

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 §92-7(b), Hawaii Revised Statutes ("HRS").

Date: Thursday, February 13, 2020

Time: 1:00 p.m.

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

Present: Jone Geimer-Flanders, D.O., Chairperson, Oahu Osteopathic Member
Peter Halford, M.D., Vice-Chairperson, Oahu Member
Peter Holt, M.D., Oahu Member
Maria Chun, Ph.D., Public Member
Geri Young, M.D., Kauai Member
Franklin V.H. Dao, M.D., Oahu Member
Danny Takanishi, M.D., Oahu Member
Shari J. Wong, Deputy Attorney General ("DAG")
Ahlani K. Quiogue, Executive Officer
Jenny Yam, Secretary

Excused: Darren K. Egami, M.D., Maui Member
Wesley Mun, Public Member
Michael Jaffe, D.O., Oahu Osteopathic Member
Andrew "Rick" Fong, M.D., Hawaii Member

Guest(s): Lei Fukumura, Special Deputy Attorney General ("SDAG")
John Ferguson, M.D., FACS, American Board of Cosmetic Surgery

Call to Order: The meeting was called to order at 1:03 p.m., at which time quorum was established.

Approval of the January 16, 2020, Minutes: It was moved by Dr. Holt, seconded by Dr. Young, and unanimously carried to approve the minutes of the executive session and the minutes of the open session of the January 16, 2020, meeting as circulated.

Adjudicatory Matters: Chair Geimer-Flanders called for a recess from the meeting at 1:03 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS:

A. In the Matter of the License to Practice Medicine of David A. McCall, M.D.; MED 2019-116-L

After discussion, it was moved by Vice-Chair Halford, seconded by Dr. Young, and unanimously carried to approve the Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1".

B. In the Matter of the License to Practice Medicine of Nyree Padilla, M.D.; MED 2018-39-L

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

C. In the Matter of the License to Practice Medicine of Susan H. Senft, M.D.; MED 2018-59-L

After discussion, it was moved by Vice-Chair Halford, seconded by Dr. Young, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1".

SDAG Fukumura was excused from the meeting room at 1:11 p.m.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Vice-Chair Halford announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:11 p.m.

Applications for
License/
Certification:

a. Applications:

It was moved by Vice-Chair Halford, seconded by Dr. Dao, and unanimously carried to enter into executive session at 1:11 p.m., pursuant to HRS §92-5(a)(1), to consider and evaluate personal information relating to individuals applying for professional licenses cited in HRS §26-9, and, pursuant to HRS §92-5(a)(4), to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

(i) Physician (Permanent):

a. Julia Kreager Taber, M.D.

b. Jerry Lynn Watson, M.D.

(ii) Physician (Endorsement):

a. Ronaldo F. Roberto, M.D.

Dr. Takanishi entered the meeting room at 1:18 p.m.

(iii) Physician Assistant:

a. Matveh Alexei Panya, PA-C

(iv) Emergency Medical Personnel:

a. Samuel Elliott Gwinn, Paramedic

Legislative
Proposals:

P. HB1795, HD1 RELATING TO PHYSICIANS

It was moved by Dr. Holt, seconded by Dr. Dao, and unanimously carried to return to the open meeting at 1:31 p.m.

Applications for
License/
Certification:

B. Ratifications:

(i) List

By consensus, the Board moved this item out of order.

It was moved by Chair Geimer-Flanders, seconded by Dr. Young, and unanimously carried to ratify the attached list of individuals for licensure or certification.

Applications for
License/
Certification:

A. Applications:

By consensus, the Board returned to the regular order of the agenda.

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

(i) Physician (Permanent):

a. Julia Kreager Taber, M.D.

b. Jerry Lynn Watson, M.D.

(ii) Physician (Endorsement):

a. Ronaldo F. Roberto, M.D.

Dr. Ferguson entered the meeting room at 1:32p.m.

After due consideration of the information received, it was moved by Chair Geimer-Flanders, seconded by Dr. Young, and unanimously carried to approve Dr. Roberto's application pending a corrected application.

It was moved by Dr. Young, seconded by Vice-Chair Halford, and unanimously carried to approve the following application:

(v) Physician Assistant:

- a. Matveh Alexei Panya, PA-C

It was moved by Dr. Takanishi, seconded by Dr. Holt, and unanimously carried to approve the following application:

(vi) Emergency Medical Personnel:

- a. Samuel Elliott Gwinn, Paramedic

Legislative
Proposals:

P. HB1795, HD1 RELATING TO PHYSICIANS

By consensus, the Board moved this item out of order.

The purpose of this bill is to outline when a physician may hold oneself out as being certified by a specialty board or association.

Chair Geimer-Flanders greeted Dr. Ferguson to the meeting room.

The Board members and staff introduced themselves.

Chair Geimer-Flanders stated that, the Board has concerns that this bill may cause consumer confusion due to redundancy with our current statutes. Specifically, HRS section 453-8(a)(3) provides:

- (a) In addition to any other actions authorized by law, any license to practice medicine and surgery may be revoked, limited, or suspended by the board at any time in a proceeding before the board, or may be denied, for any cause authorized by law, including but not limited to the following:

* * *

- (3) Engaging in false, fraudulent, or deceptive advertising, including but not limited to:

- (A) Making excessive claims of expertise in one or more medical specialty fields; and
(C) Making any untruthful and improbable statement in advertising one's medical or surgical practice or business.

Based on this information, Chair Geimer-Flanders stated that the Board will be opposing this measure.

Ms. Quiogue stated that if the bill moves to the second committee and a hearing is scheduled by the House Committee on Consumer Protection and Commerce, she will draft testimony based on the Board's discussion

and position on this matter.

Dr. Ferguson stated that he is representing the American Board of Cosmetic Surgery and that it actively pursues false advertisers rigorously and concurred with the Board's position.

By consensus, the Board voted to oppose this measure.

Dr. Ferguson left the meeting room at 1:36 p.m.

By consensus, the Board returned to the regular order of the agenda.

- A. DC146 TRANSMITTING THE ANNUAL REPORT ON FINDINGS FROM THE HAWAII PHYSICIAN WORKFORCE ASSESSMENT PROJECT PURSUANT TO ACT 18, SECTION 5, SPECIAL SLH 2009 AS AMENDED BY ACT 186, SLH 2012 AS AMENDED BY ACT 40, SLH 2017.

The Board discussed the above report.

The purpose of this report is to add the findings from the Hawaii Physician Workforce Assessment Project.

Ms. Quiogue stated that this report is being provided for informational purposes only.

- B. HB39, HD1 RELATING TO HEALTH

The Board discussed the above bill.

The purpose of the bill is to require the Department of Health to establish and convene a working group to conduct a study on whether establishing a new category of professional licensure for assistant physicians would help address the physician shortage in the State.

Ms. Quiogue informed the Board that she submitted comments for this bill based on the discussion of H.B. 1813, H.D. 2, Relating to Health, from the 2018 legislative session, which the Board strongly opposed.

Ms. Quiogue informed members that in its original form, this bill would have required the Board to issue licenses to assistant physicians. As defined, assistant physicians are individuals who have graduated from medical school, but have not entered physician graduate medical education training programs.

Ms. Quiogue then requested a position from the Board for H.B. 39, H.D.1, Relating to Health.

The Board determined that in its current form, it appreciates the intent of

the measure, but would prefer to see resources spent elsewhere such as local graduate medical education programs.

C. HB138, HD2 RELATING TO HEALTH

The Board discussed the above bill.

The purpose of the bill is to provide a general excise tax exemption for medical services after December 31, 2020.

The Board will take no position on the bill, but would monitor it.

D. HB271 / SB101 RELATING TO MEDICAL INFORMED CONSENT

The Board discussed the above bills.

The purposes of these bills are to: require the Board to establish standards for health care providers to follow to ensure that a patient's consent to treatment is an informed consent; require that informed consent for a proposed medical or surgical treatment or a diagnostic or therapeutic procedure be obtained prior to the day of that treatment or procedure; and specify that if the treatment or procedure is to occur on the same day it is scheduled, the informed consent shall be obtained at the time the decision is made to schedule that treatment or procedure.

Ms. Quiogue informed the Board members that no hearings have been scheduled for these bills.

E. HB585 / HB1228 / SB810 RELATING TO PHYSICIAN ASSISTANTS

The Board discussed the above bills.

The purposes of these bills are to: establish biennial requirements of forty credit hours in specified continuing medical education programs for renewal of physician assistant licenses, beginning with the renewal for the licensing biennium on 2/1/2020, and every biennial renewal thereafter; authorize the Board to conduct random document audits to enforce compliance; and specify conditions for forfeiture and reinstatement of a license.

Ms. Quiogue informed the Board members that no hearings have been scheduled for these bills.

F. HB587 RELATING TO ELECTROCONVULSIVE TREATMENT

The Board discussed the above bill.

The purpose of the bill prohibits physicians from using electroconvulsive treatment on minors.

Chair Geimer-Flanders asked for Dr. Young's opinion on the safety of electroconvulsive treatment for minors.

Ms. Quiogue noted that this bill amends HRS chapter 453.

Dr. Young replied that she is uncertain of the effects of electroconvulsive treatments in minors and whether any physician in the State qualifies to perform the treatment.

Chair Geimer-Flanders and Dr. Takanishi were of the opinion that practice standards should not be placed in statute.

Members agreed with Chair Geimer-Flanders and Dr. Takanishi's comments.

Based on the comments above, Ms. Quiogue recommended that the Board remain neutral regarding the subject matter of this bill. However, the Board may submit comments regarding its concern in placing practice standards in statute.

Dr. Takanishi noted that physicians would not be allowed to perform electroconvulsive treatments without the appropriate credentials.

Chair Geimer-Flanders concurred with Ms. Quiogue's recommendation.

By consensus, the Board would provide comments regarding HB587. Specifically, its comments would relay its concerns regarding placing practice standards in statute.

G. HB609 RELATING TO RESIDENCY PROGRAMS FOR HAWAII MEDICAL SCHOOL GRADUATES

The Board discussed the above bill.

The purpose of the bill is to appropriate money to graduate medical education programs for physician residency programs in Hawaii; provided that the funds are matched dollar-for-dollar by private sector medical hospitals and institutions.

Ms. Quiogue stated that when the Board testified for the workforce bill in 2018, the Board indicated its preference to have all monies go towards creating more graduate medical education training opportunities for local medical graduate instead of being applied to the physician workforce project.

Given this information, the Board, by consensus, supports this bill.

H. HB669, HD1 / SB825, SD1 RELATING TO MEDICAL MALPRACTICE

The Board discussed the above bills.

The purpose of these bills is to limit medical malpractice liability for residents and fellows in accredited post graduate residency and fellowship programs acting under the supervision of a licensed physician.

The Board determined that it will monitor these bills.

I. HB673, HD2, SD2, CD1 / SB1430 RELATING TO MEDICAL CANNABIS

The Board discussed the above bills.

The purposes of HB673 HD2, SD2, CD1 are to: provide a process for the voluntary or involuntary sale or transfer of an individual dispensary license; ease restrictions on allowable operating hours and location of licensed facilities; and expand allowable interisland transportation of medical cannabis products for laboratory testing.

The purposes of SB1430 are to: allow naturopathic physicians and physician assistants to provide written certification for qualifying patients; allow licensed dispensaries to have up to two additional manufacturing or processing facilities separate from their production facilities; provide a process for the voluntary or involuntary sale or transfer of an individual dispensary license; allow retail dispensaries to operate on state and federal holidays; allow a licensed dispensary to purchase medical cannabis or manufactured cannabis products from another licensed dispensary, with department approval, in the event of a crop failure; allow remediation of any cannabis batch that fails laboratory testing standards as long as any final product passes such standards; and allow licensed retail dispensaries to sell edible cannabis and cannabidiol products.

Ms. Quiogue informed the Board members that no hearings have been scheduled for these bills.

Ms. Quiogue requested the Board's position in the event a similar bill is introduced in the future.

Dr. Takanishi recommended that the Board's decision should depend on the outcome of HB39 because currently physician assistants may only function under a license.

Ms. Quiogue stated that the agreement between the supervising physician and the physician assistant will have to allow the physician assistant to provide written certification for qualifying patients.

Ms. Quiogue also informed the Board that this bill will also allow for naturopaths to certify patients for cannabis and cannabidiol products.

Chair Geimer-Flanders asked whether naturopathic physicians currently have full prescription authority except for narcotics.

Ms. Quiogue clarified that naturopathic physicians currently can prescribe legend drugs, but they cannot prescribe scheduled drugs which includes narcotics and controlled substances.

Vice-Chair Halford asked whether advanced practice registered nurses (“APRNs”) are currently allowed to certify patients for cannabis and cannabidiol products.

Ms. Quiogue stated that current laws allow physicians and APRNs to certify patients for cannabis and cannabidiol products.

Dr. Takanishi stated that APRNs have prescriptive authority under their own laws and rules, which are similar or identical to physicians’ prescriptive authority.

Ms. Quiogue stated that APRNs are considered independent practitioners.

Ms. Quiogue requested clarification from the Board for their position.

By consensus, the Board supports the sections which would allow physician assistants with the authorization of their supervising physician, to provide written certification for qualifying patients for cannabis and cannabidiol products.

J. HB863 / SB1411 RELATING TO WORKERS’ COMPENSATION

The Board discussed the above bills.

The purposes of these bills are to: require a physician or surgeon who performs a medical exam on an employee for workers’ compensation purposes to be licensed in the State, possess medical malpractice insurance, and owe the same duty and standard of care to the injured employee as owed to a traditional patient; and make permanent an employee’s right to record medical examinations.

Ms. Quiogue informed the Board members that no hearings have been scheduled for these bills, therefore, it will not be advancing.

K. HB935, HD1 / SB1406, SD1, HD2 RELATING TO HEALTH

The Board discussed the above bills.

The purposes of HB935, HD1 are to: clarify the scope and practice of physician assistants in the State; amend the Board’s membership to include two physician assistants; expand the bases to revoke or suspend a physician or surgeon’s license; and make conforming amendments.

Ms. Quiogue stated that SB1406 was signed by the Governor as Act 181 on July 2, 2019. She went on to say that Act 181 addressed the medical records review process and provided clarity regarding renewal requirements. Instead of submitting proof of current certification by the National Commission on Certification of Physician Assistants at the time of renewal, physician assistants are now required to submit proof of continuing medical education that is approved by the American Medical Association, American Osteopathic Association, or the American Academy of Physician Assistants.

Ms. Quiogue stated that she has the Board's positions regarding these bills.

L. HB1089, HD1 RELATING TO MEDICAL EDUCATION

The Board discussed the above bill.

The purpose of the bill is to direct the Department of Health to perform a study to develop a pilot program to provide State-provided financial support to individuals pursuing a Doctor of Medicine degree in exchange for a commitment to practice medicine in Hawaii after they graduate.

Ms. Quiogue informed the Board members that no hearings have been scheduled for this bill. She went on to say that HB39 will be used as the vehicle for this matter.

Members indicated that they would monitor this bill.

M. HB1560 RELATING TO PHYSICIAN ASSISTANTS

The Board discussed the above bill.

The purpose of the bill is to expand the scope of practice of licensed physician assistants in the State.

Ms. Quiogue informed the Board members that no hearings have been scheduled for this bill. She went on to say that based on prior discussion of similar bills, she has the Board's position regarding this matter.

N. HB1606 RELATING TO PROFESSIONAL AND VOCATIONAL LICENSURE

The Board discussed the above bill.

The purposes of the bill are to: specify the documentation needed for a military spouse to receive temporary licensure by endorsement; and require issuance of the license within 30 days of the application and supporting documents.

Ms. Quiogue informed the Board members that a hearing was held on February 13, 2020, at 9:00 a.m., before the House Committee on Labor, and recommended the Board defer to the Professional Licensing Division's ("PVL") position regarding this bill. The PVL's preference is to use HB2324 as the vehicle.

Chair Geimer-Flanders asked for clarification regarding the requirements to issue a license within 30 days.

Ms. Quiogue stated that this bill would require the licensing authority to issue a license within 30 days of receipt of an application and affidavit from the applicant attesting that they do not have any malpractice or disciplinary action. To provide additional clarity, regardless of whether the applicant submits the other required documents, the Board would still be required to issue a license.

Vice-Chair Halford questioned the necessity of this bill.

Ms. Quiogue informed the members that this bill will allow military spouses to obtain a temporary license while completing any requirements necessary for licensure in this state. This bill essentially creates an expedited pathway of licensure for military spouses.

Dr. Takanishi is of the opinion that this bill was proposed based on workforce shortages for civilian and the military within the State.

By Consensus, the Board deferred to PVL's position regarding this bill.

O. HB1692 / SB2001 RELATING TO MINORS

The Board discussed the above bills.

The purposes of these bills are to: require members of the clergy to report child abuse and neglect to the Department of Human Services or to the police; and specify that the general rule of privilege under the Hawaii Rules of Evidence for confidential communications made to a member of the clergy does not apply to communications relating to child abuse or neglect.

Ms. Quiogue informed the Board that this bill was added to the agenda as a reminder that healthcare related professions are required by law to report child abuse.

The Board will not take a position on the bill.

Q. HB1977, HD1 RELATING TO PHYSICIAN SHORTAGE

The Board discussed the above bill.

The purposes of the bill are to: address the State's physician shortage by establishing a Medical Student Sponsorship Program within Department of Health for medical students who successfully graduate from a high-quality but lower-cost school of medicine and make a ten-year service commitment to practice medicine in Hawaii; and appropriate funds.

The Board will monitor this bill.

R. HB2105, HD1 / SB2540 RELATING TO COLLECTIVE MEDIATION BY PHYSICIANS

The Board discussed the above bills.

The purpose of HB2105 is to requires the Department of the Attorney General to conduct a feasibility study on whether the legislature may authorize competing physicians to engage in collective mediation with health benefit plans.

The purpose of SB2540 is to authorize physicians to engage in collective mediation with health benefit plans.

The Board will monitor these bills.

S. HB2113 RELATING TO HEALTH

The Board discussed the above bill.

The purposes of the bill are to: prohibit medically unnecessary treatment or intervention on the sex characteristics of persons born with variations in their physical sex characteristics who are under the age of 18; and require the Board to adopt rules to determine which treatments and interventions are medically necessary.

Ms. Quiogue requested a position from the Board. She went on to say that this matter is similar to other bills in that it places practice standards in statute. Based on the previous discussion the Board relayed concerns regarding placing practice standards in statute.

Chair Geimer-Flanders and Dr. Takanishi concurred with Ms. Quiogue's comments.

Ms. Quiogue informed the Board that based on its discussion, she will submit testimony in opposition to the language contained on page 2, lines 19 to 21 and page 3, lines 1 and 2 for reasons that the statute should only reflect minimum licensure requirements and not include practice standards, scope of practice, exceptions to the license requirements, etc. Further, given that there are currently no urologists on the Board, the Board's composition may have to change.

T. HB2228 / SB2542 RELATING TO THE GENERAL EXCISE TAX EXEMPTIONS

The Board discussed the above bills.

The purpose of these bills is to provide a general excise tax exemption for medical services by physicians and advanced practice registered nurses acting in the capacity as a primary care provider.

The Board will monitor this bill.

U. HB2231 RELATING TO ABORTION

The Board discussed the above bill.

The purposes of the bill are to: require that a mother be informed of whether her fetus has a detectable heartbeat prior to consenting to an abortion; and provide for criminal penalties against a physician or surgeon who performs an abortion without obtaining informed consent relating to fetal heartbeat.

Ms. Quiogue requested a position from the Board.

Chair Geimer-Flanders recommended the Board oppose this bill because it places practice standards in the statute.

Ms. Quiogue asked whether Dr. Dao had any comments regarding this bill given that he practices obstetrics and gynecology

Dr. Dao is of the opinion that this requirement would cause the patient undue stress in an already difficult situation.

Dr. Takanishi concurred with Dr. Dao's opinion.

By consensus, the Board opposes this bill.

V. HB2235 RELATING TO TAXATION

The Board discussed the above bill.

The purpose of this bill is to establish a general excise tax exemption for all gross proceeds arising from medical services provided by qualified physicians to patients who receive Medicaid or Medicare benefits.

The Board will monitor this bill.

W. HB2334 / SB2890 RELATING TO LICENSING

The Board discussed the above bills.

The purpose of these bills is to allow a person who: is married to an active duty member in the military; accompanies his or her spouse on a permanent change of station to Hawaii; and holds a current, unencumbered license in another jurisdiction in specific professions to apply for licensure on an expedited basis in the State of Hawaii.

By consensus, the Board determined that it appreciates the intent of these measures and would prefer that either of these measures be used as the vehicle if legislation were to become enacted.

X. HB2451 RELATING TO HEALTH

The Board discussed the above bill.

The purposes of the bill are to: explicitly recognize advanced practice registered nurses as attending providers and consulting providers capable of performing all necessary duties under the Our Care, Our Choice Act in accordance with their scope of practice and prescribing authority; and reduce the mandatory waiting period between oral requests made by a terminally ill individual from twenty to fifteen days.

The Board will monitor this bill.

Y. SB207 / HB88 RELATING TO WORKERS' COMPENSATION

The Board discussed the above bills.

The purposes of these bills are to: amend requirements for medical examinations in workers' compensation claims by requiring that the examining physician be mutually selected by the employer and employee or appointed by the Director of Labor; and provide for document distribution, cost allocation, and physician qualifications.

The Board will monitor this bill.

Z. SB251, SD1 RELATING TO SPORTS MEDICINE

The Board discussed the above bill.

The purpose of the bill provides a limited exemption from state licensure requirements to out-of-state physicians who accompany a sports team to a specific sporting event in Hawaii or are invited to provide services at a national sport training center, event, or competition in Hawaii, if certain conditions are met; and requires out-of-state physicians to provide notice to the Hawaii medical board.

Ms. Quiogue noted the Board's position from its March 13, 2019, meeting. The members supported this bill with exception of Dr. Chun and Dr. Sept,

who voted to oppose it.

AA. SB532 RELATING TO HEALTH CARE PEER REVIEW

The Board discussed the above bill.

The purpose of the bill amends the definition of "physician", for purposes of health care peer review, to include physicians participating in nationally-recognized accredited graduate medical training programs that occur in a health care entity.

The Board will monitor this bill.

BB. SB892 RELATING TO EMERGENCY SERVICES

The Board discussed the above bill.

The purpose of the bill prohibits doctors, advanced practice registered nurses with prescriptive authority, and physician assistants, when providing emergency services at a hospital from: prescribing any long-acting opioid painkiller, prescribing more than a seven-day supply of any other opioid painkiller, or refilling prescriptions for opioid painkillers; provides exceptions and establishes penalties.

The Board will monitor this bill.

CC. SB899 RELATING TO MEDICAL RESIDENCY PROGRAMS

The Board discussed the above bill.

The purpose of the bill appropriates funds to the University of Hawaii Family Medicine Residency Program to establish a consortium of hospitals and other institutions participating in medical training to develop physician residency opportunities throughout the State.

The Board will monitor this bill.

DD. SB902 RELATING TO HEALTH CARE PEER REVIEW

The Board discussed the above bill.

The purpose of the bill is to provide resident physicians and fellows participating in a graduate medical education program with the same incentives and protections as licensed physicians engaging in the health care peer review process.

The Board will monitor this bill.

EE. SB903 RELATING TO POSTGRADUATE RESIDENT PHYSICIANS AND FELLOWS

The Board discussed the above bill.

The purpose of the bill is to provide immunity from liability for postgraduate resident physicians and fellows for medical malpractice claims arising from injury that occurs as a result of care that is provided while the resident physician or fellow is participating in an accredited training program under the supervision of a licensed faculty or volunteer physician.

The Board will monitor this bill.

FF. SB904 RELATING TO MEDICAL MALPRACTICE

The Board discussed the above bill.

The purpose of the bill is to limit medical malpractice liability for residents and fellows in accredited residency and fellowship programs acting under the supervision of a licensed physician.

The Board will monitor this bill.

GG. SB1400 RELATING TO MEDICAL RESIDENCY PROGRAMS

The Board discussed the above bill.

The purposes of the bill are to: make an appropriation to support and expand medical residency training programs in state teaching hospitals; and requires dollar-for-dollar matching funds from private funding sources.

The Board will monitor this bill.

HH. SB2412 RELATING TO MEDICAL RESIDENCY PROGRAMS

The Board discussed the above bill.

The purposes of the bill are to: make an appropriation to support and expand medical residency training programs in state teaching hospitals; and require dollar-for-dollar matching funds from private funding sources.

The Board will monitor this bill.

II. SB2424 RELATING TO THE PRACTICE OF MEDICINE

The Board discussed the above bill.

The purpose of the bill is to clarify the definition of the practice of medicine to provide uniformity of practice for both medical and osteopathic physicians.

Ms. Quiogue recommended an amendment to change “or” to “of” on page 1, line 17 and asked for the Board’s position.

Chair Geimer-Flanders explained that the current statute only defines the practice of medicine “for the treatment of diseases”; this bill will update the practice of medicine to include the prevention of disease for the general health and welfare of the consumers of this state.

Ms. Quiogue also indicated that the bill will also foster consistency in enforcement for the Regulated Industries Complaints Office.

Dr. Takanishi stated that with the move to a single accreditation system under the Accreditation Council for Graduate Medical Education, the language in our current statute will become obsolete.

By consensus, the Board supports this bill.

JJ. SB2472 RELATING TO TUITION WAIVERS FOR PHYSICIANS IN RURAL AREAS

The Board discussed the above bill.

The purpose of the bill is to require and appropriate funds for the University of Hawaii John A. Burns School of Medicine to establish a program that awards tuition waivers and other subsidies to up to ten students per year to cover their entire term of study at the University of Hawaii John A. Burns School of Medicine.

The Board will monitor this bill.

KK. SB2768 RELATING TO SPORTS MEDICINE

The Board discussed the above bill.

The purposes of the bill are to: provide a limited exemption from State licensure requirements to out-of-state physicians who accompany a sports team to a specific sporting event in Hawaii or are invited to provide services at a national sport training center, event, or competition in Hawaii, if certain conditions are met; and require out-of-state physicians to provide notice to the Board.

Ms. Quiogue stated that this bill is similar to SB251, which she has a position for.

LL. SB2277 / HB2043, HD1 RELATING TO ADOLESCENT MENTAL HEALTH CARE

The Board discussed the above bills.

The purposes of these bills are to: allow an unlicensed mental health professional, working under the supervision of a licensed mental health professional, to provide mental health treatments or counseling services to minors without parental or legal guardian consent, knowledge, or participation; require a mental health professional to assist a minor with completing a non-disclosure notification form to send to covered entities, when appropriate; and require a covered entity, upon receiving a completed notification form, to maintain confidentiality of minor-initiated mental health treatment or counseling services.

The Board will monitor this bill.

MM. SB2773 RELATING TO OPIOIDS

The Board discussed the above bill.

The purposes of the bill are to: require providers authorized to prescribe opioids to discuss with patients' certain risks associated with controlled substances that are opioids prior to issuing initial opioid prescriptions for the treatment of acute pain; and require providers to include a note acknowledging the discussion of the risks associated with opioids in the patient's medical record.

Ms. Quiogue informed the Board that this bill was deferred indefinitely by Senate Committee on Commerce, Consumer Protection, and Health.

NN. SB3091 RELATING TO EMERGENCY MEDICAL SERVICES

The Board discussed the above bill.

The purpose of the bill is to enable the Board to certify emergency medical technicians other than emergency ambulance services.

Chair Geimer-Flanders asked what precipitated the need for this bill since the Board just amended its administrative rules in October 2016.

Ms. Quiogue explained that currently the National Highway Traffic Safety Administration requires Emergency Medical Technicians ("EMT") with a certain level of licensure to transport patients, hence, our statute also reflects the same and/or similar requirements. She went on to say that this bill is geared towards requiring National Registry of Emergency Medical Technicians ("NREMT") EMT certification only to obtain an EMT certificate in this state. This bill would remove the requirement for an EMT applicant to submit proof of didactic training in IV access and cardiac defibrillation, and 96 hours of clinical experience.

Chair Geimer-Flanders expressed her opinion that regardless of whether an individual is a firefighter, lifeguard, or police officer, they should be issued an EMT certificate by the Board if they meet all of the certification requirements.

Ms. Quiogue clarified that this bill will not prohibit first responders from applying for an EMT certificate in the State.

Dr. Takanishi stated that a lot of places have automated external defibrillators and we do not require individuals to obtain a license to use them.

Ms. Quiogue stated that the curriculum and training that EMTs receive for cardiac defibrillation is more advanced.

Ms. Quiogue explained that based on the testimony provided before the Senate Committee on Public Safety, Intergovernmental, and Military Affairs, it appears that the main concern is that all levels of certification – EMT, AEMT, and Paramedic – are limited to practice their profession on an ambulance only due to the “transport” requirement.

Chair Geimer-Flanders stated that if the training for first responders is equivalent to what the Board requires to obtain an EMT certificate then there will be no issues.

By consensus, the Board determined that its testimony should address the concerns regarding practice setting, specifically, working on an ambulance. Based on this, the Board instructed Ms. Quiogue to provide a proposed Senate Draft 1, which deletes reference to “ambulance” in HRS sections 453-31 and 453-32.

Advisory
Committees:

A. Emergency Medical Personnel:

The Board, by consensus, appointed the following individuals as representatives for the NREMT examination at its meeting on December 12, 2019:

- a. Leaugeay C. Barnes, MS, NRP, NCEE, FP-C
(Representative)
- b. Marie Hathaway Yoshikawa, Paramedic
(Alternate No. 1)
- c. Tina Hamayasu, Paramedic
(Alternate No. 2)

Subsequent to that decision, the NREMT informed the Board’s staff and the PVL’s Examination Branch that Ms. Barnes cannot be the State representative because she is the current program

director of the Emergency Medical Technician Program at Kapiolani Community College.

It was moved by Chair Geimer-Flanders, seconded by Dr. Holt, and unanimously carried to appoint the following individuals as the NREMT examination representatives:

- a. Marie Hathaway Yoshikawa, Paramedic (Representative)
- b. Tina Hamayasu, Paramedic (Alternate Representative)
- c. Leaugeay C. Barnes, MS, NRP, NCEE, FP-C (Coordinator)

B. Physician Assistants:

None.

C. Podiatrists:

None.

Correspondence:

- A. Email Inquiry from Tiffany Apthorpe, Vachette Practice Management, regarding whether a Hawaii license is necessary for a Pathologist from another state to interpret a patient sample from Hawaii.

The Board members reviewed the email correspondence dated January 23, 2020, from Tiffany Apthorpe, Client Administrator of Vachette Practice Management, regarding whether a Hawaii license is necessary for a pathologist from another state to interpret a patient sample from Hawaii.

Dr. Takanishi stated his opinion that a Hawaii medical license is not required for a pathologist in another state to interpret a patient sample from Hawaii.

Chair Geimer-Flanders disagreed with Dr. Takanishi's opinion and stated that she believes that if the pathologist interprets, treats, diagnoses, or contributes to patient care in Hawaii, then it would be considered practicing medicine; thus, a Hawaii medical license is required.

Chair Geimer-Flanders also recommended that the Board consider that it will have no jurisdiction over a pathologist from another state that does not hold a license in Hawaii. She went on to say that the Board may not have any recourse to take if a patient is harmed due to misdiagnosis.

Ms. Quiogue mentioned that the pathologist is only reading and making a

recommendation for the primary physician of record.

Dr. Takanishi stated that it is common to have oncology patients be referred to a pathologist in another state to review their medical condition; however, Dr. Takanishi qualified his response by stating that he also partners with a local pathologist to review the report before making a diagnosis.

Dr. Holt stated that this practice is similar to teleradiology/telehealth.

Chair Geimer-Flanders concurred that this would be considered telehealth.

Vice-Chair Halford stated that medical genomic tests are only performed on the mainland and we currently do not require a Hawaii license to perform those tests.

Chair Geimer-Flanders stated that medical genomic test reports are provided back to local physicians to interpret and advise the patients in Hawaii.

Ms. Quiogue stated that the statute provides certain exceptions to the license requirement, including consultation, that will allow a physician to practice medicine in this state without a license. Ms. Quiogue referred to HRS sections 453-1 and 453-2 for the Board's consideration.

Specifically, HRS section 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 neuro-musculoskeletal 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.

In addition, HRS section 453-2 sets forth certain exceptions for the license requirement, one of which is for purposes of consultation. Specifically, pursuant to HRS section 453-2(b)(4), nothing herein shall:

Apply to any practitioner of medicine and surgery from another state when in actual consultation, including in-person, mail, electronic, telephonic, fiber-optic, or other telehealth consultation with a licensed physician or osteopathic physician of this State, if the physician or osteopathic physician from another state at the time of consultation is licensed to practice in the state in which the physician or osteopathic physician resides; provided that:

- (A) The physician or osteopathic physician from another state shall not open an office, or appoint a place to meet patients in this State, or receive calls within the limits of the State for the provision of care for a patient who is located in this State;
- (B) The licensed physician or osteopathic physician of this State retains control and remains responsible for the provision of care for the patient who is located in this State; and**
- (C) The laws and rules relating to contagious diseases are not violated.

The Board by consensus designated Ms. Quiogue to provide a response to Ms. Aphorpe, which summarizes the above discussion.

Lastly, in accordance with Hawaii Administrative Rules §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 Department of Commerce and Consumer Affairs.

Open Forum: None.

Next Meeting: Thursday, March 12, 2020
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 2:28 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/Ahlani K. Quiogue

/s/Jenny Yam

(Ms.) Ahlani K. Quiogue
Executive Officer

(Ms.) Jenny Yam
Secretary

AKQ:jy
2/27/2020

(X)
()

Minutes approved as is.

Minutes approved with changes: _____

HAWAII MEDICAL BOARD 2/13/20 - RATIFICATION LIST

LTYPE LIC NUM BP NAME PART 1

MD 20898 HANG THANH <VU<
MD 20899 POOJA NAGESH <GIDWANI<
MD 20900 JENNIFER YEH <CHIANG<
MD 20901 JOHN JOSEPH <HACHE<
MD 20902 KENNETH R <WITMER<
MD 20903 MARGARET A <ENGEL<
MD 20904 JIANDONG <WEI<
MD 20905 GEORGE H <ROEPKE< III
MD 20906 ANDREW G <MORAN<
MD 20907 RATI NARENDRA <PATEL<
MD 20908 ADAM T <WEIGHTMAN<
MD 20909 ANDREW R <WORLEY<
MD 20910 DAVID <LORTSCHER<
MD 20911 KUNAL MAHENDRA <SHAH<
MD 20912 BLAIR N <LIMM-CHAN<
MD 20913 DAVID A <ADLER<
MD 20914 SIMON JOHN <FARROW<
MD 20915 JOHN C <MILLS<
MD 20916 ALANA M <TANIGUCHI<
MD 20917 SCOTT <JACOBSON<
MD 20918 AMY J <YANG<
MD 20919 LAURA O <THOMAS<
MD 20920 ADAM R <SWEENEY<
MD 20921 NIKKI D S <KUMURA<
MD 20922 MATTHEW C <KASPRENSKI<
MD 20923 DANE C W L <LEE<
MD 20924 NICHOLAS C <OTTEN<
MD 20925 TIFFANY CHRISTINA <WONG<
MD 20926 ANDREA P <HO<
MD 20927 JENNIFER M <GIMA<
MD 20928 KEITH S <THOMPSON<
MD 20929 KOHEI <HASEBE<
MD 20930 TIMOTHY AUGUSTUS <DIXON<
MD 20931 FAUZIA N <RANA<
MD 20932 ALAN <KUO<
MD 20933 AZADEH L <MAJLESSI<
MD 20934 ROBERT S <FARRELL< JR
MD 20935 FRANCESCA R <GEERTSMA<
MD 20936 GREGORY LAMAR <THOMPSON<
MD 20937 SUSAN L <GONNELLA<
MD 20938 STEPHANIE <SOOHOO<
MD 20939 MANISHA <PUNWANI<
MD 20940 JEFFREY Y C <WONG<
MD 20941 ROBERT C <LLANOS<
MD 20942 SHELLEY M <OLIVER<

MD 20943 WAYLEY D <LOUIE<
MD 20944 HARAMANDEEP <SINGH<
MD 20945 JEFFREY S <PHELAN<
MD 20946 RONALD J <MINTER<
MD 20947 JAMIE M <PHIFER<
MD 20948 MARCO FELIX <HERNANDEZ<
MD 20949 SARAH S <ALLEXAN<
MD 20950 GREGORY H <GILBERT<
MD 20951 GEORGE N <GIACOPPE< JR
MD 20952 DAVID G <GREENHALGH<
MD 20953 JAE SANG <YOU<
MD 20954 TUHIN <CHAUDHURY<
MD 20955 ROWENA CABIGON <MERCADO<
MD 20956 JEFFREY A <JACOBS<
MD 20957 CHERYL Y <BAILEY SALARY<
MD 20958 LINDSEY R S <MCILVENA<
MD 20959 MAHMOUD <GOODARZI<
MD 20960 AJAY K <SINGH<
MD 20961 MARY JEANNE <DE LEON<
MD 20962 CAROLINE G Y <LAU<
MD 20963 TIMOTHY M <TAWA<
MD 20964 KEANE E <MCCULLUM<
MD 20965 COLE K <NISHIKAWA<
MD 20966 GREGORY C <HINN<
MD 20967 KENNETH L <CROSBY< JR
MD 20968 DAVID E <MARCUS<
MD 20969 NINA HO <KAYO<
MD 20970 GEOFFERY <CLOVER<
MD 20971 KITTY <VICTORIA<
MD 20972 ARIF <HUSAIN<
MD 20973 MICHAEL E <DORNEY<
MD 20974 ZHIBIN <JIANG<
MD 20975 ARTHUR YUHSIN <CHOU<
MD 20976 MICHAEL KELLY <ALTENBURG<
MD 20977 MARCEL <BRUS-RAMER<
MD 20978 MATTHEW S <MULLER<
MD 20979 MATTHEW BRIAN <MCAULIFFE<
MD 20980 RODERICK M <ALFONSO<
MD 20981 JULIE K <SUN<
MD 20982 TATIANA <MALEEVA<
MD 20983 VAUGHAN R <CIPPERLY<
MD 20984 HUI JIE JENNY <CHEN<
MD 20985 GREGORY A <BORTOFF<
MD 20986 KIRK DARREL <PETERSON<
MD 20987 BROOKS W <TABER<
MD 20988 MELISSA <FRANCKOWIAK<
MD 20989 ETHAN D <STOLZENBERG<
MD 20990 HELEN N <GRAY<
MD 20991 NASH A K <WITTEN<

MD 20992 DANIEL J <OLSON<
MD 20993 ALFREDO S <NINO<
MD 20994 EUGENE T <KIM<
MD 20995 HEATHER N <VALENZUELA<
MD 20996 NEIL <ANAND<
MD 20997 GREG A <SCHAUBLIN<
MD 20998 JOSHUA M <HAMOUD<
MD 20999 JOHN P <NAZARIAN<
MD 21000 CHRISTOPHER M <HULL<
MD 21001 DEPTMER M <ASHLEY<
MD 21002 PATRICK D <LEAF<

MDR 7875 LEA L <JANCIC<
MDR 7876 AUBRI K <CHARNIGO<
MDR 7877 LEAH A <MARSH<
MDR 7878 POWELL <GRAHAM<
MDR 7879 TUYEN K <KIET<
MDR 7880 OLIVIA T M N <MURAMOTO<
MDR 7881 MONTY J <PUTMAN<
MDR 7882 MARGARET S <STUTSMAN<
MDR 7883 TRAVIS P <SHARKEY-TOPPEN<
MDR 7884 DOMINIC S <IORIO<
MDR 7885 LIA <GARRY<
MDR 7886 MONIQUE <KOSCSO<

AMD 969 KRISTA A <THOMPSON<
AMD 970 JACLYN R <STEINKE<
AMD 971 PAULINA <PLASKON<
AMD 972 MARYAM K <BUTLER<
AMD 973 ANDREA M <BURGOYNE<
AMD 974 SUSAN S <STEWART<
AMD 975 LINDSAY B <LEGGETT<
AMD 976 EDIE R <HAMILTON<

DOS 2041 ERIKA B <MARK<
DOS 2042 DANIEL G <SPICER<

EMT 2960 SUMMER L <CAVASSO<
EMT 2961 JARRETT T <HAYAMA<
EMT 2962 SEDRICK K A <MAHI<
EMT 2963 RANDY W <TEEPLES<
EMT 2964 SUMMER R <ARTAUD<
EMT 2965 KAIOKIKAHAMALIEIKEAHIAHI <AKIYAMA<
EMT 2966 MATTHEW R <BURDEN<
EMT 2967 JOSEPH F <CHAGOYA<
EMT 2968 MACAYLA J <DIETRICH<
EMT 2969 RACHEL H <FUJIKAWA<
EMT 2970 JANEIGH L <GUTIERREZ<
EMT 2971 BRYSON L <HUE<

EMT 2972 KRISTEN W <JOHNSON<
EMT 2973 BRANDON A D <MADAMBA<
EMT 2974 ALEXIS M P I <MEDEIROS<
EMT 2975 JACIE LEIGH HH <PEARSON-SANTOS<
EMT 2976 MEGAN A <SCHENDEL<
EMT 2977 CHAD J <BAILEY<

EMTP 2273 STEPHANIE A <VIENER<
EMTP 2274 RYAN M <ECK<
