

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

MINUTES OF MEETING

Date: February 8, 2024

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/86235760796>

Zoom Recoding Link: [MED 2.8.24.mp4](#)

Present: Danny M. Takanishi, M.D., Chairperson, Honolulu Member
Gary Belcher, Vice Chairperson, Public Member
Franklin V.H. Dao, M.D., Honolulu Member
Andrew “Rick” Fong, M.D., Hawaii Member
Michael Jaffe, D.O., Honolulu, Osteopathic Member
Elizabeth “Lisa Ann” Ignacio, M.D., Maui Member
Wesley Mun, Public Member
Angela Pratt, M.D., Honolulu Member
Geri Young, M.D., Kauai Member
Shari J. Wong, Deputy Attorney General (“DAG”)
Ahlani K. Quiogue, Licensing Administrator
Randy Ho, Executive Officer
Chiara Latini, Secretary
Mia Hoang (Technical Support)
Johnny Li (Technical Support)

Excused: Rebecca Sawai, M.D., Honolulu Member

Zoom Webinar: Karlos Parham
Faisal Shah

Guest(s): No in-person guests.

Agenda: The agenda for this meeting was posted to the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

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 1:05 p.m., at which time quorum

Order: was established.

Chair Takanishi 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.

Approval of the
January 18, 2024,
Minutes:

It was moved by Dr. Pratt, seconded by Dr. Young, and carried by a majority, with the exception of Dr. Fong who abstained from the discussion and vote on this matter, to approve the meeting minutes of the open session of the January 18, 2024, meeting. The vote was as follows:

Chair Takanishi, Mr. Belcher, Drs. Dao, Jaffe, Ignacio, Pratt, and Young voted in favor of the motion. Dr. Fong abstained from the vote.

Chair Takanishi informed meeting attendees that applicants, whose applications were on the agenda, would be invited to join the executive session to provide their testimony.

Chair Takanishi asked if anyone from the public would like to provide oral testimony on this agenda item. There was none.

Ch. 91, HRS,
Adjudicatory Matters:

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

Chair Takanishi proceeded with a roll call of the Board members in Microsoft Teams. All Board members confirmed that they were present and alone.

A. In the Matter of the Physician's License of Steven W. Powell, M.D., Respondent; MED-2023-201-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"- "7".

After due consideration of the information received, it was moved by Dr. Jaffe, seconded by Dr. Dao, and unanimously carried, to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Takanishi announced that the Board reconvenes to its Chapter 92, HRS, meeting at 1:20 p.m. Board members and staff returned to the Zoom meeting. All Board members confirmed that they were present and alone.

Applications for
License/

A. Applications:

Certification:

It was moved by Dr. Dao, seconded by Dr. Jaffe, and unanimously carried to enter into executive session at 1:22 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).

Chair Takanishi proceeded with a roll call of the Board members in Microsoft Teams. All members confirmed that they were present and alone.

(i) Physician (Permanent/Endorsement):

a. Andrea Jean Nelson, M.D.

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

a. Karlos Preer Parham, M.D.

Mr. Mun entered the Microsoft Teams meeting at 1:50 p.m.

Karlos Preer Parham, M.D. entered the Microsoft Teams meeting at 1:57 p.m.

Karlos Preer Parham, M.D. exited the Microsoft Teams meeting at 2:09 p.m.

b. Faisal Majeed Shah, M.D.

Faisal Majeed Shah, M.D. entered the Microsoft Teams meeting at 2:23 p.m.

Faisal Majeed Shah, M.D. exited the Microsoft Teams meeting at 2:35 p.m.

The Board took a brief recess at 2:37 p.m.

The Board returned from its recess at 2:42 p.m.

Correspondence:

A. Email inquiry from Peter Geissler, M.D., asking whether he may practice wound healing according to Christian Scientist pursuant to Hawaii Revised Statutes section 453-2.

B. Email inquiry from Krupa Patel, Compliance Analyst, nirvanaHealth RAdvance, regarding Hawaii regulation on adverse determination related to prior authorization.

C. Email inquiry from Jarrod Rainey, Partner, Goldsand Friedberg, regarding the Board's position on prescribing controlled substances via telehealth.

It was moved by Dr. Dao, seconded by Dr. Jaffe and unanimously carried to return to the open session meeting at 3:19 p.m. Board members and staff returned to the Zoom meeting. All Board members confirmed that they were present and alone.

(i) Physician (Permanent/Endorsement):

a. Andrea Jean Nelson, M.D.

After due consideration of the information received, it was moved by Dr. Fong, seconded by Dr. Dao, and unanimously carried to approve Dr. Nelson's application and issue a non-disciplinary letter of education reminding her of her responsibility to notify the Board of address changes and actions taken by other jurisdictions.

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

a. Karlos Preer Parham, M.D.

After due consideration of the information received, it was moved by Mr. Belcher, seconded by Dr. Jaffe, to approve the request for sponsorship to retake USMLE Step 3. A roll call of the members' votes were taken as follows:

Drs. Dao, Jaffe, Ignacio, Pratt, Young, Mr. Mun, and Mr. Belcher voted in favor of the motion.

Chair Takanishi, Dr. Fong, and Dr. Sawai voted in opposition to the motion.

The motion to approve Dr. Parham's request for sponsorship to retake USMLE Step 3 carried.

b. Faisal Majeed Shah, M.D.

After due consideration of the information received, it was moved by Dr. Ignacio, seconded by Dr. Young, and unanimously carried to defer Dr. Shah's application pending receipt of additional information.

C. Ratification List (See attached list)

(i) February 8, 2024, Ratification List

It was moved Mr. Belcher, seconded by Dr. Jaffe, and

unanimously carried to ratify the attached lists of individuals for licensure or certification from February 8, 2024.

Chair Takanishi asked if anyone from the public would like to provide oral testimony on these agenda items. There was none.

2024 Legislative
Session:

A. Legislation:

DC151 FROM THE UNIVERSITY OF HAWAII

The Board was provided this report for members information.

The University of Hawaii submitted a report to the Legislature dated December 18, 2023, regarding its Annual Report on the 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.

HB82, HD1 RELATING TO HEALTHCARE PRECEPTORS

The Board discussed this bill.

The purposes of this bill are to: expand the definitions of "preceptor" and "volunteer-based clinical training rotation" to allow for improved accessibility for providers to receive income tax credits; add dietitians, physician assistants, and social workers to the list of preceptors; include the director of health on the preceptor credit assurance committee; and apply to taxable years beginning after 12/31/2023.

The Board will track this measure.

HB240 / SB1128 RELATING TO HEALTH CARE SERVICES

The Board discussed these bills.

The purpose of these bills is to exempt gross proceeds from medical services provided by physicians and advanced practice registered nurses acting in the capacity of a primary care provider from the general excise tax.

The Board will track this measure.

HB510 RELATING TO CHILDREN

The Board discussed this bill.

The purposes of this bill are to: ensure the protection and promotion of the health and well-being of all infants born alive in

the State; mandate medically appropriate and reasonable lifesaving and life-sustaining medical care and treatment to all born alive infants; and establish civil and criminal penalties.

Dr. Jaffe asked Dr. Dao to offer his insight.

Dr. Dao stated that the verbiage in the bill is vague as there are gestational ages, which have abysmal outcomes and could potentially deplete resources that could be better invested towards other gestational ages.

Ms. Quiogue reminded the Board members that at its February 9, 2023, meeting, the Board voted to oppose this measure.

The Board opposed this measure.

HB664 HD1 / SB599 RELATING TO HEALTH

The Board discussed these bills.

The purposes of these bills are to: authorize physician assistants to sign orders for respiratory therapy and plans of care; and expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

Ms. Quiogue reminded the Board members that at its February 9, 2023, the Board supported these measures. She went on to note that SB599, the companion bill of HB664, passed out and was enacted into law.

HB666 HD1 / SB674 RELATING TO THE INTERSTATE MEDICAL LICENSURE COMPACT

The Board discussed these bills.

The purposes of these bills are to: adopt the Interstate Medical Licensure Compact to create a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states; and appropriate funds.

Ms. Quiogue reminded the Board members that this is a carryover measure, and that SB674 enacted into law and will take effect in January 2025.

HB685 RELATING TO ABORTION

The Board discussed this bill.

The purposes of this bill are to: prohibit the abortion of a fetus that contains a fetal heartbeat; provide certain exceptions; and establish penalties.

Ms. Quiogue reminded the Board members that this is a carryover measure and that at its February 9, 2023, meeting the Board opposed this measure.

The Board opposes this measure.

HB1275 RELATING TO PROHIBITING CHEMICAL ABORTIONS

The Board discussed this bill.

The purposes of this bill are to: prohibit chemical abortion drugs for abortions as specified; provide exceptions; provide a criminal penalty for violating the prohibition on use of chemical abortion drugs for abortions; provide definitions; specify exceptions; and make conforming amendments.

Ms. Quiogue reminded the Board members that at its February 9, 2023, meeting the Board opposed this measure.

The Board opposes this measure.

HB1332 RELATING TO THE TERMINATION OF PREGNANCY.

The Board discussed this bill.

The purposes of this bill are to: prohibit the abortion of a fetus that is capable of feeling pain; prohibit abortions by dismemberment; provides certain exceptions; establish penalties.

Ms. Quiogue reminded the Board members that this is a carryover measure and that at its February 9, 2023, meeting the Board opposed this measure.

The Board opposes this measure.

HB1428 RELATING TO HEALTHCARE.

The Board discussed this bill.

The purposes of this bill are to: prohibit the State from denying or interfering with a patient's right to choose to obtain an abortion or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient; repeal a criminal penalty for violations of certain abortion provisions; clarify that advanced practice registered nurses may provide abortion care; and clarify

that physicians, osteopathic physicians, and advanced practice registered nurses may administer a medication abortion via telehealth for a patient residing in the State.

Ms. Quiogue reminded the Board members that this is a carryover measure and that at its February 9, 2023, meeting the Board supported a similar measure, SB 1.

The Board supports this measure.

HB2079 /SB2882 RELATING TO CHILDREN.

The Board discussed these bills.

The purposes of these bills are to: relax the requirements for prescribing certain controlled substances as part of gender-affirming health care services; expand the protections established under Act 2, SLH 2023, to include gender-affirming health care services; and clarify jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act for cases involving children who obtain gender-affirming health care services.

The Board supports the sections of the bills that amend sections 453-8 and 453-8.6, HRS, and takes no position on other sections of the bills.

HB2156 /SB2882 REATING TO LEAD POISONING.

The Board discussed these bills.

The purposes of these bill are to: beginning 1/1/2025, require physicians to perform or order test for lead poisoning in minor patients at certain intervals, and if the physician performs the test, the results to be included in the minor patient's record of immunization; require the Department of Health to adopt rules; and provide certain exemptions for the mandatory lead poisoning testing of minors.

The Board will track these measures.

HB1675 RELATING TO THE GENERAL EXCISE TAX.

The Board discussed this bill.

Beginning 1/1/2025, exempts medical services provided by physicians and advanced practice registered nurses acting in the capacity of a primary care provider from the general excise tax.

The Board will track this measure.

SB17/HB518 RELATING TO MEDICAL INFORMED CONSENT.

The Board discussed these bills.

The purposes of these bills are to: require the Hawaii Medical Board to establish standards for health care providers 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 shall 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 reminded the Board members that at its February 11, 2021, meeting the Board opposed similar measures, HB138 and SB203. She went on to add that at its February 2023, meeting, the Board opposed this measure because Subchapter 4 of Hawaii Administrative Rules chapter 16-85, address the purpose of informed consent, general standards of categories of information, manner of disclosure, refusal of information, etc. This was mandated by Act 114, Session Laws of Hawaii 2003.

The Board opposes this measure.

SB60 RELATING TO HEALTH

The Board discussed this bill.

The purposes of this bill are to: authorize state-licensed and credentialed physicians, advanced practice registered nurses, and physician assistants, who are not physically in the State, to issue prescriptions for certain controlled substances under a limited circumstance; and authorize pharmacies to dispense the prescriptions.

Ms. Quiogue reminded the Board members that at its February 2023 and January 2024, meetings, the Board voted to track this measure.

The Board will track this measure.

SB61 RELATING TO ASSOCIATE PHYSICIANS.

The Board discussed this bill.

The purposes of this bill are to: create a new category of professional licensure for associate physicians, which are recent medical school graduates who have passed certain medical exams but have not been placed into a residency program and

who work under the supervision of a licensed physician to provide primary care in medically underserved areas; prescribe the scope of practice of associate physicians; create requirements for collaborative practice agreements between associate physicians and collaborating physicians; and authorize associate physicians to prescribe certain controlled substances.

Ms. Quiogue reminded the Board members that in 2018 and 2019, the Board opposed similar measures. She went on to add that at its February 9, 2023, meeting, the Board voted to submit testimony appreciating the intent of the measure, but express similar concerns as it did in March 2018, regarding HB 1813, HD2 and in January 2019, regarding HB39.

Further, at its February 2023 meeting, the Board supported Senate Concurrent Resolution 4, which would have required that the State Auditor study the probable effects of the regulatory measure and address whether its enactment is consistent with the policies of HRS chapter 26-H.

Dr. Young asked Dr. Takanishi to explain why there are not enough residency positions available to medical school graduates.

Chair Takanishi explained that more medical schools have been accredited, but more residency positions were not created in part due to the Balanced Budget Act of 1996-1997 or funding. He explained further that there has also been an influx of international medical school graduates.

Chair Takanishi went on to say that the State of Missouri, along with the Missouri Medical Board has investigated creating a different licensure pathway for medical school graduates to work under preceptors. Additionally, the Federation of State Medical Boards is working with the ACGME (Accreditation Council for Graduate Medical Education) regarding this issue.

The Board will provide similar comments as it did in the past.

SB62 SD2 HD1 RELATING TO MEDICAL EDUCATION AND TRAINING.

The Board discussed this bill. Chair Takanishi stated he would be recusing himself from the vote and decision-making on this bill.

The purposes of this bill are to: reestablish the Hawaii Medical Education Special Fund ("Fund"); and appropriate funds into and out of the Fund to the John A. Burns School of Medicine for graduate medical education and training programs, to create more residencies and training opportunities on the neighbor islands for medical students, and for medical student and residency training

opportunities in partnership with the United States Department of Veterans Affairs.

Ms. Quiogue reminded the Board members that at its January 18, 2024, meeting, the Board voted to submit testimony appreciating the intent of the measure, but would defer to the University of Hawaii regarding its budget priorities.

The Board's position is unchanged.

SB131 RELATING TO FEMALE GENITAL MUTILATION

The Board discussed this bill.

The purposes of this bill are to: establish the class B felony offense of prohibited acts related to female genital mutilation; require prosecuting attorneys of the respective counties to keep annual statistics on cases involving prohibited acts related to female genital mutilation; require the Administrator of the Hawaii Criminal Justice Data Center to annually compile and report these county statistics to the Legislature; establish mandatory reporting requirements for ongoing or suspected cases of prohibited acts related to female genital mutilation; and appropriate funds.

Ms. Quiogue reminded the Board members that at its January 18, 2024, meeting, the Board voted to track this measure. She pointed out that this measure does not amend HRS chapter 453, but it does require that a healthcare professional, including physicians, physician assistants, and physicians in training make an oral reporting of female genital mutilation within 24-hours a written report shall be made and failure to do so will cause the person to be found guilty of petty misdemeanor. On page 6 of the bill subsection (3) it provides that:

A healthcare provider licensed pursuant to chapter 453 who performs the procedure described in subsection (1)(a) shall not be subject to criminal liability under this section if the procedure is:

- (a) Within the scope of practice of the person's license and qualifications;
- (b) Medically necessary for the physical health of the person on whom it is performed; or
- (c) Performed on a person who is in labor or who has just given birth and is performed for medical purposes connected with that labor of birth.

The Board will track the measure.

SB169 RELATING TO HEALTH.

The Board discussed this bill.

The purposes of this bill are to: require Medicaid and private insurance coverage of ambulance services; authorize Medicaid programs, and requires private insurers, to cover community paramedicine services rendered statewide by emergency medical technicians or paramedics; and appropriate funds.

Ms. Quiogue reminded the Board members that at its January 2024, meeting, the Board voted to track this measure and noted that community paramedicine is regulated by the Department of Health under HRS chapter 46.

The Board will track this measure.

SB233/HB114 RELATING TO PUBLIC TESTIMONY AT OPEN MEETINGS.

The Board discussed these bills.

The purposes of these bills are to: specify that boards subject to the open meetings law shall allow oral testimony on any agenda item at the beginning of the board's agenda or meeting, provided that oral testimony shall not be limited to the beginning of a board's agenda; and specify an exception for the legislative body of each county.

The Board will track these measures.

SB254 RELATING TO THE TERMINATION OF PREGNANCY.

The Board discussed this bill.

The purposes of this bill are to: prohibit the abortion of a fetus that is capable of feeling pain; prohibit abortions by dismemberment; provide certain exceptions; and establish penalties.

Ms. Quiogue reminded the Board members that at its February 9, 2023, meeting, the Board voted to oppose this measure; however, at its January 18, 2024, meeting, the Board voted to track this measure.

Drs. Dao and Jaffe stated that they oppose this measure.

By consensus, the Board opposes this measure.

The Board did not discuss the following two (2) measures:

SB262 SD1 HD1 RELATING TO MEDICAL RESIDENCY PROGRAMS.

The purpose of this bill is to appropriate moneys to support and expand physician residency training programs in state teaching hospitals.

SB266 RELATING TO CHILDREN.

The purposes of this bill are to: require medically appropriate and reasonable life-saving and life-sustaining medical care and treatment for all born alive infants; and establish civil and criminal penalties.

SB319 SD1 RELATING TO THE RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT.

The Board discussed this bill.

The purposes of this bill are to: establish a working group to study the feasibility and effects of the State adopting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and require a report to the Legislature.

Ms. Quiogue reminded the Board members that in March 2023, the Board submitted testimony before the Ways and Means Committee appreciating the intent of the measure and offering comments. The Board noted its appreciation that the measure created a working group to determine the feasibility and the effects of the State adopting the compact, but also noted that the Board's concerns regarding the Compact as outlined in its testimony before another committee remain the same. The Board had concerns regarding enforcement and constitutional aspects of the Compact, the inability to vet candidates, and a loss in revenue.

The Board's position did not change.

SB442 SD1 RELATING TO HEALTH.

The Board discussed this bill.

The purposes of the bill are to: authorize advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority; authorize psychiatric mental health nurse practitioners, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient; reduce the mandatory waiting period between oral requests from twenty days to five days; and waive the mandatory waiting period for those

terminally ill individuals not expected to survive the mandatory waiting period, under certain conditions.

The Board will track this measure.

SB604 RELATING TO HEALTH.

The Board discussed this bill.

The purposes of this bill are to: prohibit state and county employees and officers from providing reproductive health care services patient information or expending state resources in furtherance of another state's investigation or proceeding that seeks to impose civil, criminal, or professional liability upon a person or entity related to reproductive health care services; prohibit any person from being compelled to provide reproductive health care services patient information; and prohibit any persons from being disqualified from licensure or subject to discipline by a Hawaii board of professional licensure for providing reproductive health care services.

This is a carryover measure. At its February 9, 2023, meeting, the Board voted to support this measure. The Board's position is unchanged.

SB684 RELATING TO TELEPHONIC SERVICES.

The Board discussed this bill.

The purposes of this bill are to: conform existing Medicaid requirements to health insurers, mutual benefit societies, and health maintenance organizations to cover services provided through telehealth, including by way of an interactive telecommunications system; and define "interactive telecommunications system" to match the 2022 Medicare physician fee schedule final rule.

This is a carryover measure. At its February 9, 2023, meeting, the Board voted to track this measure. The Board's position is unchanged.

SB757 RELATING TO EMERGENCY MEDICAL SERVICES.

The Board discussed this bill.

The purposes of this bill are to: require the Department of Health to establish and implement a program to improve and increase support for emergency medical services in the State; require the Department of Health to submit reports to the Legislature; and appropriate funds.

The Board will track this bill.

SB761 RELATING TO THE RETENTION OF HEALTH CARE PROVIDERS.

The Board discussed this bill.

The purpose of this bill is to, beginning July 1, 2024, provide a general excise tax exemption for medical services performed by health care providers.

The Board will track this measure.

SB870 RELATING TO HEALTH CARE PROVIDERS.

The Board discussed this bill.

The purposes of this bill are to: prohibit hospitals and health care facilities to permit or require health care providers to provide services for any period after the health care provider has been on duty for sixteen consecutive hours or an aggregate of eighty hours during any period of seven consecutive days, until the health care provider takes at least ten consecutive hours of time off-duty; clarify that the terms and conditions of a collective bargaining agreement will prevail, if in conflict with this prohibition; and define health care facility, health care provider, and hospital.

Ms. Quiogue reminded the Board members that at its January 18, 2024, meeting, the Board voted to track this measure, but in past legislative sessions, the Board recommended that Ms. Quiogue notify the professional associations regarding this measure and that they submit testimony.

SB890 RELATING TO HEALTH CARE.

The Board discussed this bill.

The purposes of this bill are to: prohibit the State from denying or interfering with a patient's right to choose to obtain an abortion or to terminate a pregnancy if the termination is necessary to protect the life or health of the patient; repeal a criminal penalty for violations of certain abortion provisions; clarify that advanced practice registered nurses may provide abortion care; and clarify that physicians, osteopathic physicians, and advanced practice registered nurses may administer a medication abortion via telehealth for a patient residing in the State.

During the 2023 legislative session, the Board supported similar measures. The Board will continue to support measures such as this.

SB896 SD1 / HB1427 RELATING TO REPRODUCTIVE HEALTH CARE.

The Board discussed these bills.

The purposes of these bills are to: prohibit a covered entity from disclosing communication or information relating to reproductive health care services; prohibit the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State; prohibit agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services; prohibit the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services; require the governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State; enumerate laws contrary to public policy and prohibits their application as rules of decision in the courts; prohibit the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services; clarify under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action; and prohibit the enforcement of a judgment or order arising from a foreign penal civil action or other penal law with respect to reproductive health care services.

The Board will support this bill.

SB919 RELATING TO WORKERS' COMPENSATION.

The Board discussed this bill.

Requires the independent medical examination and permanent impairment rating examination of an injured employee under the Workers' Compensation Law to be conducted by a qualified chiropractor or physician selected by the mutual agreement of the parties and paid for by the employer. In absence of a mutual agreement, requires the Director of Labor and Industrial Relations to appoint a duly qualified impartial chiropractor or physician to be paid by the employer.

The Board will track this measure.

SB955 / HB482 RELATING TO MEDICAL CARE FOR MINORS.

The Board discussed these bills.

The purposes of these bills are to: authorize licensed osteopathic physicians and physician assistants, in addition to physicians and advance practice registered nurses, to provide minor-initiated medical care and services; require the licensed health care provider to ensure that the covered entity has been notified that minor-initiated medical care and services should not be disclosed; require the covered entity to have policies and procedures established to maintain nondisclosure of the minor-initiated medical care and services to the minor's parent or legal guardian; and authorize the licensed health care provider to submit a claim to the covered entity for the provision of minor-initiated medical care and services.

Ms. Quiogue reminded the Board members that at its February 9, 2023, meeting and at its January 18, 2024, meeting, the Board voted to track this measure.

The Board will track this measure.

SB1038 SD2 / HB693 RELATING TO HEALTH.

The Board discussed these bills.

The purposes of these bills are to: temporarily allow for the reimbursement of services provided through telehealth via an interactive telecommunications system and two-way, real-time audio-only communications in certain circumstances; and define "interactive telecommunications system".

These bills are carryover measures. At its January 18, 2024, meeting the Board voted to track these measures.

The Board will track these measures.

SB1167 SD1 PROPOSING AMENDMENT TO THE HAWAII STATE CONSTITUTION TO PROTECT INDIVIDUAL REPRODUCTIVE RIGHTS.

The Board discussed this bill.

The purpose of this bill is to propose a constitutional amendment to protect an individual's reproductive freedom in their most intimate decisions, including the right to abortion and contraceptives.

Ms. Quiogue reminded the Board members that at its February 9, 2023, meeting, the Board supported a similar measure, SB 1528.

The Board supports this measure.

SB1215 SD2 HD1 /HB 1450 RELATING TO HEALTH CARE PRECEPTORS.

The Board discussed these bills.

The purposes of these bills are to: amend the preceptor tax credit law to expand access to the program and to make it easier for preceptors to access tax credits under the program; and add the Director of Health to the Preceptor Credit Assurance Committee.

The Board will track these measures.

SB1380 SD1 /HB1082 RELATING TO MEDICAL CANNABIS.

The Board discussed these bills.

The purposes of these bills are to: require that written certifications for a patient with a chronic condition be valid for three years; remove the requirement that a certifying physician or advanced practice registered nurse have a "bona fide" physician-patient or advanced practice registered nurse-patient relationship to certify that a patient has a debilitating medical condition pursuant to chapter 329, Hawaii Revised Statutes; define "waiting room" within a medical cannabis retail dispensary and allows primary caregivers, qualifying out-of-state patients, and caregivers of a qualifying out-of-state patient to access the waiting room; clarify that each day of a violation of chapter 329D, Hawaii Revised Statutes, is a separate violation; and amends the rule-making authority for dispensary-to-dispensary sales; and require medical cannabis dispensaries, in conjunction with physicians and advanced practice registered nurses who issue written certifications pursuant to section 329-123, Hawaii Revised Statutes, to conduct the continuing education and training program required by section 329D-26, Hawaii Revised Statutes, rather than the Department of Health.

The Board will track these measures.

SB1395 /HB1097 RELATING TO THE UNIFORMED CONTROLLED SUBSTANCES ACT.

The Board discussed these bills.

The purpose of these bills is to update the Uniform Controlled Substances Act, chapter 329, Hawaii Revised Statutes, to make it

consistent with amendments in the federal controlled substances law as required by section 329-11, Hawaii Revised Statutes.

The Board will track these measures.

SB1396 /HB1097 RELATING TO THE UNIFORMED CONTROLLED SUBSTANCES ACT.

The Board discussed these bills.

The purpose of these bills is to amend section 4 of Act 153, Session Laws of Hawaii 2018, to make permanent the requirements under section 329-38.2, Hawaii Revised Statutes, to check the electronic prescription accountability system in certain situations as enumerated.

The Board will track these measures.

SB1397 / HB1099 RELATING TO THE ELECTRONIC PRESCRIPTION ACCOUNTABILITY SYSTEM.

The Board discussed these bills.

The purpose of these bills is to amend subsection 329-101(d), Hawaii Revised Statutes, to require that a dispenser of a controlled substance report the filling of a controlled substance prescription and the dispensing of drug samples to the State's Electronic Prescription Accountability System at least once every day, or a report of "zero" be reported not less than once every seven days if no controlled substances prescriptions are filled or drug samples are dispensed.

The Board will track these measures.

SB1491 RELATING TO REPRODUCTIVE HEALTH CARE SERVICES.

The Board discussed this bill.

The purposes of this bill are to: prohibit, with certain exceptions, any state agency or political subdivision from providing private information regarding, or authorizing an arrest warrant based on, the receipt or provision of, or assistance with, reproductive health care services that are lawful in the State; require the Department of Health to maintain on its website information about access to abortion in the State, including current information about state law; require the Director of Commerce and Consumer Affairs to assess and report to the Legislature on any policy changes or legislation needed to ensure that no person is disqualified from licensure or subject to professional discipline based on the lawful receipt or

provision of, or assistance with, reproductive health care services in the State.

Drs. Jaffe, Ignacio, and Mr. Belcher voiced their support of this measure.

By consensus, the Board appreciates the intent of the measure and will provide comments if this measure is scheduled for hearing as it is aligned with SB1 (2023).

SB1503 RELATING TO HEALTH.

The Board discussed this bill.

The purposes of this bill are to: prohibit certain boards from taking adverse action against individuals possessing or applying for a license to practice medicine and surgery or nursing for providing abortion care services or gender affirming treatments in the State in compliance with the laws of the State, or being disciplined by another state for providing abortion care services or gender affirming treatments; prohibit certain insurers from taking adverse actions against reproductive health care providers for providing abortion care services or gender affirming treatments; prohibit court clerks from issuing subpoenas in connection with out-of-state subpoenas related to abortion care services or gender affirming treatments that are provided in compliance with the laws of the State; prohibit the Department of Law Enforcement and the county police departments from participating in another state's investigations concerning abortion-related conduct, gender affirming treatments, or other reproductive health care or services that are lawful in the State; require the Attorney General to routinely submit to the Legislature and Governor reports of these requests for participation; establish additional protections for patient health information related to reproductive health services or gender affirming treatments; establish protections for certain information related to reproductive health services or gender affirming treatments that does not qualify as patient health information; and prohibit the State from penalizing individuals based on the individual's pregnancy outcomes or gender affirming treatments received or for aiding or assisting in a third party's abortion or gender affirming treatment.

The Board supports this measure.

SB1526 / HB1441 RELATING TO REPRODUCTIVE HEALTH CARE.

The Board discussed this bill.

The purposes of this bill are to: explicitly provide that a patient has a right to choose to obtain an abortion or terminate a pregnancy if the termination is necessary to protect the patient's life or health; repeal criminal penalties for violations of certain abortion provisions; and clarify which health care providers may provide abortion care.

Ms. Quiogue reminded the Board members that at its February 9, 2023, meeting, the Board supported its companion measure HB 1441.

The Board's position remains unchanged.

SB1528 PROPOSING A CONSTITUTIONAL AMENDMENT TO PROTECT THE RIGHT TO REPRODUCTIVE FREEDOM.

The Board discussed this bill.

The purpose of this bill is to amend the Hawaii State Constitution to prohibit the State from denying or interfering with an individual's reproductive freedom, including the right to choose or obtain an abortion or to choose to obtain or use contraceptives.

The Board supports this measure.

SB2117 RELATING TO HEALTH CARE PRECEPTORS.

The Board discussed this bill.

The purposes of this bill are to: amend the definition of "preceptor" to include physician assistants, registered dietitians, and social workers; amend the definition of "volunteer-based supervised clinical training rotation" to clarify that preceptors may be compensated for the provision of standard clinical services during supervised clinical trainings; amend the definition of "eligible student" to include physician assistants, registered dietitians, and social work students; and include the Director of Health as a member of the Preceptor Credit Assurance Committee.

The Board will track this measure.

SB2186 / HB2283 RELATING TO HEALTH CARE WORKERS.

The Board discussed these bills.

The purposes of these measures are to: establish heightened penalties for the assault and terroristic threatening of health care workers; and clarify the definition of "terroristic threatening" to include the methods of contact.

Chair Takanishi stated that this measure is not in the Board's scope of practice and defers to the professional association.

The Board will track this measure and defer to the Hawaii Medical Association regarding a position.

SB2189 / HB 2531 RELATING TO WORKPLACE SAFETY.

The Board discussed these bills.

The purpose of these bills is to allow a person who employs or contracts with a health care worker who suffers an act of violence to report the event to law enforcement and petition for a temporary restraining order and injunction under certain circumstances.

The Board will track this measure and defer to the Hawaii Medical Association regarding a position.

SB2464 RELATING TO HEALTH CARE PROVIDER CREDENTIALING

The Board discussed this bill.

The purposes of this bill are to: authorize health care organizations to accept a health care provider's credentialing that was conducted by certain health care organizations or state agencies; establish a Health Care Credentialing Clearinghouse Pilot Program within the Department of Health; declare that the general fund expenditure ceiling is exceeded; and make an appropriation for the Health Care Credentialing Clearinghouse Pilot Program, including for one full-time equivalent (1.0 FTE) Program Specialist VI position to implement the pilot program.

The Board will track this bill.

SB2669 RELATING TO GENDER REAFFIRMING CARE.

The Board discussed this bill.

The purposes of this bill are to: except certain in-person consultation and examination requirements to establish a provider-patient relationship for the purposes of gender affirming treatment via telehealth; except certain in-person consultation and examination requirements to establish a provider-patient relationship for issuing prescriptions for the purposes of gender affirming treatment; prohibit certain boards from taking adverse action against individuals possessing or applying for a license to practice medicine and surgery or nursing for providing gender affirming treatments in the State in compliance with the laws of the State or being disciplined by another state for providing gender

affirming treatments; prohibit certain insurers from taking adverse actions against health care providers for providing gender affirming treatments; prohibit court clerks from issuing subpoenas in connection with out-of-state subpoenas related to gender affirming treatments that are provided in compliance with the laws of the State; require the Department of Health to establish a public health campaign that educates the public on gender affirming treatment services statewide; declare that the general fund expenditure ceiling is exceeded; and make an appropriation.

The Board supports this measure.

SB2807 RELATING TO TAXATION.

The Board discussed this bill.

The purpose of this bill is to establish an annual tax credit for qualified physicians who actively practice medicine in rural areas of the state.

The Board will track this measure.

SB2887 / HB2303 RELATING TO INSURANCE

The Board discussed these bills.

The purpose of these bills is to prohibit health maintenance organizations from discriminating against certain health care providers that meet the terms and conditions for participation established by the health maintenance organization.

The Board will track these measures.

SB3125 / HB2436 RELATING TO MEDICAL CARE FOR MINORS.

The Board discussed these bills.

The purposes of these bills are to: authorize minors who are 14 years or older to consent to medical care for sexually transmitted infections, pregnancy, and family planning services, including the prevention of sexually transmitted infections; and require confidentiality policies and practices for insurers and providers.

By consensus, the Board will track these measures.

SB3252 PROPOSING A CONSTITUTIONAL AMENDMENT TO PROTECT THE RIGHT TO REPRODUCTIVE FREEDOM.

The Board discussed this bill.

The purpose of this bill is to amend the Hawaii State Constitution to prohibit the State from denying or interfering with an individual's reproductive freedom, including the right to choose or obtain an abortion or to choose to obtain or use contraceptives.

The Board supports this bill.

SB3330 /HB 2775 RELATING TO HEALTH CARE.

The Board discussed this bill.

The purposes of these bills are to establish: a candor process through which patients and their families, health care providers, and health care facilities can engage in open communication about how an adverse care health incident occurred, how it will be prevented in the future, and what compensation, if any, will be offered to the patient or their family; and notice and confidentiality requirements for open discussions.

By consensus, the Board will track these measures.

Federation of State
Medical Boards:

A. Reentry to Practice: Report of the FSMB Workgroup on
on Reentry to Practice Draft, January 2024

This document contains guidance for state medical boards when considering potential reentry to practice requirements for physicians seeking to regain licensure following a significant absence from practice. Recommendations offered in the document reflect an appreciation that unique situations exist for physicians (and includes physician assistants) seeing to reenter practice and therefore encourage flexibility and the need to consider reentry decisions on a case-by-case basis.

Chair Takanishi asked the Board members if they had any comments.

Dr. Jaffe suggested an administrative meeting to discuss re-entry policies, policy writing, review of questions on the application, and to discuss the possibility of issuing a newsletter.

Chair Takanishi explained that the Board does not currently have its own policies regarding reentry and other matters, but has adopted the Federation of State Medical Boards policies. He further explained that the Board administers and implements Hawaii Revised Statutes chapter 453 and Hawaii Administrative Rules chapter 16-85. The Board previously issued an annual newsletter.

Ms. Quiogue explained that the Board used to issue a newsletter, but stopped doing so for legal reasons. She went on to explain that pursuant to HRS chapter 92, the Board is subject to the requirements for public agency meetings and records. As such, the Board may consider creating permitted interaction group (“PIG”), which may consist of two or more members, but less than quorum, which may be assigned to investigate a matter relating to Board business.

Mr. Belcher suggested question 6 on the application for licensure by endorsement, which asks: “Have you actively practiced medicine in another jurisdiction for at least two of the immediate preceding five years?” be amended to flag applicants who had completed the first two years of residency, but not the last three.

Chair Takanishi thanked Mr. Belcher for his observation and relayed that the Board may take it into consideration at a later time or if it creates a PIG.

Correspondence:

- A. Email inquiry from Peter Geissler, M.D., asking whether he may practice wound healing according to Christian Scientist wound techniques pursuant to Hawaii Revised Statutes section 453-2.

After due consideration, it was moved by Mr. Belcher, seconded by Dr. Dao to defer answering the query until more information is provided to the Board regarding the practice rights of Christian Scientists pursuant to the statutes.

Dr. Elizabeth Ann Ignacio asked whether the Board should consider citing the definition of the practice of medicine as defined by Hawaii Revised Statutes section 453-1 and seek more clarification from Dr. Geissler regarding Christian Science and wound healing.

Chair Takanishi asked the Board members if they wanted to consider replying to the inquiry explaining that the Board’s statutes require that anyone who engages in the Board’s defined scope of practice seek a medical license in our State, and furthermore, should the requestor desire to pursue this any further, he should provide more information to the Board regarding the opening of a wound clinic in Hawaii. He went on to ask that the Board’s staff research past similar inquiries and prior pertinent legislation for the Board to review.

Mr. Belcher and Dr. Dao retracted their motion.

It was moved by Mr. Belcher, seconded by Dr. Dao to reply to the inquirer citing the Board's defined scope of practice, and should they seek to pursue the opening of the clinic, it should provide more information to the Board.

- B. Email inquiry from Krupa Patel, Compliance Analyst, nirvanaHealth RAdvance, regarding Hawaii Regulation on adverse determination related to prior authorization.

After due consideration, it was moved by Dr. Ignacio, seconded by Dr. Dao to forward the request to the Board of Pharmacy to provide a response.

- C. Email inquiry from Jarrod Rainey, Partner, Goldsand Friedberg, regarding the Board's position on prescribing controlled substances via telehealth.

After due consideration, it was moved by Dr. Jaffe, seconded by Dr. Pratt, and unanimously carried to reply to Mr. Rainey, that controlled substances may only be prescribed after an initial in-person consultation.

For clarity, Chair Takanishi stated that under Hawaii Revised Statutes, the inquirer should be minimally informed that a Hawaii-licensed physician be in State to prescribe controlled substances. This is consistent with HRS chapter 329.

Chair Takanishi noted DAG Wong appeared to want to provide comment.

DAG Wong asked members whether they would like to address Mr. Rainey's questions point by point. For instance, for questions 1 and 3, the Board may advise Mr. Rainey that the Board does not interpret HRS chapter 329.

Chair Takanishi asked whether the Board should vacate its motion.

DAG Wong advised the Board that its motion was fine, and asked whether it would allow she and Ms. Quiogue to provide more detailed responses to Mr. Rainey's questions.

The Board answered in the affirmative.

Discussion on Limiting Attempts for the USMLE Step 3:

Interstate Medical

The Board will be defer the discussion on this matter to a later meeting.

- A. Appointment of Commissioner

Licensure Compact
Commission (IMLCC):

The Board must appoint an additional commissioner to the IMLCC. Ms. Quiogue reminded members that the second commission member can be an executive officer of the Board.

It was moved by Mr. Belcher, seconded by Dr. Young, that one of its Executive Officers be appointed as the second commissioner to serve on the IMLCC.

Next Meeting: Thursday, March 7, 2024

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

Virtual Videoconference Meeting – Zoom Webinar

Adjournment: The meeting adjourned at 4:26 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Ahlani K. Quiogue

/s/ Chiara Latini

(Ms.) Ahlani K. Quiogue
Executive Officer

(Ms.) Chiara Latini
Secretary

AKQ:cl
2/1/2024

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(X)

Minutes approved as is.

Minutes approved with changes: March 7, 2024, meeting minutes.

HAWAII MEDICAL BOARD 02/08/2024 – RATIFICATION LIST

AMD-1330-0 ROBERT CHARLES MONSEES

AMD-1331-0 KELLY NOELANI MIYASHIRO

AMD-1332-0 DAVID J PEDERSEN

AMD-1333-0 KYLER JORDAN MASONHEIMER

AMD-1334-0 ALLA SHABTAI

AMD-1335-0 RACHEL RYLAND BRADLEY

AMD-1336-0 CONSTANCE ANGELA BURKE

DOS-2522-0 CHRISTINE E JAMES

DOS-2523-0 ELIZABETH F CONNELLY

DOS-2524-0 MEERA PATEL

DOS-2525-0 RACHNA ANAND

DOS-2526-0 RYAN A GORMAN

DOS-2527-0 PHILLIP M MELE

DOS-2528-0 MARK E BOMIA

DOS-2529-0 JONATHAN BERG

EMT-3365-0 KYRA S TALISOA

EMT-3366-0 BRIAHNA KAHEALANI PACHICO-GREY

EMT-3367-0 ZACHARIAH K FLAGG

EMT-3368-0 SHANNON THERESA ALLEN

MD-24076-0 ARVIN N BAGHERPOUR

MD-24077-0 JULIE A STRAUB

MD-24078-0 HETAL K BRAHMBHATT

MD-24079-0 KHALED A RIKABI

MD-24080-0 HEIDI LOPEZ-COONJOHN

MD-24081-0 NICHOLAS GEIGER RICHWAGEN

MD-24082-0 FERAS SAMIH HAMDAN

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| MD-24084-0 | HOWARD CHEN |
| MD-24085-0 | HILARY MCELLIGOTT |
| MD-24086-0 | MIGUEL MARTIN PALOS |
| MD-24087-0 | VANDANA AGARWAL |
| MD-24088-0 | TAMMY J HOMMAN |
| MD-24089-0 | PRANSHU SHARMA |
| MD-24090-0 | HSIU SU |
| MD-24091-0 | VICKIE WINKLER |
| MD-24092-0 | ERIC RYAN ZACHARIAS |
| MD-24093-0 | DOMNIQUE NEWALLO |
| MD-24094-0 | KARL ANDREW MARZEC |
| MD-24095-0 | CHARDONNAY JULIA VANCE |
| MD-24096-0 | LIGAYA L PRYSTOWSKY |
| MD-24097-0 | JARED BENNINGTON LUCAS |
| MD-24098-0 | ALLEN RUBIN |
| MD-24099-0 | ERIK D SCHRAGA |
| MD-24100-0 | JAMES W KLENA |
| MD-24101-0 | ALINE MINH DUNG THI NGUYEN |
| MD-24102-0 | BENJAMIN K LEE |
| MD-24103-0 | RAJAA MOHAMMED ALMESTADY |
| MD-24104-0 | JOHN MARK BILLINGS |
| MD-24105-0 | JAMES HSIANG WANG |
| MD-24106-0 | ERIC HAMILTON WRIGHT |
| MD-24107-0 | MONICA C ROMANKO |
| MD-24108-0 | MIGUEL HELIODORO ROMERO |
| MD-24109-0 | CHRIS YOON |
| MD-24110-0 | AMBER D EVANS |
| MD-24111-0 | NICOLE C POWELL-DUNFORD |

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MD-24114-0 DAVID J EPSTEIN
MD-24115-0 ROBERT W DEMUTH
MD-24116-0 POOJA SETHI
MD-24117-0 SHAREFI SALEH
MD-24118-0 JULIE C EVERETT
MD-24119-0 PAUL E NICHOLAS
MD-24120-0 CHRISTOPHER MICHAEL GREENLAND
MD-24121-0 MICHAEL LAM
MD-24122-0 RICHARD B PACE
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MD-24124-0 DIANE TJORNHOM
MD-24125-0 JONATHAN CHIEN LIANG LIN
MD-24126-0 DEAN LURIE
MD-24127-0 POLLYANNA SANCHEZ-MARTINEZ PITT
MD-24128-0 YUKI SHIMA
MD-24129-0 KARA ARVIN
MD-24130-0 DONNA EARNICE DALGETTY
MD-24131-0 ISAAC AVIA WENTZ
MD-24132-0 TIMOTHY G CAUDILL
MD-24133-0 CYNTHIA J CHAMBERS
MD-24134-0 RAJA SIVAMANI
MD-24135-0 SOPHIA RODRIGUEZ
MD-24136-0 ANTHONY RENE LUCAS
MD-24137-0 GREGORY JAMES STEPP
MD-24138-0 JENNIFER M ABELSON
MD-24139-0 SUSAN ELIZABETH LITTLE-JONES
MD-24140-0 ABRAHAM SEUNG CHUL CHYUNG

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| MD-24142-0 | STEPHEN PETROU |
| MD-24143-0 | MELISSA DIANNE HUMMELKE |
| MD-24144-0 | DEVY AFRIANY SETYONO |
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| MDR-8694-0 | MORGAN A DERBY |
| MDR-8695-0 | VICTOR A FOX |
| MDR-8696-0 | MARIELA NEVAREZ |
| MDR-8697-0 | SHAKKAURA KEMET |
| MDR-8698-0 | MARK THOMAS CASTLE |
| MDR-8699-0 | MADISON N MIRACLE |