#### **HAWAII MEDICAL BOARD**

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

#### MINUTES OF MEETING

May 13, 2021 Date:

Time: 1:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

https://dcca-hawaii-gov.zoom.us/j/96092086457

Jone Geimer-Flanders, D.O., Chairperson, Oahu Osteopathic Member Present:

> Maria Chun, Ph.D., Public Member Franklin V.H. Dao, M.D., Oahu Member Darren K. Egami, M.D., Maui Member Andrew "Rick" Fong, M.D., Hawaii Member

Peter Holt, M.D., Oahu Member

Michael Jaffe, D.O., Oahu Osteopathic Member

Wesley Mun, Public Member

Peter Halford, M.D., Vice-Chairperson, Oahu Member Shari J. Wong, Deputy Attorney General ("DAG")

Ahlani K. Quioque, Executive Officer Lei Ana E. Green, Executive Officer Rochelle Araki, Executive Officer

Micah Cadalzo, Secretary Erin Emerson, Secretary

Excused: Geri Young, M.D., Kauai Member

Danny Takanishi, M.D., Oahu Member

Zoom Webinar John T. Hassler, Supervising Attorney, Regulated Industries Complaints Guest(s):

Office ("RICO")

Hanna Q. Rhee, M.D., Black Patients Matter

Angelique Ferayorni, D.O., Applicant

Phone Caller ID, public

The agenda for this meeting was filed with the Office of the Lieutenant <u>Agenda</u>:

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 The meeting was called to order at 1:13 p.m., at which time quorum

Order: 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, with the exception of Dr. Takanishi and

Dr. Young who were excused from the meeting.

# Approval of the March 11, 2021, Minutes:

It was moved by Dr. Holt, seconded by Dr. Egami, and carried by the majority, with the exception of Dr. Halford who abstained from voting on this matter, to approve the minutes of the executive session and the minutes of the open session of the March 11, 2021, meeting as circulated.

## Adjudicatory Matters:

Chair Geimer-Flanders called for a recess from the meeting at 1:15 p.m., to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS (Note: Board members and staff entered into the Microsoft Teams meeting):

A. <u>In the Matter of the License to Practice Medicine of Hanna Q.</u> Rhee, M.D.; MED 2020-6-L (Act 38 SLH 2016)

Following the Board's review and deliberation on this matter pursuant to Chapter 91, HRS, Chair Geimer-Flanders announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:26 p.m. Board members and staff returned to the Zoom meeting.

At 1:27 p.m., John T. Hassler, Esq., appeared on behalf of the Regulated Industries Complaints Office ("RICO"), Department of Commerce and Consumer Affairs, State of Hawaii ("Petitioner"). Mr. Hassler was promoted from attendee to panelist in the Zoom meeting.

At 1:27 p.m., Hannah Q. Rhee, M.D. ("Respondent" or "Dr. Rhee") was promoted from attendee to panelist in the Zoom meeting.

Dr. Jaffe lost visual connection at 1:27 a.m.

Dr. Jaffe regained visual connection at 1:28 p.m.

Ms. Quiogue lost visual connection at 1:32 p.m.

Ms. Quiogue regained visual connection at 1:33 p.m.

Mr. Hassler encountered technical difficulties and was unable to unmute himself.

*Mr.* Hassler was able to reestablish audio connection by telephone at 1:35 p.m.

Dr. Egami left the meeting at 1:36 p.m., and returned shortly thereafter at 1:36 p.m.

Chair Geimer-Flanders commenced the proceedings. She explained to Mr. Hassler and Dr. Rhee that they will each be given a maximum of ten (10) minutes to present their oral arguments and five (5) minutes for rebuttal. After the parties have presented their oral arguments, the Board

will deliberate on the matter in the Microsoft Teams meeting room before voting on its decision.

Chair Geimer-Flanders opened the floor to Mr. Hassler to present his oral arguments.

Mr. Hassler thanked the Board for allowing him to participate in this process, and affording him the opportunity to present his oral arguments. He proceeded with his presentation.

Mr. Hassler related that pursuant to the authority vested in the Hawaii Medical Board ("Board") by HRS section 453-8.6, the Board may discipline its licensees if a licensee is disciplined in another state. He added that this statute does not require that the basis for discipline in that other state have a counterpart law in Hawaii. Similarly, this statute does not limit what discipline can be imposed by the Board on such a licensee.

Mr. Hassler stated that in this case, the Medical Board of California ("California Board") issued a Decision ordered July 19, 2019 and effective August 16, 2019, revoking the Respondent's license. The Virginia Department of Health Professions ("Virginia Board") then issued an Order of Mandatory Suspension on August 21, 2019, suspending Respondent's medical license based upon the Decision of the California Board in 2019.

Mr. Hassler added that following an administrative hearing, the California Board's decision to revoke Respondent's license was based on findings that Dr. Rhee's ability to practice medicine was impaired due to a mental condition, persecutory type delusional disorder. Mr. Hassler went on to say that based on the California documents, "this condition impacts Respondent's ability to safely engage in the practice of medicine at this time." Petitioner's Supplemental Statement In Support Of Hearings Officer's Findings Of Fact, Conclusions Of Law And Recommended Order, Petitioner's Exhibit P-2, Proposed Decision, Factual Findings, page 31.

In addition to the above, Mr. Hassler advised members that the California Board revoked Respondent's California medical license because Dr. Rhee was found to have: (1) committed gross negligence by providing treatment to eight (8) patients that constituted an extreme departure from the standard of care; (2) have repeated negligent acts; (3) have falsified medical records; and (4) failed to maintain adequate and accurate medical records.

As previously mentioned, Mr. Hassler emphasized that HRS section 453-8.6 does not require that the basis for discipline in the other state have a counterpart statute in Hawaii; however, in this case, the California statutes with which Respondent was disciplined, have corresponding statutes under Hawaii's law. In other words, Mr. Hassler added that had Dr. Rhee committed these violations in Hawaii, it would have been violations of Hawaii's licensing statutes.

Mr. Hassler emphasized that the Board is clearly authorized to discipline the Respondent's license pursuant to HRS section 453-8.6.

Mr. Hassler opined that the Hearing Officer's Recommended Order ("HORO") recommends that the Board find and conclude that it was authorized to issue an order of disciplinary action against Respondent's license pursuant to HRS section 453-8.6 based upon prima facie evidence that Respondent's license was disciplined in another state. The Hearings Officer further recommends that the Board's Proposed Final Order be affirmed in its entirety. He added that given the clear application of Hawaii's statutes to the facts of this case, the burden is placed upon Respondent to show that there is a legal basis that would prevent the Board from taking action against her Hawaii medical license as proposed in the HORO.

Mr. Hassler stated that the Respondent is not disputing that: (1) the California Board revoked her license; (2) she was present at the hearing before a California administrative law judge to challenge the allegations made in California; and (3) HRS section 453-8.6 is a valid statute. Instead, it is his opinion that Respondent is arguing that she was deprived of her due process and that the California action violated her civil rights. This is made evident in Dr. Rhee's Written Exceptions to the Hearings Officer's Findings of Fact, Conclusions Of Law, and Recommended Order dated April 20, 2021, in which she invites the Hearings Officer "to mediate your decision as your final ruling will result in a federal lawsuit against yourself, the Hawaii Medical Board, and the Petitioner's attorney as all parties mention for violating Respondent's civil rights as a person of color and religious faith."

Mr. Hassler asserted that the Respondent does not raise any legitimate reason to dispute the Board's authority to impose discipline under HRS section 453-8.6. Further, if the process that led to Dr. Rhee's California medical license being revoked was flawed, assuming that to be true, the Respondent must challenge the California decision. This is not the appropriate venue to challenge that decision. Until the Respondent is successful in that endeavor, the disciplinary actions taken by the California Board and Virginia Board are: (1) presumptively valid; and (2) are the present legal bases for the Board to revoke her Hawaii medical license.

Mr. Hassler went on to say that the facts of this case does not support Respondent's argument that she was not afforded due process in this matter and that the Board's "decision is based on an unjust, biased conclusion made by [the California Board] in revoking Respondent's medical license."

Mr. Hassler advised the Board that Respondent was: (1) given the right to a hearing; (2) entitled to attend the hearing; (3) entitled to present evidence in support of her position; (4) given the opportunity to call

witnesses; (5) given the right to challenge the State's evidence; and (6) present at the Board's meeting to participate in the process.

Mr. Hassler stated that he challenges the Respondent to demonstrate, without allegations, that the Respondent has been deprived of her civil rights in this process.

Mr. Hassler concluded his oral arguments and asked the Board to impose the discipline suggested in the HORO, which is to revoke the Respondent's Hawaii medical license.

Chair Geimer-Flanders thanked Mr. Hassler for his presentation, and recognized Dr. Rhee.

Dr. Rhee thanked the Board for the opportunity to present her oral arguments, advised the Board that she is a representative of the movement Black Patients Matter, and proceeded with her presentation.

Dr. Rhee shared that after being a part of multiple federal lawsuits against the California Board, she understands that this Board will base its decision on a stringent set of rules. She added that she is also using this opportunity to mitigate and mediate a solution prior to filing another federal lawsuit against this Board and its members.

Dr. Rhee informed the members that the revocation of her medical license in the state of California, as Mr. Hassler referred to earlier, was due to: (1) systemic racism; and (2) religious intolerance adherent to the medical system. She added that the action taken against her California medical license was in retaliation after filing federal lawsuits against the California Board, which were filed prior to the hearing being held in her California case.

Dr. Rhee shared that since going through this process, she sees herself as part of the solution. She is someone who has gone through the system and knows what needs to be corrected and updated in our society.

Dr. Rhee emphasized that she understands and respects the decision the Board will make as it is only following its rules within the State; however, with the multiple federal lawsuits that were filed, she noted that they have not lost one federal lawsuit yet. She added that they have made significant strides in updating the world of medical licensing to the 21<sup>st</sup> century and beyond.

#### Dr. Rhee shared the following:

(1) In March of 2015, she began working at Orchard Hospital Medical Specialty Center ("Orchard Clinic") as a locum tenens physician. She was there for three (3) months and Orchard Clinic hired her as part of its staff. While employed there, she was pressured to prescribe controlled substances by the Clinic Director, Dr. Henry

Starkes, who was inappropriately prescribing narcotics. As it turns out, Dr. Starkes lost his medical license in November of 2020, which included a twenty-page Accusation filed against him. Dr. Starkes ultimately surrendered his medical license since then.

- (2) During this time, the Orchard Clinic made it difficult for her to work there when she called into question several physicians prescribing practices. She had asked the Orchard Clinic for a copy of the medical bylaws and the code of conduct, but it was never provided to her. She could not follow the rules there because she did not know what the rules were. She thought the best-case scenario was to resign. Following her resignation, Dr. Rhee opened a private practice a few blocks from Orchard Clinic. She noted that she had a great relationship with the affiliated hospital.
- (3) In November of 2017, the California Board investigated and ordered Dr. Rhee to see their psychiatrist. She complied with this order. The psychiatrist, Dr. Lavid, concluded that there is no mental illness¹; however, the state of California still filed an emergency Interim Suspension Order ("ISO") which was denied. The state of California redoubled their efforts and filed an extensive accusation that Dr. Rhee had a mental condition or mental problem.

Mr. Hassler responded to Dr. Rhee's arguments. He stated that the parties are not here to relitigate the California matter. Once that process is over or if the California decision is reversed, then Dr. Rhee will have an opportunity to challenge the Board's decision. Mr. Hassler emphasized again that the Respondent failed to cite to the records and facts where she is able to dispute the Board's authority to impose discipline under HRS section 453-8.6.

Dr. Rhee expressed that she understands that if a medical license is revoked elsewhere, then the same action must occur here. However, of particular concern is that the State prohibited work without affording an individual their due process. The Board implemented a law that is unjust.

Dr. Rhee emphasized that she is not someone who has had any issues and that she has several federal lawsuits in place. She expressed her love for Hawaii and informed members that she has worked in several facilities here.

<sup>&</sup>lt;sup>1</sup> The Board noted separately that the California Board's Findings of Fact No. 27, states "On August 25, 2017, Dr. Lavid issued a report, opining that respondent has no diagnosable mental disorder under the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V) and scored within normal limits on all diagnostic tests, but '[respondent] presently suffers from paranoia which could substantially impair her ability to safely practice medicine."

Chair Geimer-Flanders called for a recess from the meeting at 2:01 p.m., to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Note: Board members and staff entered Microsoft Teams):

#### A. <u>In the Matter of the License to Practice Medicine of Hanna Q.</u> Rhee, M.D.; MED 2020-6-L (Act 38 SLH 2016)

After discussion, it was moved by Dr. Jaffe, seconded by Dr. Holt, and unanimously carried to accept the Hearings Officer's Findings Of Fact, Conclusions of Law. The Board will make some revisions to the Recommended Order and include in its Final Order the procedural events of this case following the issuance of the Recommended Order on March 2, 2021.

Following the Board's review, deliberation, and decision on this matter pursuant to Chapter 91, HRS, Chair Geimer-Flanders announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 2:29 p.m. Board members and staff returned to the Zoom meeting.

Chair Geimer-Flanders called for a recess from the meeting at 2:31 p.m., to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS (Note: Board members and staff entered into Microsoft Teams.)

- B. <u>In the Matter of the License to Practice Medicine of Nadeem Afridi, M.D.; MED 2021-25-L</u>
- C. <u>In the Matter of Emergency Medical Technician Paramedic</u> Certification of Jesse M. Ebersole; MED 2020-68-L
- D. <u>In the Matter of the Physician's License of Susan R. Johnson, M.D.; MED 2020-232-L</u>
- E. <u>In the Matter of the Physician's License of Aharon Aviv Wolf, M.D.;</u> MED 2021-3-L

After discussion, it was moved by Chair Geimer-Flanders, seconded by Dr. Holt, and unanimously carried to approve the aforementioned Settlement Agreements Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

### F. <u>In the Matter of the License to Practice Medicine of Mark D.</u> <u>Herbst, M.D.; MED 2014-134-L</u>

After discussion, it was moved by Chair Geimer-Flanders, seconded by Dr. Halford, and unanimously carried to approve Dr. Herbst's request to remove the terms of probation from his license.

Following the Board's review, deliberation, and decision on these matters

pursuant to Chapter 91, HRS, Chair Geimer-Flanders announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 2:38 p.m. Board members and staff returned to the Zoom meeting.

Dr. Ferayorni was recognized by Chair Geimer-Flanders at 2:41 p.m., and was promoted from attendee to panelist in the Zoom meeting.

Dr. Ferayorni indicated that she would be interested in attending the Board's executive meeting should the members have any questions regarding her application.

## Applications for License/ Certification:

#### A. <u>Applications:</u>

It was moved by Dr. Jaffe, seconded by Dr. Halford, and unanimously carried to enter into executive session at 2:42 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) <u>Physician (Permanent/Non-Endorsement)</u>:
  - a. Alvin Camello Cacho, M.D.
  - b. Angelique Ferayorni, D.O.
- Dr. Ferayorni entered the Microsoft Teams meeting at 2:54 p.m.
- Dr. Ferayorni left the Microsoft Teams meeting at 2:55 p.m.
  - c. Connie Hoh, M.D.

It was moved by Chair Geimer-Flanders, seconded by Dr. Halford, and unanimously carried to return to the open meeting at 3:15 p.m. Board members and staff returned to the Zoom meeting.

# Applications for License/ Certification:

#### A. <u>Applications:</u>

Dr. Rhee was recognized by Chair Geimer-Flanders and was advised that testimony is limited to the agenda item. Chair Geimer-Flanders questioned whether Dr. Rhee had questions regarding the applications of Dr. Cacho and Dr. Ferayorni.

Dr. Rhee responded in the negative. Ms. Rhee of Black Patients Matter asked the Board to refer to her as Ms. Rhee only since her license was revoked.

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

#### a. <u>Alvin Camello Cacho, M.D.</u>

It was moved by Dr. Holt, seconded by Chair Geimer-Flanders, and unanimously carried to approve Dr. Cacho's application.

#### b. Angelique Ferayorni, D.O.

It was moved by Dr. Fong, seconded by Chair Geimer-Flanders, and unanimously carried to approve Dr. Ferayorni's application.

#### c. Connie Hoh, M.D.

It was moved by Chair Geimer-Flanders, seconded by Dr. Halford, and unanimously carried to deny Dr. Hoh's application. The Board based its decision on the following citation of the Hawaii Revised Statutes ("HRS"), which finds factual supports in the records and files of Dr. Hoh's application:

#### HRS 453-8 provides that:

(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:

\* \* \*

- (5) Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
- (11) Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege;
- (12) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a physician or osteopathic physician, notwithstanding any statutory provision to the contrary; and

#### HRS 436B-19 provides that:

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:

\* \* \*

(12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license.

HAR section 16-85-107 provides that:

(a) An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements under chapters 453 or 463E, HRS, or this chapter. In addition, the board may deny issuance of a license or certificate:

\* \* \*

- (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;
- (2) If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; and
- (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

# Applications for License/ Certification:

#### B. Ratifications:

(i) List

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

#### C. <u>License Verifications</u>

The Board considered whether it will continue to require license verification(s) from countries outside of the United States of America,

U.S.A. territories, and Canada.

Ms. Quiogue advised members that currently the Board requires license verifications from all jurisdictions, including foreign countries, in which the applicant is/was licensed. She went on to say that several countries are unable to provide verification of a physician's medical license. The inability for these countries to verify a license has caused significant delays in processing applications and getting physicians licensed here.

Discussion followed. Ms. Quiogue informed members that currently, an applicant must show a concerted effort that they are trying to obtain the verification. This would include providing proof of contacting the appropriate regulatory board, which issued the medical license to practice in that jurisdiction. The Board's executive officer and/or chairperson will review this information and determine whether a license will be issued, provided that is the last remaining item and there are no other records of the file that would require review by the Board Chairperson or full Board.

Dr. Halford is of the opinion that the Board should continue with the above process as it will assist the Board in making an informed decision.

By consensus, the Board will continue to proceed with its current process to have the applicant provide proof of making a concerted effort to obtain a license verification in countries outside of the USA, USA territories, and Canada. This will include, at a minimum, the written request to the jurisdiction and a statement from the applicant, which provides that they have made every effort to obtain the license verification but was unsuccessful.

#### 2021 Legislation:

Ms. Rhee of Black Patients Matters was recognized by Chair Geimer-Flanders.

Ms. Rhee commented, among other things, that legislation should focus on minorities and recognize inequalities amongst ethnic minorities.

Ms. Quiogue proceeded with summarizing the following bills for the members and guest(s).

## A. <u>HB313, HD2 SD1 CD1 RELATING TO PHYSICIAN</u> WORKFORCE ASSESSMENT

The purpose of this bill are to: (1) repeal the requirement that no less than fifty per cent of the physician workforce assessment fees transferred or deposited into the John A. Burns School of Medicine ("JABSOM") special fund be expended for purposes identified by the Hawaii Medical Education Council to support physician workforce assessment and planning efforts; (2) repeal the cap on expenditures from the JABSOM special fund; and (3) authorize funds from the JABSOM special fund to be expended for loan repayments to physicians who commit to working in certain medically underserved areas as part of the Hawaii State Loan

Repayment Program and scholarships to qualifying medical students.

## B. <u>SB324, SD1 HD1 CD1 RELATING TO THE PRACTICE OF</u> MEDICINE

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

#### C. SB970, SD2 RELATING TELEHEALTH

The purpose of the bill is to authorize the establishment of a physicianpatient relationship via a telehealth interaction if the physician is licensed to practice medicine in the State.

#### D. <u>SD1340, SD2 HD2 CD1 RELATING TO EMERGENCY</u> <u>SERVICES</u>

The purposes of the bill are to: (1) authorize the Hawaii Medical Board to license emergency ambulance service personnel; (2) create an additional licensure category for emergency medical technicians 1 who are certified at a higher practice level than emergency medical technicians, but do not provide ambulance services; and (3) appropriate funds from the Compliance Resolution Fund for hiring a 0.5 full-time equivalent (0.5 FTE) permanent position.

- E. HR99, HD1 REQUESTING THE CONVENING OF A WORKING GROUP TO DETERMINE THE GAPS IN ACCESS TO HEALTH CARE AND THE POTENTIAL ROLE ADVANCED PRACTICE REGISTERED NURSES MAY PLAY IN ADDRESSING THESE GAPS.
- F. HR100, HD1 REQUESITNG THE LEGISLATIVE REFERENCE
  BUREAU TO CONDUCT AN ANALYSIS OF ADVANCED
  PRACTICE REGISTERED NURSES AND PHYSICIAN
  ASSISTANTS.

#### Correspondence:

A. <u>Email Inquiry dated March 31, 2021, from Sharron Arturi,</u>
<u>Onboarding & Training Specialist, Ipsum Diagnostics</u>

Clarification is being sought regarding physician licensing requirements for "Unsupervised Home Self-Collections" of residents in the State of Hawaii.

Members suggested that any response provided to Ms. Arturi should inform her that the practice of medicine is defined pursuant to HRS section 453-1, and that that definition may provide guidance regarding her inquiry.

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 Department of Commerce and Consumer Affairs.

#### **New Business:**

## A. Request for Approved Evaluators Pursuant to Hawaii Revised Statutes section 453-8(d)

The Regulated Industries Complaints Office ("RICO") is requesting the names of three of more physicians or other qualified health care practitioners so that one or more can perform an evaluation as provided by HRS section 453-8(d).

For the members and guest(s) information, HRS section 453-8(d) provides that:

Where the board has reasonable cause to believe that a licensee is or may be unable to practice medicine with reasonable skill and safety to protect patients, the board may order the licensee to submit to a mental or physical examination or any combination thereof, by a licensed practitioner approved by the board, at the licensee's expense. The examination may include biological fluid testing and other testing known to detect the presence of alcohol or other drugs. In addition:

- (1) Any licensee shall be deemed to have consented to submit to a mental or physical examination when so directed by the board and to have waived all objection to the use or referral of information by the board to determine whether the licensee is able to practice medicine with reasonable skill and safety to protect patients;
- (2) The board may seek to enforce an order directing a licensee to submit to a mental or physical examination in the circuit court in the county in which the licensee resides;
- (3) Failure of a licensee to submit to an examination ordered under this subsection shall constitute grounds for summary suspension of the licensee's license; and
- (4) The board may take any action authorized under this chapter based on information obtained under this subsection.

The Board also reviewed its October 2015 meeting minutes, in which they received a similar request from RICO. At that meeting, the Board made the following decision:

To refer RICO or the effected physician to Pu`ulu Lapa`au. Pu`ulu Lapa`au will provide the mental or physical evaluation.

Alternatively, if Pu`ulu Lapa`au is unable to provide the evaluation, they may refer them to an appropriately qualified and licensed health care practitioner. Furthermore, pursuant to HRS §436B-8, the Board delegated to its Executive Officer the authority to refer any similar requests to Pu`ulu Lapa`au so that these matters do not have to wait for the Board's next scheduled meeting.

Discussion followed. By consensus, it was decided that the Board would remain consistent with its 2015 decision to refer RICO to Pu`ulu Lapa`u. Alternatively, if Pu`ulu Lapa`au is unable to provide the evaluation, Pu`ulu Lapa`au may refer the parties to an appropriately qualified and licensed health care practitioner to complete the evaluation.

#### B. COVID-19 Vaccination Statement

The Board will consider whether it will issue a similar statement as the Pennsylvania State Board of Medicine, which educates and encourages the public to choose vaccination as a safe and effective way to maintain personal and public health during the COVID-19 pandemic.

#### <u>Unfinished</u> Business:

#### A. Board Meeting Schedule for 2021

The Board will consider whether it will hold meetings every other month for the remainder of the year.

Members discussed the length of meetings now that they are virtual and recognized that these meetings are now much longer than in-person meetings. Given this, Dr. Halford believed the Board should meet monthly to avoid lengthy meetings.

By consensus, the Board stated that it will continue to have monthly meetings.

Farewell to

Maria Chun, Ph.D.: Chair Geimer-Flanders thanked Dr. Chun for her dedication and service

to the Board.

Next Meeting: June 10, 2021

1:00 p.m.

Virtual Videoconference Meeting – Zoom Webinar

Adjournment: The meeting adjourned at 4:05 p.m.

Reviewed and approved by: Taken and recorded by: /s/ Ahlani K. Quiogue /s/ Micah Cadalzo (Ms.) Ahlani K. Quiogue (Ms.) Micah Cadalzo **Executive Officer** Secretary AKQ:mc

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Minutes of the Meeting of May 13, 2021

(x) () Minutes approved as is. Minutes approved with changes:

### **HAWAII MEDICAL BOARD 5/13/2021 - RATIFICATION LIST**

License Number	Licensee
AMD-1035-0	JUSTIN W DRAEGER
AMD-1036-0	STEVEN M COCKING
AMD-1037-0	MEGAN A GIEC
AMD-1038-0	ADRIANNE FRENCH
AMD-1039-0	RYAN T WADA
AMD-1040-0	GREGORY W SMITH
AMD-1041-0	BRIAN R MARTIN
AMD-1042-0	CATHERINE C KNIGHT
AMD-1043-0	FLORDELIZA T GAINEY
AMD-1044-0	GARRETT S LATHAM
AMD-1045-0	KRYSTALYNA E MONTANO
AMD-1047-0	BIVOR SHRESTHA
AMD-1048-0	LAUREN K RILEY
AMD-1046-0	ROBERT J KUPIS
AMD-1049-0	CHASEN W DAUGHERTY
AMD-1050-0	JENNAE M PORTER
AMD-1051-0	ERIN L FOWLER
AMD-1052-0	ALIA N CHUCK
AMD-1053-0	HANNAH M MONTANYE
AMD-1054-0	TAYLOR L M T SURPRISE
DOS-2144-0	SARAH R SANDERS
DOS-2145-0	LISA S THARLER
DOS-2146-0	DONNIELLE L GREEN
DOS-2147-0	JEREMY D TUCKER
DOS-2148-0	BHARAT MITTAL
DOS-2149-0	THOMAS M FINSTEIN
DOS-2150-0	LORRANCE L MAJEWSKI
DOS-2151-0	MINH-DUC C HUYNH
DOS-2152-0	CATHERINE A COLPITTS
DOS-2153-0	JEFFREY HECKMAN
DOS-2154-0	JASON S OKUHARA
DOS-2155-0	ANDREW C FRIERSON
DOS-2156-0	WENDY L W M CHU
DOS-2157-0	MELANIE NG
DOS-2158-0	MARY E RUPPERT
DOS-2159-0	SARAH L GARCIA

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DOS-2160-0	SCOTT B PEARCE
DOS-2161-0	ROBIN R R MARTIN
DOS-2162-0	JASON MICHAEL DURBIN
DOS-2163-0	JOSEPH M PALUMBO
DOS-2164-0	CATHLYN SULLIVAN
DOS-2165-0	JOHN M MALOVRH
EMT-3066-0	JAMES HUMANN
EMT-3067-0	RAMMY B DAVID
EMT-3068-0	CHELSEY I PAGDILAO
EMT-3069-0	KRYSTLE GEM A LASQUERO
EMT-3070-0	ROBERTO G PACAS
EMT-3071-0	JAMES K GRANDALEN
EMT-3072-0	KYANNA TORRES-KAIWI
EMT-3073-0	KAILANI LOU SHALANA ANDAYA
EMT-3074-0	TYLER J ELWIN
EMT-3075-0	JAYME FERNANDEZ CAJIMAT
EMT-3076-0	KEITH HANALEI MALAQUI
EMTA-41-0	JASON K MEYERS
EMTP-2317-0	JULIA D MORITZ
EMTP-2318-0	LEONARD CHONG
EMTP-2319-0	MICAH A K ESTERON
EMTP-2320-0	TREVOR T FUJISAKA
EMTP-2321-0	DAGAN M JOHNSTON
EMTP-2322-0	BERNARDO P MOREIRA
EMTP-2323-0	LANE T NATORI
EMTP-2324-0	KEMA O PEIRSON
EMTP-2325-0	LEIGHTON M TAKARA
EMTP-2326-0	DEVIN M L TAM
EMTP-2327-0	JACK D TAUSEND
EMTP-2328-0	CAN HUANG ZHANG
EMTP-2329-0	LUKE J GASOWSKI
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MD-9862-0	SIKIRAT IYABO TINUBU-KARCH
MD-2992-0	GERALD D MAIN
MD-15513-0	LUCAS A TRAUTMAN
MD-15253-0	MEGAN K YUNGHANS
MD-12894-0	DELON N HEBRON

MD-12577-0	DANIELLE D TOSI
MD-11258-0	GIUSEPPE DEL PRIORE
MD-21721-0	SHARAREH L FIROUZBAKHT
MD-21722-0	VICTOR OHALE
MD-21723-0	SILAS CHAO
MD-21724-0	JUSTIN K YAMAMOTO
MD-21725-0	JEREMY W CHIN
MD-21726-0	HOWARD E JEFFRIES
MD-21727-0	WHITNEY L TOLPINRUD
MD-21728-0	MICHAEL L ABLE
MD-21729-0	MAICHAEL A HAIGHT
MD-21730-0	BRIAN D KNOX
MD-21731-0	AQDAS S KURAISHI
MD-21732-0	EMMELINE H KWON
MD-21733-0	SARAH J H VIRNIG
MD-21734-0	LINDSEY E HEATHCOCK
MD-21736-0	NAOMI E LAWRENCE-REID
MD-21737-0	CHAVALIT SITAPRADIT
MD-21738-0	STUART J MAXWELL
MD-21739-0	ANGELA V LO
MD-21740-0	TIMOTHY J CHONG
MD-21741-0	KRISTI L WEINMEISTER
MD-21742-0	RUTH M MYERS
MD-21735-0	KATHARINE WONG
MD-21743-0	ARIF K MIRZA
MD-21744-0	KELLEN GLINDER
MD-21745-0	BRYAN MATHEW BROWN
MD-21746-0	ASIYA KHAN
MD-21747-0	SALENA M LOREDO
MD-21748-0	AMY S GREENE
MD-21749-0	MICHAEL V KLEIN
MD-21750-0	NANA N KORSAH
MD-21751-0	BENJAMIN M KOTINSLEY
MD-21752-0	SRI V S N V V UPPALAPATI
MD-21753-0	JUSTIN D FENDER
MD-21754-0	ANTOINETTE M MOORE
MD-21755-0	DANIEL LEON GIANELLA
MD-21756-0	TZYY S CHAO
MD-21757-0	ROCHELLE A BROOME
MD-21758-0	LELAND R FINLEY

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MD-21760-0	JONATHAN B LEIZMAN
MD-21761-0	GAURAV V P MALHOTRA
MD-21762-0	BIANCA TRUONG
MD-21763-0	KATHERINE MARIE PODRAZA
MD-21764-0	QUANG PHAM
MD-21765-0	KAREN VERED MORGENSHTERN YACOBY
MD-21766-0	JENNIFER W SASAKI
MD-21767-0	JOSHUA S L NG
MD-21768-0	AHMED REHAN
MD-21769-0	ANDREA Y MOON
MD-21770-0	ALEX C BELSHOFF
MD-21771-0	HELAINE J KWONG
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MD-21782-0	WHITNEY HANSEN
MD-21783-0	ARLA MAYNE A MISTICA
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MD-21786-0	ELISABETH R EDELSTEIN
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MD-21799-0	SERENA NIMITYONGSKUL
MD-21800-0	ERIK R KINOSHITA
MD-21801-0	CHAD RUBLE
MD-21802-0	MONICA NAYAKWADI-SINGER
MD-21803-0	CHELSEY L RUTH
MD-21804-0	JAMES L BARRESE
MD-21805-0	SHILPA H AMIN
MD-21806-0	MICHAEL T PUERINI
MD-21807-0	LAURA E PURDY
MD-21808-0	LUIS ALBERTO MOJICAR
MD-21809-0	GEORGE K LUI
MD-21811-0	CHRISTOPHER J WARHOLIC
MD-21813-0	DOUGLAS L POWELL
MD-21812-0	AZRIEL D DROR
MD-21810-0	ERIC W VAUGHAN
MD-21814-0	RICARDO LOPEZ
MD-21815-0	OLUBUSOLA A GOMES
MD-21816-0	NICHOLAS M MAURICIO
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MD-21834-0	ANIL N RAMA
MD-21835-0	DAVID M GRODBERG
MD-21836-0	TERRY P MILLER
MD-21837-0	MELANIE B SANFORD
MD-21838-0	DAWN MASANO TANIGUCHI

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MD-21839-0	ERIC J WEBSTER
MD-21840-0	AUDREY H COLLINS
MDR-7356-0	CATHERINE L RUTLEDGE
MDR-8041-0	CHRISTINE A BLAUVELT
MDR-8042-0	DAVID J ELKIN
MDR-8043-0	MERCY E DICKSON
MDR-8044-0	NATALIE M ELDER
MDR-8045-0	NATHANIEL OZ
MDR-8046-0	CONNOR J KARR
MDR-8047-0	VICTORIA CERDA
MDR-8048-0	KELECHI B ANUDOKEM
PO-211-0	LISA NHAN
PO-238-0	MICHELLE TSOU
PO-239-0	HE XU