

July 9, 2012

Glenn Wasserman, M.D., M.P.H.
Chief, CCD, State of Hawaii Dept of Health
P.O. Box 3378
Honolulu, HI 96801

Dear Dr. Wasserman,

Thank you for your letter of June 27, 2012. I appreciate you taking the time to resolve this issue regarding DOH's denial of our petition to add PTSD to the list of debilitating conditions in Hawaii's Medical Marijuana Program.

Please note that on April 28, 2011, in response to my formal request to add PTSD to Hawaii's program, Director Fuddy wrote that "the provision to add other medical conditions to the definition of "debilitating medical condition" by the Department of Health is contrary to rulemaking authority for Chapter 329 which resides with the Department of Public Safety, not the Department of Health." This statement is blatantly false in relation to §329-121(3).

Then on September 14, 2011, in response to a request from Jack Schweigert, Esq. to add PTSD to Hawaii's program, Director Fuddy completely reversed her position, acknowledging that DOH does have authority to add conditions, but invoked rulemaking authority and declared there is inadequate evidence to add PTSD, without public hearings and without following department administrative rules.

Then, on February 21, 2012, Director Fuddy, in response to my request for a copy of DOH's Administrative Rules regarding Hawaii's Medical Marijuana Program, wrote that "At present, the Department of Health has not finalized any rules per Chapter 329-121, HRS, which allows the Department to approve "debilitating medical conditions" in response to a request from a physician or qualifying patient that would be eligible under the State's Medical Marijuana Program."

Now, in your letter of June 27, 2012, in response to my request for release of government records, you are informing me that "there was no petition that came to Department of Health's attention."

You can imagine my frustration with what I am beginning to believe is outright obstruction of Hawaii's Medical Marijuana Program. Clearly DOH is not acting in the best interests of its Medical Marijuana Patients. Otherwise it would have created its own Administrative rules twelve years ago when the program first came into existence, and would have already fulfilled its statutory obligation to provide a means for adding new conditions to Hawaii's program.

Could you please tell me what steps you will be taking to insure that DOH will comply with Hawaii's Medical Marijuana Law and will provide an immediate means for adding new, scientifically based, debilitating conditions to Hawaii's program.

I look forward to hearing from you.
Sincerely,

Clifton Otto, M.D.

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Enc: Letters from April 28, 2011; September 14, 2011, February 21, 2012; and June 27, 2012.

Cc: Governor Abercrombie, Carlotta Amerino, Esq., Jack Schweigert, Esq., Robin Matsunaga