

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

MINUTES OF MEETING

Date: April 14, 2022

Time: 1:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/98794297242>

Present: Jone Geimer-Flanders, D.O., Chairperson, Osteopathic Member
Peter Holt, M.D., Vice Chairperson, Honolulu Member
Franklin V.H. Dao, M.D., Honolulu Member
Andrew “Rick” Fong, M.D., Hawaii Member
Michael Jaffe, D.O., Honolulu Osteopathic Member
Wesley Mun, Public Member
Danny Takanishi, M.D., Honolulu Member
Darren K. Egami, M.D., Maui Member
Geri Young, M.D., Kauai Member
Gary Belcher, Public Member
Shari J. Wong, Deputy Attorney General (“DAG”)
Ahlani K. Quiogue, Executive Officer
Kellie Teraoka, Secretary
Lei Ana E. Green, Executive Officer (Technical Support)
Jenny Yam, Executive Officer (Technical Support)

Excused: Peter Halford, M.D., Honolulu Member

Zoom Webinar Guest(s): Douglas Mailman, M.D.
Andrew Coggin, M.D.
Ronald Black, M.D.
John Garibaldi

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor and posted to the State Calendar, 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 1:06 p.m., at which time quorum was established.

Chair Geimer-Flanders welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present and alone, with the exception of Chair Geimer-Flanders who had a household member present at her nonpublic

location. Peter Halford, M.D., Honolulu Member, was excused from the meeting.

Approval of the
March 10, 2022,
Minutes:

It was moved by Dr. Takanishi, seconded by Dr. Jaffe, and unanimously carried to approve the meeting minutes of the executive session and the meeting minutes of the open session of the March 10, 2022, meeting, as circulated.

Adjudicatory
Matters:

Chair Geimer-Flanders 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).

Mr. Belcher, Dr. Young, and Vice-Chair Holt recused themselves from the discussion, deliberation, and vote on this matter.

Mr. Belcher left the Microsoft Teams meeting at 1:13 p.m.

Dr. Young and Vice-Chair Holt left the Microsoft Teams meeting at 1:15 p.m.

A. In the Matter of the License to Practice Medicine of Herbert L. Lim, M.D.; MED-2021-38-L; Settlement Prior to Filing of Petition for Disciplinary Action and Board's Final order

After discussion, it was moved by Chair Geimer-Flanders, seconded by Dr. Takanishi, and carried by the majority, with the exception of Dr. Young, Mr. Belcher, and Vice-Chair Holt who recused themselves from this matter, to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Geimer-Flanders announced that the Board reconvenes to its regular Chapter 92, HRS, meeting at 1:16 p.m. Board members and staff returned to the Zoom meeting.

Mr. Belcher, Dr. Young, and Vice-Chair Holt rejoined the Zoom meeting at 1:16 p.m.

Chair Geimer-Flanders asked if anyone from the public would like to provide oral testimony on agenda item 4, Applications for License/Certification. It was reported that three individuals raised their hands. Chair Geimer-Flanders reminded these individuals that the open session portion of the meeting is public record under the Sunshine law, and they could provide testimony in the executive session portion of the meeting, which is not subject to public record.

Ronald Black, M.D. was promoted to a panelist at 1:20 p.m.

Ronald Black, M.D. introduced himself and stated that he is in attendance

and available to answer questions.

Ronald Black, M.D. returned to an attendee at 1:21 p.m.

Douglas Mailman, M.D. was promoted to a panelist 1:22 p.m.

Douglas Mailman, M.D. introduced himself and stated that he is in attendance and available to answer questions.

Douglas Mailman, M.D. returned to an attendee at 1:23 p.m.

Andrew Coggin, M.D. was promoted to a panelist at 1:23 p.m.

Andrew Coggin, M.D. introduced himself and stated that he is in attendance and available to answer questions.

Andrew Coggin, M.D. returned to an attendee at 1:24 p.m.

Applications for
License/
Certification:

A. Applications:

It was moved by Dr. Takanishi, seconded by Dr. Jaffe, and unanimously carried to enter into executive session at 1:24 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/Endorsement):

a. Ronald A. Black, M.D.

Ronald A. Black, M.D. entered the Microsoft Teams meeting at 1:47 p.m.

Ronald A. Black, M.D. exited the Microsoft Teams meeting at 1:54 p.m.

B. Request to Have Conditions Removed from Conditional License:

(i) Physician:

a. Andrew Coggin, M.D.

Dr. Young advised members and staff that she would be recusing herself from the discussion and decision-making on the requests to remove the conditions from the conditional licenses of Dr. Coggin and Dr. Mailman.

Dr. Young left the Microsoft Teams meeting at 1:56 p.m.

Andrew Coggin, M.D. entered the Microsoft Teams meeting at 1:59 p.m.

Andrew Coggin, M.D. existed the Microsoft Teams meeting at 2:02 p.m.

b. Douglas Mailman, M.D.

Douglas Mailman, M.D. entered the Microsoft Teams meeting at 2:25 p.m.

Douglas Mailman, M.D. exited the Microsoft Teams meeting at 2:29 p.m.

Dr. Young entered the Microsoft Teams meeting at 2:29 p.m.

It was moved by Dr. Takanishi, seconded by Vice-Chair Holt, and unanimously carried to return to the open session meeting at 2:49 p.m. Board members and staff returned to the Zoom meeting.

(i) Physician (Permanent/Endorsement):

a. Ronald A. Black, M.D.

After due consideration of the information received, it was moved by Dr. Dao, seconded by Dr. Takanishi, and unanimously carried to approve Dr. Black's application.

B. Request to Have Conditions Removed from Conditional License:

(ii) Physician:

a. Andrew Coggin, M.D.

After due consideration of the information received, it was moved by Dr. Takanishi, seconded by Mr. Belcher, and carried by a majority, with the exception of Dr. Young who recused herself from the discussion and vote on this matter, to approve Dr. Coggin's request to remove the conditions placed on his conditional medical license.

b. Douglas Mailman, M.D.

After due consideration of the information received, it was moved by Chair Geimer-Flanders, seconded by Mr. Belcher, and carried by a majority, with the exception of Dr. Young who recused herself from the discussion and vote on this matter, to approve Dr. Mailman's request to amend limitation number 3 of the Board's

letter dated October 18, 2018. Specifically, limitation number 3 will be amended as follows (amended information is bolded/italicized):

Prior to beginning the limited practice of ***addiction medicine***, you shall provide a copy of this letter to your prospective employer in the State of Hawaii. Your prospective employer shall, ***within 30 days of the offer the employment***, submit to the Board written confirmation of this letter and information regarding your practice setting. Your practice setting shall be approved by the Board prior to you working. Your prospective employer shall include the following information for the Board's consideration: 1) the name(s) of your employer(s); 2) physical and mailing address of practice; 3) patient population served by practice (age range); and 4) any other information relevant to the Board to make an informed decision.

All other provisions of the Board's October 18, 2018 letter shall remain in effect until at least December 11, 2023.

C. Request to Withdraw Application:

- (i) Physician (Permanent/Non-endorsement):
 - a. Mitchell Kohl, M.D.

After due consideration of the information received, it was moved by Dr. Jaffe, seconded by Dr. Takanishi, and carried by a majority, with the exception of Dr. Egami who opposed the motion, to approve Dr. Kohl's request to withdraw his application for medical licensure and to enter into a settlement agreement with Dr. Kohl, in which he agrees to never apply for a license to practice medicine in the State of Hawaii pursuant to Hawaii Revised Statutes chapter 453.

In reliance upon, and in consideration for Dr. Kohl's agreement to not practice medicine in the State of Hawaii, the Board will:

1. Allow Dr. Kohl to withdraw his application dated September 30, 2020;
2. Rescind its decision of October 14, 2021; and
3. Not file a report to the National Practitioner Data Bank regarding its decision of October 14, 2021.

To expedite this matter, Chair Geimer-Flanders will sign the agreed upon settlement on behalf of the Board.

D. Ratifications List (See attached list)

(i) List

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

Legislation:

A. HB1575, HD2, SD1, RELATING TO PHYSICIAN ASSISTANTS

The Board discussed this bill.

The purposes of this bill are to: expand the scope of practice for physician assistants; and require a sampling of medical records that includes certain amounts of controlled substance prescriptions, rather than all medical records, to be reviewed when physician assistants prescribe controlled substances.

Ms. Quiogue advised the Board that an S.D. 2 was issued after the packets were mailed, which changed the effective date to 7/1/22, and added technical, non-substantive amendments for the purposes of consistency and clarity.

The Board supports this bill.

B. HB1823, HD2, SD1, RELATING TO HEALTH

The Board discussed this bill.

The purposes of this bill are to: authorize advanced practice registered nurses and physician assistants to practice medical aid in dying or provide counseling to a qualified patient; require a prescribing provider to conduct an initial visit in-person; amend the mandatory waiting period between oral requests and the provision of a prescription; and prohibit the disclosure, discovery, or compelled production of information collected or retained pursuant to incidental or routine communication between DOH and qualified patients or providers.

Ms. Quiogue informed the Board that the Senate Committees on Consumer Protection and Commerce and Judiciary issued a latest S.D. 2, which amends the bill to: (1) clarify that the attending provider shall make the initial determination of whether a patient: (a) has a terminal disease; (b) is capable of medical decision making; (c) has made the request for the prescription voluntarily; and (d) has provided that the initial determination which may be made be in-person or via telehealth; (2) amends section 1 to reflect its amended purpose; and (3) make technical, non-

substantive amendments for the purposes of consistency and clarity.

C. SB2017, SD1, RELATING TO EMERGENCY MEDICAL SERVICES

The Board discussed this bill.

The purpose of this bill is to repeal existing law that limits licensure as an emergency medical technician 1 (“EMT-1”) to individuals whose practice is performed in a county with a population of 500,000 or greater.

The Board supports this bill.

D. HCR139, HD1/HR139, HD1, REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT AN ANALYSIS REGARDING THE SCOPES OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS.

The purposes of this measure are to request that the Department of Commerce and Consumer Affairs conduct an analysis of: the scopes of practice for advanced practice registered nurses and physician assistants; whether the scopes of practice for advanced practice registered nurses and physician assistants should be expanded in certain areas of medical care and services, including: school-based health services, medical care for minors related to human immunodeficiency virus, abortion care, the records review process for prescriptions of controlled substances, Clinical Laboratory Improvement Amendments waived tests, medical aid in dying, and other medical care and services; and a comparison to other jurisdictions and whether those jurisdictions allow for similar expanded scopes of practice.

Based on the Board’s position on a similar measure from last year, Ms. Quiogue informed the members that she submitted testimony appreciating the intent of, and offering comments on this measure.

E. HCR66, HD2/HR60, HD2, REQUESTING THE ESTABLISHMENT OF A TELEHEALTH AND TELEPHONIC SERVICES WORKING GROUP TO ADDRESS THE COMPLEXITIES SURROUNDING THE APPROPRIATE USE OF TELEHEALTH AND TELEPHONIC SERVICES, BY SPECIALTY CARE AREA, AND COVERAGE OF THESE SERVICES BY HEALTH INSURANCE.

The purpose of this measure is to request the Insurance Commissioner to establish a Telehealth and Telephonic Services Working Group to address the complexities surrounding the appropriate use of telehealth and telephonic services, by specialty care area, and coverage of these services by health insurance.

The Board will track this measure.

Chair Geimer-Flanders requested that the Board revisit agenda item 5.C, SB2017, SD1, RELATING TO EMERGENCY MEDICAL SERVICES.

C. SB2017, SD1, RELATING TO EMERGENCY MEDICAL SERVICES

Chair Geimer-Flanders asked whether the Board should submit testimony on this matter since there are substantive changes to practice of an EMT-1 and their setting in which they may practice. Specifically, there are unique aspects of our State where there are large and small population centers. For example, for the islands of Hawaii and Kauai, the emergency medical services are responsible for a significant portion of the patient's care because, in some instances, the patient is more than 45 minutes to an hour away from a medical facility. In her opinion, an EMT's training is not as robust it should be, which causes concern for her.

Ms. Quiogue explained that the EMT-1's scope of practice is limited compared to that of the scope of practice for an EMT. Pursuant to Act 119 (21), an EMT-1 shall limit their scope of practice to the performance of basic emergency medical care.

National Registry of
Emergency
Technicians:

A. NREMT Board Examination Representatives

(i) Marie Hathaway Yoshikawa, Paramedic

(ii) Tina Hamayasu, Paramedic

It was moved by Chair Geimer-Flanders, seconded by Dr. Takanishi, and unanimously carried to appoint Ms. Yoshikawa and Ms. Hamayasu as the NREMT Board Examination Representatives.

Executive Officer
Report:

A. Hawaii State Ethics Commission – Financial Disclosure Statement

Ms. Quiogue reminded Board members that the financial disclosure statement for State officials must be filed directly with the Hawaii State Ethics Commission no later than May 31, 2022.

Next Meeting: Thursday, May 12, 2022
1:00 p.m.

In-Person Location: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Virtual Videoconference Meeting – Zoom Webinar

Adjournment: The meeting adjourned at 3:09 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Ahlani K. Quiogue

/s/ Kellie Teraoka

(Ms.) Ahlani K. Quiogue
Executive Officer

(Ms.) Kellie Teraoka
Secretary

AKQ:kt
4/29/22

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Minutes approved as is.
Minutes approved with changes: