

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

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

Date: Thursday, February 11, 2016

Time: 1:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Present: Niraj S. Desai, M.D., Chairperson, Kauai Member
Sharon "Shay" Bintliff, M.D., Vice-Chairperson, Hawaii Member
Gerard K. Akaka, M.D., Oahu Member
Maria Chun, Ph.D, Public Member
Darren K. Egami, M.D., Maui Member
Jone Geimer-Flanders, D.O., Oahu Member
Peter Halford, M.D., Oahu Member
Palasi Puletasi, Public Member
Karen E. Sept, D.O., Oahu Member
Shari Wong, Deputy Attorney General ("DAG")
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Peter Holt, M.D., Oahu Member
Thomas S. Kosasa, M.D., Oahu Member

Guests: Lei Fukumura, Special Deputy Attorney General ("SDAG")
Denise Balanay, Attorney, Regulated Industries Complaints
Office ("RICO"),
Jessica Perry, Court Reporter
Michael Van Dyke, Attorney for Wendell Danforth, M.D.
Wendell Danforth, M.D., Respondent

Call to Order: The meeting was called to order at 1:02 p.m. at which time quorum was established.

Approval of the January 14, 2016 Minutes: It was moved by Dr. Bintliff, seconded by Dr. Geimer-Flanders, and unanimously carried to approve the minutes of the regular session and executive session of the January 14, 2016 meeting as circulated.

Additions/Revisions to Agenda: None.

Adjudicatory
Matters:

Chair Desai called for a recess from the meeting at 1:04 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, Hawaii Revised Statutes (“HRS”).

Dr. Akaka entered the meeting room at 1:04 p.m.

- a. In the Matter of the License to Practice Medicine of Wendell C. Danforth, M.D.; MED 2014-103-L

Chair Desai informed the Board that Michael J. Van Dyke, attorney for Dr. Danforth, had requested by letter dated February 9, 2016, that a court reporter from Ralph Rosenberg Court Reporters be present during deliberation.

After discussion of the foregoing matter, the Board determined that it will grant Mr. Van Dyke’s request to have a court reporter present and the Board reconvened to its regular Chapter 92, HRS, meeting at 1:06 p.m.

Chair Desai informed members and guests that the court reporter will be given time to set-up. In doing so, the Board moved on to the next items on its agenda.

Applications for
License/
Certification:

- a. Ratifications:
(i) List

It was moved by Dr. Sept, seconded by Dr. Akaka and unanimously carried to ratify the attached lists of individuals for licensure or certification.

New Business:

- a. Legislation

For informational purposes, Board members were provided copies of legislation (“legislation/measure/bill”) that were either carried over from the 2015 Legislative Session or were introduced during the 2016 Legislative Session.

Executive Officer Quiogue asked members to provide their positions regarding the following legislation:

H.B. No. 2335/S.B. 2844 Relating to Physician Discipline

The Board discussed HB2335/SB2844, Relating to Physician Discipline.

The bill authorizes the Hawaii Medical Board to impose the same disciplinary action against a licensee as was taken by another state of federal agency, establishes conditions for the disciplinary action, prohibits the licensee from practicing until a final order of discipline is issued if the licensee has been prohibited from practicing in another states.

Discussion followed. It was moved by Dr. Geimer-Flanders, seconded by Dr. Halford, and unanimously carried to submit testimony in support of this bill. Members stated that this measure will expedite the disciplinary process when a Hawaii licensee is disciplined by another state or federal agency. Most importantly, this bill affords the Board with certain safety mechanisms that will allow it to carry out its statutory mandate to protect the consumers of this State from unsafe or incompetent practitioners.

H.B. No. 2430/S.B. 2675 Relating to Licensing

The Board discussed HB2430/SB2675, Relating to Licensing.

Executive Officer Quiogue reminded members that at its January 2016 meeting, they had reviewed a draft proposal. Specifically, members had reviewed sections specific to HRS Chapter 453 only, and expressed their concerns regarding these specific sections. She went on to say that the measure was scheduled for hearing before the Senate Committee on Commerce, Consumer Protection, and Health (“CPH”), at which time Dr. Geimer-Flanders provided testimony regarding the Board’s concerns.

She went on to say that CPH issued a Senate Draft 1, which replaces the existing language of the bill with the language contained in HB2335/SB2864, Relating to Physician Discipline.

Adjudicatory
Matters:

Chair Desai called for a recess from the meeting at 1:15 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

a. In the Matter of the License to Practice Medicine of Wendell C. Danforth, M.D.; MED 2014-103-L

Denise Balanay, Esq., RICO, was present as were Michael J. Van Dyke, Esq., attorney for Dr. Danforth, Wendell Danforth, M.D., Respondent, and Jessica Perry, Court Reporter.

Chair Desai explained to the guests that they would be excused from the meeting room so that the Board would have an opportunity to deliberate over the matter. Ms. Balanay, Mr. Van Dyke, Dr. Danforth, and Ms. Perry were excused from the meeting room at 1:17 p.m.

After much discussion and deliberation, the guests were invited to return to the meeting room at 1:38 p.m.

Mr. Van Dyke filed written Exceptions and Ms. Balanay filed a Statement in Support. Both parties presented oral arguments.

After hearing from both parties, Chair Desai excused guests from the meeting room at 1:54 p.m.

After discussion and due consideration, the guests were invited to return to the meeting room at 1:58 p.m.

It was moved by Chair Desai, seconded by Dr. Akaka, and unanimously carried to accept and adopt the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

- b. In the Matter of the Physician's License of Joseph K. Kamaka, III, M.D.; MED 2014-67-L

Dr. Egami informed members that he will be recusing himself from the discussion and vote of this matter, and left the meeting room at 2:06 p.m.

The Board noted that the matter initially came to the Board for review at its meeting on January 14, 2016 meeting. However, because the motions to accept or reject failed to carry, the matter was placed on the Board's current agenda.

Discussion followed. It was moved by Chair Desai, seconded by Dr. Akaka, with the exceptions of Dr. Sept who opposed the motion, and Dr. Egami who recused himself, and carried by a majority to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- c. In the Matter of the Physician's License of Bruce R. Dooley, M.D.; MED 2015-87-L

Dr. Egami returned to the meeting room at 2:09 p.m.

After discussion, it was moved by Dr. Halford, seconded by Dr. Sept, and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- d. In the Matter of the Application for a Medical License of Grant D. Geske, D.O.; MED-LIC-2014-003

After discussion, it was moved by Dr. Bintliff, seconded by Dr. Halford, and unanimously carried to adopt the Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

- e. In the Matter of the Physician's License of Frederick A. Harada, M.D.; MED 2015-118-L

Drs. Halford, Akaka, and Chun informed members that they will be recusing themselves from the discussion and vote of this matter, and left the meeting room at 2:12 p.m.

After discussion, it was moved by Chair Desai, seconded by Dr. Geimer-Flanders, with the exception of Drs. Halford, Akaka, and Chun who

recused themselves, and carried by a majority to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- f. In the Matter of the License to Practice Medicine of Todd Ken Horiuchi, M.D.; MED 2015-143-L

Drs. Halford, Akaka, and Chun returned to the meeting room at 2:17 p.m.

After discussion, it was moved by Dr. Geimer-Flanders, seconded by Dr. Halford, and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Accordingly, pursuant to the terms of the Settlement Agreement, Dr. Horiuchi's Hawaii Medical License, License No. MD-11447, is hereby reprimanded.

- g. In the Matter of the License to Practice Medicine of Robert S. Smith, M.D.; MED 2015-123-L

After discussion, it was moved by Dr. Sept, seconded by Dr. Bintliff, and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- h. In the Matter of the License to Practice Medicine of Kelly A. Supple, M.D.; MED 2015-94-L

After discussion, it was moved by Dr. Akaka, seconded by Dr. Egami, and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Chair Desai announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 2:30 p.m.

Applications for
License/
Certification:

- b. Applications:

It was moved by Dr. Egami, seconded by Dr. Akaka, and unanimously carried to enter into executive session at 2:30 p.m. pursuant to HRS Section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional licenses cited in Section 26-9, HRS, and pursuant to Section 92-5(a)(4), HRS, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Barbara J. Ohnemus, D.O.
Hermilo M.O. Jazmines, M.D.
Bobby K.W. Kang, M.D.
Luther Mangoba, M.D.

Pavel Polehna, M.D.
Timothy S. Schmidt, M.D.

It was moved by Dr. Halford, seconded by Dr. Egami, and unanimously carried to return to the open meeting at 2:49 p.m.

It was moved by Dr. Geimer-Flanders, seconded by Dr. Egami, and unanimously carried to approve the following applications:

Hermilo M.O. Jazmines, M.D.
Bobby K.W. Kang, M.D.
Pavel Polehna, M.D.
Timothy S. Schmidt, M.D.

Barbara J. Ohnemus, D.O.

After due consideration of the information received, it was moved by Dr. Sept, seconded by Dr. Akaka, and unanimously carried to defer Dr. Ohnemus' application for licensure.

Luther Mangoba, M.D.

The Board reviewed and considered all of the records and files of Dr. Mangoba's application and information received from him as well as from other organizations. After due consideration of the information received, it was moved by Dr. Halford, seconded by Dr. Bintliff, and unanimously carried to deny Dr. Mangoba's application for medical licensure, basing its decision on the following grounds of the HRS and Hawaii Administrative Rules ("**HAR**"), which find factual support in the records and files of Dr. Mangoba's application:

- HRS § 4538(a)(7): Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine or surgery;
- HRS § 453-8(a)(9): Conduct or practice contrary to recognized standards of ethics of the medical profession as adopted by the Hawaii Medical Association, the American Medical Association, the Hawaii Association of Osteopathic Physicians and Surgeons, or the American Osteopathic Association;
- HRS § 453-8(a)(11): Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege for reasons as provided in this section; and

- HRS § 453-(a)(15): Submitting to or filing with the Board any notice, statement or other document required under this chapter which is false or untrue or contains any material misstatement or omission of fact;
- HAR § 16-85-107(a)(1): When the applicant has committed any of the acts for which a license or certificate may be suspended or revoked under sections 453-8 or 463E-6, HRS, or section 16-85-112; and
- HAR § 16-85-107(a)(2): If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; and
- HAR § 16-85-107(a)(3): If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

Accordingly, the Board considers Dr. Mangoba's conduct very concerning and contrary to the recognized standards of medical ethics as adopted by the American Medical Association ("AMA"). Specifically, the Board believes that Dr. Mangoba failed to uphold the following AMA Principles of Medical Ethics:

- I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity;
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to the appropriate entities;
- III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements that are contrary to the best interests of the patient; and
- VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

New Business:

a. Legislation

The Board continued its discussion on the following agenda items:

H.B. No. 2430/S.B. 2675 Relating to Physician Discipline

After further discussion, it was moved by Dr. Halford, seconded by Dr. Geimer-Flanders, and unanimously carried to provide testimony in support.

H.B. No. 2439 Relating to the Hawaii Medical Board

The Board discussed HB2439, Relating to the Hawaii Medical Board.

The purpose of the bill is to adjust the number of physicians and lay persons on the Hawaii Medical Board.

After discussion, the Board expressed its concerns regarding this bill, and suggested submitting comments and/or amendments to this measure. Specifically, the Board suggested adding two lay members and deleting the reference allowing a county medical society to provide recommendations. It was noted that a majority of the county medical societies are no longer active.

H.B. No. 1675/S.B. 2615 Relating to Minors

The Board discussed HB1675/SB2615, Relating to Minors.

The purpose of these bills are to prohibit teachers and persons who are licensed to provide professional counseling from engaging in or advertising sexual orientation change efforts on students and persons under eighteen years of age.

After discussion, it was moved Dr. Sept, seconded by Dr. Halford, with Dr. Akaka abstaining from the vote, to submit testimony supporting the intent of this measure.

H.B. No. 1677 Relating to Marijuana

The Board discussed HB1677, Relating to Marijuana.

The purpose of the bill is to require DCCA to submit an annual report regarding physician discipline concerning medical marijuana certifications and would require the Board to investigate potential misconduct regarding medical marijuana, take appropriate disciplinary action, and submit an annual report.

After discussion, it was moved by Chair Desai, seconded by Dr. Geimer-Flanders, and unanimously carried to submit testimony in opposition. The Board determined that this type of legislation would distract the Board from its mandate, which is to ensure that physicians practice safely, competently, and professionally.

H.B. No. 1708 Relating to Medicine & Surgery /S.B. 2331 Relating to Sports Medicine

The Board discussed HB1708, Relating to Medicine and Surgery and SB2331, Relating to Sports Medicine.

These bills propose to allow out-of-state licensed physicians affiliated with a sports team or national sport governing body to provide medical services for team members and coaching staff under certain conditions without a Hawaii license to practice medicine. This bill would also allow the Board to enter into agreements with the medical licensing boards of other states to implement the provisions of the bill.

Dr. Egami expressed his support for these measures. He went on to say that as an orthopedic surgeon he believes that these measures would provide the best access to care and continuity of care for the athletes and coaches.

Dr. Egami disclosed that his best friend is one of the proponents of these measures.

Executive Officer informed Dr. Egami that he would need to recuse himself from this matter.

The Board expressed its opposition to these bills as it would mandate that it relinquish its authority to enforce its laws or discipline physicians practicing medicine in the State of Hawaii. Furthermore, members indicated that while there is language that would prohibit these exempt physicians from practicing on residents of the State, they see no distinction between a patient who resides in the State and a patient who is visiting the State for whatever reasons.

Members recommended that a working group be created to bring together the appropriate stakeholders to address this matter and discuss possible solutions including, but not limited to, creating a temporary license.

After much discussion, it was moved by Chair Desai, seconded by Dr. Halford, with the exception of Dr. Egami who was advised to recuse himself from the matter, and carried by a majority to submit testimony in opposition as discussed above and to recommend a working group.

H.B. No. 1740 Relating to Medicine

The Board discussed HB1740, Relating to Medicine.

The purpose of this bill is to require physicians practicing in Hawaii to accept Medicare patients.

After discussion, it was moved by Dr. Geimer-Flanders, seconded by Dr. Sept, and carried by a majority to submit testimony in opposition to this bill. Chair Desai opposed the motion and Dr. Akaka abstained from voting.

H.B. No. 1949/S.B. 2388 Relating to the John A. Burns School of
Medicine Special Fund

The Board discussed HB1949/SB2388, Relating to the John A. Burns School of Medicine Special Fund.

The purpose of these bills are to permit moneys in the John A. Burns school of medicine special fund to be used for loan repayment for certain health care professionals. Removes the cap on expenditures from the special fund. Removes the sunset date from the physician workforce assessment fee and related requirements for use of moneys in the special fund.

After much discussion, it was moved by Chair Desai, seconded by Dr. Sept, and unanimously carried to support the intent of accepting and distributing funds towards health care student loan repayment. However, the Board prefers that any assessed fees transferred pursuant to HRS §453-8.8 be used towards student loan repayment for physicians only. With regard to repealing the sunset date of June 30, 2017, the Board expressed their opposition to this provision.

H.B. No. 2233/S.B. 3041 Relating to Health Care Professionals

The Board reviewed HB2233/SB304, Relating to Health Care Professionals.

The purpose of these bills are to require physicians' actively practicing medicine in the State to complete a continuing medical education ("CME") course that focus on health issues with significant public health impact to the State.

After discussion. The Board determined that it should oppose these measures for the following reasons:

- With regard to setting content standards for CME requirements, the Board believes that a physician should obtain CME within their specialty or area of focus. As such, the Board prefers to give physicians the latitude to determine what those CME should be.
- The Board believes that physicians may obtain information and current updates related to this content specific matter in a more timely manner through the United States Centers for Disease Control or the State of Hawaii Department of Health versus mandating it through CME.
- Furthermore, it is impossible to determine the number of physicians who actively practice medicine in the State. The Board has a total of 800 licensed osteopathic physicians (DO) in the State, 494 of whom are located on the mainland; and 9,034

allopathic physicians (MD), 4,370 of whom are located on the mainland or in foreign countries. For those physicians who are located in the State, the Board does not have statistical information which clearly identifies those that are “actively” practicing here versus those who are not actively practicing here but still holding an “active” license.

It was moved by Chair Desai, seconded by Dr. Geimer-Flanders, and unanimously carried to submit testimony in opposition.

H.B. No. 2255/S.B. 2676 Relating to Physician Assistants

The Board discussed HB2255/SB2676, Relating to Physician Assistants.

The purpose of these bills is to require registered nurses and licensed practical nurses to follow the orders of physician assistants, and removes the sunset date of July 1, 2017, pursuant to Act 255, SLH 2012.

Members expressed their concern regarding these measures, and recommended that the Board submit testimony in opposition. In particular, members relayed their concern that these bill may unintentionally affect patient safety. Members noted that a physician’s orders may not be relayed appropriately to a registered nurse or license practical nurse by a physician assistant. If these orders are not relayed appropriately the patient’s care may be jeopardized.

Additionally, it was noted that the proposed amendment to HRS Chapter 453 does not seem appropriate. HRS Chapter 453 applies to physicians and not nurses, and thus appears to be an incompatible chapter for a requirement concerning nurses.

H.B. No. 2577/S.B. 2469 Relating to Telehealth

The Board discussed HB2577/SB2469, Relating to Telehealth.

The purpose of these bills are to require patient approval prior to the delivery of any medical services through telehealth. These measures also prohibit health insurance companies from limiting the setting where telehealth services are provided or requiring in-person contact between a patient and physician before the delivery of telehealth services.

Members relayed their support of the intent of these measures.

S.B. 2272 Relating to Licensed Professionals

The Board discussed SB2272, Relating to Licensed Professionals.

The purpose of this bill is to require the Department of Commerce and Consumer Affairs to post the business address and business phone number of each licensed professional on its public website.

After discussion, members relayed their opposition to this bill.

S.B. No. 3105, SD1 Relating to Health Care Referrals

Drs. Halford, Akaka, and Chun recused themselves from the discussion and vote on this matter.

The Board discussed SB3105, SD1, Relating to Health Care Referrals.

The purpose of this bill is to clarify that a health care provider who refers patients to facilities in which the health care provider has a financial interest, must provide patients with sufficient information regarding financial incentives for referral in order to allow the patient to make meaningful treatment decisions.

After discussion, the Board supports the intent of this measure. However, the Board is unsure if this bill would be duplicative for physicians licensed through Hawaii Revised Statutes Chapter 453.

Dr. Geimer-Flanders pointed out that the Stark law, a federal law mandated through Section 1877 of the Social Security Act, already places limitations on certain physician referrals. Generally, the Stark law prohibits physician referrals of designated health services payable by Medicare to an entity with which a physician (or an immediate family member) has a financial relationship, unless an exception applies. Furthermore, the American Medical Association Code of Medical Ethics addresses this matter through Opinion 8.0321 – Physician Self-Referral.

Executive Officer informed members that the remainders of the bills were provided for their information only, and are being tracked by staff.

Correspondence:

- a. January 15, 2016, Letter from International Academy of Compounding, Regarding Compounded and Repackage Medications for Office-use

The Board was provided this information for informational purposes only.

- b. January 20, 2016, Email from Dr. Richard Woronoff, Regarding Medical Review Officers Licensed as a Doctor in a Different State.

The Board reviewed Dr. Woronoff's email dated January 20, 2016, regarding whether a "Medical Review Officer who is certified by the MROCC who calls people residing in Hawaii when conducting a medical review interview need a Hawaii Medical License." After due consideration of Dr. Woronoff's email, the Board informally opined that a Medical

Review Officer must first obtain a medical or osteopathic license in the State of Hawaii prior to conducting a medical review interview to individuals residing in Hawaii.

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

c. January 28, 2016, Email from Robert M. Haws, M.D., Regarding Licensure Requirements for Out-of-State Physicians Performing Research on Hawaii Consumers with Bardet-Biedl Syndrome

The Board reviewed Dr. Haws' email dated January 27, 2016, regarding whether the Board may waive its licensure requirement for two physicians to provide counseling on physical activity to the individuals with Bardet-Biedl syndrome on eight occasions over an eighteen month period via telehealth.

After due consideration of Dr. Haws' email, the Board informally opined that it may not waive a statutory requirement for licensure. Additionally, the Board informally opined that anyone engaged in the practice of medicine, as defined by HRS §453-1, requires a medical or osteopathic medical license in the state of Hawaii. HRS §453-1 defines the practice of medicine as:

For the purposes of this chapter the practice of medicine by a physician or an osteopathic physician includes the use of drugs and medicines, water, electricity, hypnotism, osteopathic medicine, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided that when a duly licensed physician or osteopathic physician pronounces a person affected with any disease hopeless and beyond recovery and gives a written certificate to that effect to the person affected or the person's attendant nothing herein shall forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of the affected person.

This section shall not amend or repeal the law respecting the treatment of those affected with Hansen's disease.

For purposes of this chapter, "osteopathic medicine" means the utilization of full methods of diagnosis and treatment in physical and mental health and disease, including the prescribing and administration of drugs and biologicals of all kinds, operative surgery, obstetrics, radiological, and other electromagnetic emissions, and placing special emphasis on the interrelation of the

neuromusculoskeletal system to all other body systems, and the amelioration of disturbed structure-function relationships by the clinical application of the osteopathic diagnosis and therapeutic skills for the maintenance of health and treatment of disease.

Additionally, the Board noted that Dr. Haws' inquired whether it provides a temporary license for this scenario. Executive Officer Quiogue stated that she informed Dr. Haws that the Board does not offer temporary licenses for the scenario he presented.

Lastly, in accordance with HAR § 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the DCCA.

d. January 24, 2016, Email from David Dantes, M.D., Regarding the standards of Professional Ethics for Physicians.

The Board reviewed Dr. Dantes email dated January 24, 2016, regarding ethical concerns if someone were to serve as a contracting consultant for a telemedicine network ("network") in Hawaii. As Dr. Dantes states in his original email, the network would:

Advertise on Google, to attract patients with certain complaints, such as erectile dysfunction. Patients who click on the advertisement would land on the network's website. There, they will find an offer of a coupon for a "free medical consultation", which they can redeem by purchasing a prescription from an offshore pharmacy. If they visit that pharmacy's website, they can select ("pre-purchase") a medication which they would like to use, e.g., Viagra, and receive a coupon for the free consultation. At this point, the prescription is not filled, and the patient is not charged.

The patient would then be directed to the telemedicine network where a licensed physician would review their history, interact with the patient in real time, and determine if their preferred medication is appropriate. If appropriate, the physician will authorize the pharmacy to fill the prescription. When the patient pays the pharmacy, a commission is transmitted from the pharmacy to the telemedicine network (a separate company). The telemedicine network's profits are derived from that commission, thereby generating funds to compensate the consulting physician. No insurance is involved in the transaction.

Given this information, it appears that the model referenced above may pose high-risk ethical violations for a physician. The Board suggested that Dr. Dantes review the American Medical Association's Code of

Medical Ethics to determine whether there are already established opinions regarding this matter.

Lastly, in accordance with HAR §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the DCCA.

Advisory
Committees:

- a. Physician Assistants
- b. Emergency Medical Service Personnel
- c. Podiatrists

Chairperson's
Report:

None.

Executive Officer's
Report:

None.

Next Meeting:

Thursday, March 10, 2016
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, HI 96813

Adjournment:

It was moved by Mr. Puletasi, seconded by Dr. Egami, and unanimously carried to adjourn the meeting at 4:05 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/Ahlani K. Quiogue

/s/Wilma Balon

(Ms.) Ahlani K. Quiogue
Executive Officer

Wilma Balon
Secretary

AKQ:wb
02/29/16

- (X) Minutes approved as is.
- () Minutes approved with changes; see minutes of _____.

HAWAII MEDICAL BOARD (02/11/2016-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 18446 LAURA <DALSANTO<
MD 18447 ELLIOT M <EPNER<
MD 18448 ALEXANDRA C <CHEBIL<
MD 18449 LESTER C <PERMUT<
MD 18450 ALLEN D <ADAMS<
MD 18451 YASEEN H Y M <ALI<
MD 18452 RICHARD L <JACOBS<
MD 18453 DAVID F <SCIORTINO<
MD 18454 KRISTY P Y <MATHE<
MD 18455 MARCUS N J <DAHLSTROM<
MD 18456 SIDNEY H <ALLISON<
MD 18457 DUANE E <VANDERSLICE<
MD 18458 LIHANG <CHEN<
MD 18459 CHARLENE V <KAKIMOTO<
MD 18460 CYNTHIA A <CLAUDIO<
MD 18461 JASON L <WOLF<
MD 18462 RAQUEL R <TELLO<
MD 18463 ERIC G <VERWIEBE<
MD 18464 ALEXANDER D <STEIN<
MD 18465 JOHN J <KOWNACKI<
MD 18466 CAWIN H Y <WONG MIZUBA<
MD 18467 CHAWKI E <NAHABET<
MD 18468 IDALEE PIA C <POSA<
MD 18469 THOMAS D <ROWE<
MD 18470 VERONICA J <MATTHEWS<
MD 18471 LESTER C <MOREHEAD<
MD 18472 HEIDI S <SUMMERS<
MD 18473 JESSICA A <YU<
MD 18474 KAIPO T <PAU<
MD 18475 CYRIL A <DALMON<
MD 18476 JOY A <DALMON<
MD 18477 MEGUMI <AKIYAMA<
MD 18478 VANESSA L <NEAL<
MD 18479 STACEY A <SIMONS<
MD 18480 MARC A <HOEKSEMA<
MD 18481 AIMEE R <MAYEDA<
MD 18482 REBECCA <STICKLER<
MD 18483 JENNIFER J <WALKER<
MD 18484 TIMOTHY D <BECKETT<
MD 18485 ABNER M <WARD<

MDR 6995 ELISSA <TEST<
MDR 6996 ERIN L <STOLTE<
MDR 6997 RICHARD E <MINNIHAN<
MDR 6998 BRANDEN J <KOWAL<
MDR 6999 MICHAEL C <ROESCH<
MDR 7000 VIRAL <PATEL<
MDR 7001 MEGHAN G <LIROFF<
MDR 7002 LAURA <WALLACE<
MDR 7003 JASON S J <WOO<
MDR 7004 ALESSANDRO G <CUSANO<
MDR 7005 RACHEL M <SHING<

AMD 665 ELIZABETH E <WORTHLEY<
AMD 666 DEREK R <ROBERTS<

EMTP 2107 TONYA C <JOHNSON<

EMTB 2679 JESSE C H <LEE<
EMTB 2680 GIORGIO A <DIEGUEZ<
EMTB 2681 HENRY P <KAHULA< IV
EMTB 2682 SHALINA M <VENABLE<
EMTB 2683 DWIGHT T <FUJIMOTO<
EMTB 2684 KAI <HIGUCHI<
EMTB 2685 CORIN L <KRAINER<
EMTB 2686 OLIVIA N <MOKE<
EMTB 2687 ANDREW L <YASAY<
EMTB 2688 ANNEKE M <FUJIMOTO<