Diplomate in the specialty of Psychiatry by the American Board of Psychiatry and Neurology.
14. Lauren A. Pate, M.D., Joseph DeVance Hamilton, II, M.D. and William Edwin Fann, M.D., all licensed to practice medicine in the State of Texas, are each personally familiar with the work of APPLICANT and, for two years,

have supervised the work of APPLICANT at the V.A. Medical Center, Houston, Texas.

15. Based upon the unrebutted testimony of Lauren A. Pate, M.D., Joseph DeVance Hamilton, II, M.D. and William Edwin Fann, M.D., APPLICANT is found to possess the requisite qualifications to provide the same standard of care as provided by a licensed physician in this state as specified at TEX. REV. CIV. STAT. ANN. art. 4495b §3.03(f).

CONCLUSIONS OF LAW

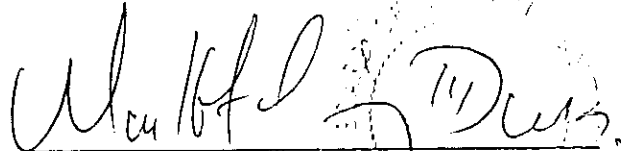
Based upon the above Findings of Fact, the Board concludes that:

1. The Texas State Board of Medical Examiners has jurisdiction of this matter.
2. Based upon Findings of Fact Nos. 7, 9 and 10, APPLICANT's clinical clerkships were not completed in accordance with 22 TAC §163.2(b)(6)(H).
3. Based upon Finding of Fact No. 12 the Board has previously waived the requirements of 22 TAC §163.2(b)(6)(H) for applicants for licensure by reciprocity when those applicants have been certified by one of the specialty boards.
4. Based upon Findings of Fact Nos. 12 and 13 APPLICANT is qualified to receive a waiver of the requirements of 22 TAC 163.2(b)(6)(H).

5. Based upon Findings of Fact Nos. 13 - 15, APPLICANT possesses the requisite qualifications to provide the same standard of medical care as provided by a licensed physician in this state as specified at TEX. REV. CIV. STAT. ANN. art. 4495b §3.03(f).

It is hereby ORDERED, ADJUDGED AND DECREED that, upon APPLICANT's taking and passing the Jurisprudence Exam, the application of CHRIS C. TOKUNAGA, M.D. for licensure by reciprocity be, and the same is hereby, approved.

RENDERED AND ENTERED this 12th day of February, 1993.

A handwritten signature in black ink, appearing to read "William H. Fleming, III, M.D.", is written over a horizontal line. The signature is cursive and somewhat stylized.

William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners