

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

MINUTES OF MEETING

Date: October 14, 2021

Time: 1:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/98491511028>

Present: Peter Holt, M.D., Vice Chairperson, Oahu Member
Darren K. Egami, M.D., Maui Member
Peter Halford, M.D., Oahu Member
Gary Belcher, Public Member
Franklin V.H. Dao, M.D., Oahu Member
Michael Jaffe, D.O., Oahu Osteopathic Member
Wesley Mun, Public Member
Danny Takanishi, M.D., Oahu Member
Geri Young, M.D., Kauai Member
Shari J. Wong, Deputy Attorney General (“DAG”)
Ahlani K. Quiogue, Executive Officer
Phyllis O’Donoghue, Secretary (Training)
Lei Ana E. Green, Executive Officer (Technical Support)
Jenny Yam, Executive Officer (Technical Support)

Excused: Jone Geimer-Flanders, D.O., Chairperson, Osteopathic Member
Andrew “Rick” Fong, M.D., Hawaii Member

Zoom Webinar Guest(s): Cornell Wells, M.D.

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

A short video was played to explain the meeting procedures and how members of the public could participate in the virtual meeting.

Call to Order: The meeting was called to order at 1:05 p.m., at which time quorum was established.

Chair Holt welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present, with the exception of Jone Geimer-Flanders, D.O., and Andrew “Rick” Fong, M.D., who were excused from the meeting. Dr. Takanishi was experiencing technical difficulties and was not present for the initial roll call.

Approval of the
September 9, 2021,
Minutes:

It was moved by Dr. Halford, seconded by Dr. Young, and carried by the majority, with the exception of Dr. Egami, who abstained from the vote, to approve the meeting minutes of the executive session and the minutes of the open session of the September 9, 2021, meeting as circulated.

Dr. Takanishi entered the meeting at 1:08 p.m.

Adjudicatory
Matters:

Chair Holt called for a recess from the meeting at 1:10 p.m., to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Note: Board members and staff entered the Microsoft Teams meeting).

A. In the Matter of the Certified Physician Assistant's License of
Timothy C. Gedney, PA-C; MED-2021-15-L

After discussion, it was moved by Dr. Dao, seconded by Dr. Halford, and unanimously carried to approve the Hearing Officer's Finding of Fact, Conclusions of Law and Recommended Order as its Final Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Vice Chair Holt announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:17 p.m. Board members and staff returned to the Zoom meeting.

Applications for
License/
Certification:

A. Applications:

It was moved by Dr. Takanishi, seconded by Vice Chair Holt, and unanimously carried to enter into executive session at 1:18 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. (Note: Board members and staff entered into Microsoft Teams):

(i) Physician (Permanent/Non-Endorsement):

a. Mitchell Kohl, M.D.

Mitchell Kohl, M.D. entered the Microsoft Teams meeting at 1:52 p.m.

Mitchell Kohl, M.D. left the Microsoft Teams meeting at 2:13 p.m.

b. Cornell Wells, Jr., M.D.

Cornell Wells, M.D. entered the Microsoft Teams meeting at 2:52 p.m.

Cornell Wells, M.D. left the Microsoft Teams meeting at 3:11 p.m.

c. Craig A. Beach, M.D.

Craig A. Beach, M.D. entered the Microsoft Teams meeting at 3:37 p.m.

Craig A. Beach, M.D. left the Microsoft Teams meeting at 3:54 p.m.

It was moved by Dr. Takanishi, seconded by Dr. Jaffe, and unanimously carried to return to the open meeting at 4:00 p.m. Board members and staff returned to the Zoom meeting.

(i) Physician (Permanent/Non-Endorsement):

a. Mitchell Kohl, M.D.

After due consideration of the information received, it was moved by Dr. Takanishi, seconded by Vice Chair Holt, and unanimously carried, to approve Dr. Kohl's application for licensure subject to certain conditions.

The Board based its decision on the following grounds of the Hawaii Revised Statutes ("HRS") and Hawaii Administrative Rules ("HAR"), which find factual support in the records and files of Dr. Kohl's application:

HRS §436B-19 provides that:

(a) 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:

* * *

(7) **Professional misconduct**, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;

(12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems

the applicant or holder an unfit or improper person to hold a license; and

- (13) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section.

Emphasis added.

HAR section 16-85-112 provides that:

In addition to any other acts or conditions provided in sections 436B-19 and 453-8, HRS, the board may refuse to renew, reinstate, or restore, or may deny, revoke, suspend, or condition in any manner, any license, certificate for any one or more of the following conditions:

* * *

- (1) Failure to comply with, observe, or adhere to any law in a manner such that the board deems the licensee or certificate holder to be an unfit or improper person to hold a license or certificate.

The Board considers Dr. Kohl's conduct to be extremely concerning and contrary to the recognized standards of medical ethics as adopted by the American Medical Association ("AMA"). The Board believes that Dr. Kohl failed to uphold the following AMA Principles of Medical Ethics:

- II. **A physician shall uphold the standards of professionalism**, be honest in all professional interactions, and strive to report physicians deficient in competence, or engaging in fraud or deception, to appropriate entities. Emphasis added.

For reasons contained in the records and files of Dr. Kohl's application, the Board placed the following conditions on his conditional license:

1. Dr. Kohl is prohibited from ever qualifying individuals for the use of medical cannabis in the State of Hawaii.
2. Dr. Kohl may only begin to practice medicine in the State of Hawaii either in-person or via telemedicine after he has

acknowledged and accepted the terms of the conditions of his conditional medical license, paid all applicable fees, and is issued a medical license number.

3. If, at any time, it is determined that Dr. Kohl is not in compliance with the terms of his conditional license, he shall immediately notify the Board and immediately cease practicing medicine until the Board specifies what conditions, if any, it recommends for him to safely resume the practice of medicine. Depending upon the written recommendations, the Board may evaluate what, if any, further conditions and/or limitations are warranted for him to practice medicine and impose such conditions and/or limitations on his license. If he fails to refrain from unprofessional conduct, the Board also will consider whether to suspend, revoke, or otherwise discipline his license.
4. 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 Dr. Kohl violates any further provision of the statutes or rules governing the conduct of physicians in the State of Hawaii, or if he fails to abide by the terms of his conditional license.
5. Should Dr. Kohl wish to have any condition removed from his license, he shall make a request in writing to the Board, at which time the Board would consider his request. When doing so, he shall provide evidence of full compliance with his conditional license.

b. Cornell Wells, M.D.

After due consideration of the information received, it was moved by Vice Chair Holt, seconded by Dr. Egami, and unanimously carried to defer Dr. Well's application pending submission of additional information.

c. Craig A. Beach, M.D.

After due consideration of the information received, it was moved by Dr. Dao, seconded by Mr. Belcher, and unanimously carried to defer Dr. Beach's application pending submission of additional information.

Applications for
License/
Certification:

B. Ratifications:

- (i) List

It was moved by Dr. Takanishi, seconded by Dr. Dao, and unanimously carried to ratify the attached list of individuals for licensure or certification.

Correspondence: A. Email from Christine Woods dated September 22, 2021

Vice Chair Holt briefed the Board on Ms. Wood's email, in which she inquires whether it is legal for a physician to provide their patients with drugs that require a prescription that have been obtained from foreign manufacturers who are not FDA approved. Additionally, Ms. Woods asked whether the physician is able to charge for dispensing this medication.

Discussion followed. Vice Chair Holt expressed his concern regarding this practice and was of the opinion that this is not appropriate.

Dr. Takanishi agreed with Vice Chair Holt's comments, and stated that the FDA approves, in some instances, foreign manufacturers. However, the foreign manufacturer must designate a United States agent. The manufacturer is also subject to FDA inspection, etc. With regard to Ms. Woods's specific question, in most circumstances it is illegal for individuals to import an unapproved drug. The FDA has very specific guidelines regarding human drug imports, whether prescription medicines or over-the-counter (OTC) medicines. It would be beneficial if Ms. Woods refer to this information, which is posted on the FDA's website at: <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/human-drug-imports>.

It was moved by Vice Chair Holt, seconded by Mr. Belcher, and unanimously carried that the practice of dispensing drugs that are not FDA approved is not authorized. Thus, to charge a patient to dispense said medication would not be authorized.

Lastly, in accordance with HAR section 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 Hawaii Medical Board or the Department of Commerce and Consumer Affairs.

B. Email from Matthew Dudzic, Health Policy Analyst, Maryland Board of Physicians dated September 28, 2021

Vice Chair Holt briefed the Board on this request from Mr. Duzic, which asks:

- Does your state require a license for individuals who wish to perform ex vivo lung profusion ("EVLP")? If so, what license is required?
- Is EVLP considered a delegated technical act, which must be delegated by an on-site physician, in your state?

- Is the handling of EVLP addressed in any statute, regulation or public Board decision, and if so, can you please provide guidance re: where I can look these up?

For the members information, Dr. Takanishi explained that EVLP is a technology/process by which a pair of lungs is kept alive outside the body so that a surgeon may evaluate them for transplant. EVLP basically mimics the environment of the lungs inside the body.

Dr. Takanishi stated that it appears that to perform EVLP, the functions may fall within the scope of practice of medicine as defined by HRS section 453-1. He went on to say that based on the complexity of the technology and what is required of someone to perform EVLP, a medical license may be required.

Vice Chair Holt acknowledged that EVLP technology is complex; however, stated that this is not dissimilar to having a nuclear medical technologist inject and ventilate patients for a ventilation perfusion (“VQ”) scan with radionuclide. This procedure is typically done without a physician on-site.

Vice Chair Holt went on to say that it may be best to advise Mr. Dudzic that this does not fall within the Board’s prevue.

Dr. Takanishi asked whether nuclear medical technologists are licensed?

Vice Chair Holt answered in the affirmative. He emphasized that the question is whether a physician must be on-site. In this instance, it appears that the physician would not be on-site.

Dr. Takanishi commented that the difference between a regulated/unregulated person could be the training, education, and scope of practice. In terms of patient safety, the gravity and complexity of performing certain procedures without being licensed and/or having the appropriate supervision is of significant concern.

Ms. Quiogue referred to Mr. Dudzic’s questions, and asked members to provide responses. Mr. Dudzic asks:

- Does your state require a license for individuals who wish to perform ex vivo lung profusion (“EVLP”)? If so, what license is required?

No. The State does not license individuals to perform EVLP. Instead, this appears to fall within the practice of medicine as defined by HRS section 453-1.

- Is EVLP considered a delegated technical act, which must be delegated by an on-site physician, in your state?

No. Based on past informal opinions, physicians may not delegate procedures that require a license to unregulated individuals.

- Is the handling of EVLP addressed in any statute, regulation or public Board decision, and if so, can you please provide guidance re: where I can look these up?

EVLP specifically is not addressed in a specific statute, rule, etc. However, as stated above, the performance of EVLP may require a license since it appears that it falls within the practice of medicine as defined by HRS section 453-1.

Lastly, in accordance with HAR section 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 Hawaii Medical Board or the Department of Commerce and Consumer Affairs.

Federation of
State Medical
Boards, Inc.
("FSMB"):

A. Hawaii Medical Board Delegate

Vice Chair Holt nominated Dr. Takanishi as the Board's delegate to the FSMB, the nomination was seconded by Dr. Young, and unanimously carried to nominate

B. 2021 Annual Report: "Challenge and Change: Adapting with Innovation."

Ms. Quiogue advised members that this information is being disseminated for informational purposes only.

C. Quarterly FSMB Update on the USMLE, September 2021, Vol. 3, No. 4.

Ms. Quiogue advised members that this information is being disseminated for informational purposes only.

Next Meeting:

November 18, 2021
1:00 p.m. Virtual Videoconference Meeting – Zoom Webinar

Adjournment:

The meeting adjourned at 4:17 p.m.

Reviewed and approved by:

/s/ Ahlani K. Quiogue

(Ms.) Ahlani K. Quiogue
Executive Officer

Taken and recorded by:

/s/ Phyllis O'Donoghue

(Mrs.) Phyllis O'Donoghue
Secretary

AKQ:pod
10/22/2021

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(X)

Minutes approved as is.

Minutes approved with changes: See minutes of the 12/9/21 meeting

HAWAII MEDICAL BOARD 10/14/21 - RATIFICATION LIST

LICENSE NUMBER	LICENSEE
AMD-1078-0	KATHERINE MAJOR
AMD-1079-0	ROBERT M MEADOWS
AMD-1080-0	CATHERINE A SCOTT
AMD-1081-0	BETTY L STEWART
AMD-1082-0	JOANNA CHRISTINE HALL
AMD-1083-0	HANNAH HARRIS
AMD-1084-0	KYLIE K T YAMADA
AMD-1085-0	KAYLYN R COOPER
AMD-1086-0	NICOLE E MCELANEY
AMD-1087-0	JOSHUA A BUTTON
AMD-1088-0	TONI LOKELANI CARAVALHO
AMD-1089-0	ANTHONY TODD GLASS
AMD-1090-0	TARA L PARR
AMD-1091-0	LISA A BECK
AMD-1092-0	CODY AKIHIRO SHISHIDO
AMD-1093-0	ROBERT A BOLER
AMD-1094-0	LEESA ANN N FOREE CHRISTOPHER JOHN
AMD-1095-0	RAZONABLE
AMD-1096-0	DAVID M BUCHHOLZ
DOS-2206-0	SIMEON JAGGERNAUTH
DOS-2207-0	NATHAN P KERESTES
DOS-2208-0	JASON BURNS
DOS-2209-0	LEVI RIZK
DOS-2210-0	SUSAN M DORNSTEIN
DOSR-544-0	RYAN BALL
DOSR-545-0	TINA M WILSON
DOSR-546-0	JESSICA L ANTONEL
DOSR-547-0	CLAIRE FAITH KENNEY CLIFTON
DOSR-548-0	JOSE ROBERTS
DOSR-549-0	JESSE C VOLTURO
DOSR-550-0	AARON J WOLBRUECK
EMT-3105-0	TANNER D WILLIAMS

EMTP-2338-0	CHIH R N KOO
EMTP-2339-0	AVI M ELPERN
EMTP-2340-0	BRYAN THOMAS PARKER
EMTP-2341-0	JOSHUA L LOMBARD
MD-22033-0	ROBERT ALAN BURRI
MD-22034-0	JEANNE K TYAN
MD-22035-0	JOHN E O'MARA
MD-22036-0	JONATHAN-JAMES T ENO
MD-22037-0	ANNA HAYDEE CHACON MD
MD-22038-0	STEVEN H LEWIS NICHOLAS MAX HARDING- JACKSON
MD-22039-0	
MD-22040-0	RODNEY N NISHIMOTO
MD-22041-0	LARA S L RIES
MD-22042-0	BRIAN MOON YONG NAGAO
MD-22043-0	BONNIE GILLIS NOLAN
MD-22044-0	NEMESIS Y HAZIM-LIRIANO
MD-22045-0	CHRISTIAN LEE CASTANEDA
MD-22046-0	BRIAN JOHN MANNINO
MD-22047-0	MICHAEL THAN
MD-22048-0	GARRETT FIDALGO
MD-22049-0	LUCAS M SHELDON BRITAIN ANDREW JOSEPH GAILLIOT
MD-22050-0	
MD-22051-0	CHRISTIAN C HALLORAN
MD-22052-0	JAMES SHEN
MDR-8165-0	AMY DO-NGUYEN
MDR-8166-0	JOLENE KOKROKO
MDR-8167-0	MARLEY RASHAD
MDR-8168-0	ROBERT KIM
MDR-8169-0	SERENA T HUA
MDR-8170-0	ABIGALE T COX
MDR-8171-0	SAMUEL J DUNLEAVY
MDR-8172-0	BRIAN L MCQUAIDE
MDR-8173-0	LORENZO ALBALA
MDR-8174-0	PETER TSOU
MDR-8175-0	ADINDA DEMSKE
MDR-8176-0	ALEXANDER M SELBY
MDR-8177-0	CRAIG R LAUFENBERG
MDR-8178-0	JOSE A ROBAINA JR

MDR-8179-0

VASWANI SABENA