

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

MINUTES OF MEETING

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

Date: Thursday, May 14, 2015

Time: 1:00 p.m.

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

Present: Niraj S. Desai, M.D., Chairperson, Kauai Member
Sharon "Shay" Bintliff, M.D., Vice-Chairperson, Hawaii Member
Gerard K. Akaka, M.D., Oahu Member
Maria Chun, Ph.D, Public Member
Darren K. Egami, M.D., Maui Member
Jone Geimer-Flanders, D.O., Oahu Member
Peter Halford, M.D., Oahu Member
Peter Holt, M.D., Oahu Member
Thomas S. Kosasa, M.D., Oahu Member
Palasi Puletasi, Public Member
Karen E. Sept, D.O., Oahu Member
Shari Wong, Deputy Attorney General ("DAG")
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Guests: Marvin Padnick, M.D.
Brad Bliss, Esq.

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

Approval of the October 16, 2014 Open Session Minutes: It was moved by Dr. Bintliff, seconded by Dr. Geimer-Flanders, and unanimously carried to approve the open session minutes of the October 16, 2014 meeting with the following correction:

On page 2, under Approval of the September 11, 2014 Minutes, a typographical error existed, it should read "On page 5, the last paragraph should read as follows..."

Approval of the
April 9, 2015
Minutes:

It was moved by Dr. Egami, Seconded by Dr. Akaka, and unanimously carried, with the exception of Dr. Chun who abstained from the vote, to approve the minutes of the executive session and the minutes of the regular session meeting as circulated.

Additions/
Revisions to
Agenda:

None.

Adjudicatory
Matters:

Chair Desai called for a recess from the meeting at 1:06 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

a. In the Matter of the Emergency Medical Technician-Basic License of Jerry Ko; MED 2012-195-L

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

b. In the Matter of the Application for a Medical License of Marvin B. Padnick, M.D.; MED-LIC-2014-005

Brad Bliss, Esq. and Dr. Padnick appeared before the Board to request that the Board consider changes to its draft settlement agreement.

After much discussion and due consideration, it was moved by Chair Desai, seconded by Dr. Akaka, and unanimously carried to redraft a settlement agreement in this matter. Additionally, Chair Desai informed Dr. Padnick and Mr. Bliss that the Board was not inclined to void its previously submitted NPDB report.

c. In the Matter of the License to Practice Medicine of Igor Mitreski, M.D.; MED 2014-35-L

It was moved by Dr. Kosasa, seconded by Dr. Geimer-Flanders, and unanimously carried to uphold the Board's Final Order ("BFO") dated December 11, 2014, and to revoke Dr. Mitreski's license based on his failure to comply with the BFO payment plan. The Board also delegated to its Executive Officer the authority to sign on its behalf a final order reflecting its decision.

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, Hawaii Revised Statutes ("HRS"), Chair Desai announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 2:34 p.m.

Applications for
License/
Certification:

a. Ratifications:

- (i) List

It was moved by Dr. Egami, seconded by Dr. Bintliff and unanimously carried to ratify the attached lists of individuals for licensure or certification.

It was moved by Dr. Sept, seconded by Dr. Halford, and unanimously carried to enter into executive session at 2:35 p.m. pursuant to Section 92-5(a)(1), HRS, to consider and evaluate personal information relating to individuals applying for professional licenses cited in Section 26-9, HRS, and pursuant to Section 92-5(a)(4), HRS, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Applications for
License/
Certification:

b. Applications:

Peter W. Brill, M.D.
Janet L. Brown, M.D.
Leland G. DeEvoli, D.O.
Alvaro R. Encinas, M.D.
Curtis E. Fox, M.D.
Kenric M. Murayama, M.D.
Olga Rafaelian, M.D.
Michael P. Schneider, M.D.
Marisol Sepulveda, D.O.
Carlos D. Urmacher, M.D.
Noelani McMahon, EMT-B

It was moved by Dr. Kosasa, seconded by Dr. Akaka, and unanimously carried to return to the open meeting at 3:23 p.m.

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

Peter W. Brill, M.D.
Janet L. Brown, M.D.
Alvaro R. Encinas, M.D.
Curtis E. Fox, M.D.
Olga Rafaelian, M.D.
Michael P. Schneider, M.D.
Carlos D. Urmacher, M.D.

Kenric M. Murayama, M.D.

It was moved by Chair Desai, seconded by Dr. Egami (with the exceptions of Drs. Akaka, Chun, and Halford who recused themselves),

and carried by a majority to approve Dr. Murayama's application for medical licensure.

Leland G. DeEvoli, D.O.

After due consideration of the information received, it was moved by Dr. Halford, seconded by Dr. Holt, and unanimously carried to deny Dr. DeEvoli's request to consider accepting the score he received on the SPEX, instead of the Federation of State Medical Board's ("FSMB") minimum recommended passing score.

Marisol Sepulveda, D.O.

After due consideration of the information received, it was moved by Dr. Egami, seconded by Dr. Geimer-Flanders (with Dr. Sept recusing herself) and carried by a majority to approve Dr. Sepulveda's application for renewal.

In approving Dr. Sepulveda's application, the Board instructed its Executive Officer to inform Dr. Sepulveda's Pediatric Residency Program ("Residency Program") Directors that the Board is concerned with the information presented with her file, and requests that the Residency Program keep the Board informed of any future actions and decisions regarding Dr. Sepulveda's training.

Noelani McMahon, EMT-B

After due consideration of the information received, it was moved by Dr. Egami, seconded by Dr. Geimer-Flanders, and unanimously carried to defer Ms. McMahon's application pending a detailed statement of explanation.

Advisory
Committees:

- a. Physician Assistants
- b. Emergency Medical Service Personnel
- c. Podiatrists

Correspondence:

- a. Inquiry from Robert R. Johnson, D.O., Regarding Medical Licensure Requirements for In-depth Assessment of Psychiatric Disorders

The Board reviewed Dr. Johnson's letter dated April 8, 2015, regarding whether a Hawaii medical license is required for the following practice model:

- Patient who lives in Hawaii establishes a treatment relationship with one of the Amen Clinic (“AC”) physicians by being seen in-person at one of the AC offices not located in Hawaii.
- Patient returns home to Hawaii.
- The AC physician who is not located or licensed in Hawaii would like to then provide remote consulting/coaching services for these patients. This consultation would be with the patient, not with a provider.
- The patient would be under the care of a healthcare provider located and licensed in Hawaii.
- AC would not be prescribing the patients' medication.
- Patients would periodically return to an AC clinic not located in Hawaii for a face-to-face visit.

After due consideration of Dr. Johnson’s letter, the Board informally opined that anyone engaged in the practice of medicine, as defined by Hawaii Revised Statutes (“HRS”) § 453-1, requires a license in the state of Hawaii. HRS § 453-1, defines the practice of medicine as:

For the purposes of this chapter the practice of medicine by a physician or an osteopathic physician includes the use of drugs and medicines, water, electricity, hypnotism, osteopathic medicine, or any means or method, or any agent, either tangible or intangible, for the treatment of disease in the human subject; provided that when a duly licensed physician or osteopathic physician pronounces a person affected with any disease hopeless and beyond recovery and gives a written certificate to that effect to the person affected or the person's attendant nothing herein shall forbid any person from giving or furnishing any remedial agent or measure when so requested by or on behalf of the affected person.

This section shall not amend or repeal the law respecting the treatment of those affected with Hansen's disease.

For purposes of this chapter, "osteopathic medicine" means the utilization of full methods of diagnosis and treatment in physical and mental health and disease, including the prescribing and administration of drugs and biologicals of all kinds, operative surgery, obstetrics, radiological, and other electromagnetic emissions, and placing special emphasis on the interrelation of the neuro-musculoskeletal system to all other body systems, and the amelioration of disturbed structure-function relationships by the

clinical application of the osteopathic diagnosis and therapeutic skills for the maintenance of health and treatment of disease.

In addition, HRS § 453-2 sets forth certain exceptions for the license requirement, one of which is for purposes of consultation. Specifically, pursuant to HRS § 453-2(b)(3), nothing herein shall:

Apply to any commissioned medical officer in the United States armed forces or public health service engaged in the discharge of one's official duty, **nor to any practitioner of medicine and surgery from another state when in actual consultation, including in-person, mail, electronic, telephonic, fiber-optic, or other telemedicine consultation with a licensed physician or osteopathic physician of this State, if the physician or osteopathic physician from another state at the time of consultation is licensed to practice in the state in which the physician or osteopathic physician resides;** provided that:

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

Emphasis added.

Chair Desai stated that based on Dr. Johnson's practice model, it appears that a Hawaii medical license or osteopathic medical license would be required because Dr. Johnson will be working in direct consultation with the patient versus a Hawaii-licensed physician or osteopathic physician.

Lastly, in accordance with Hawaii Administrative Rules § 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

Chairperson's Report:

Chair Desai attended the Federation of State Medical Board's Annual ("FSMB") meeting (as did Executive Officer Quiogue) held on April 23-25, 2015, in Fort Worth, Texas.

Chair Desai reported that the FSMB Annual Meeting was both informative and educational. Majority of the sessions dealt directly with the effective regulation of the medical profession. Chair Desai updated members regarding the Interstate Medical Licensure Compact (“Compact”). Chair Desai informed members that there have been seventeen states that have introduced legislation for the Compact, and out of the seventeen, six have enacted the measures.

Chair Desai indicated that under the Compact, participating state medical boards would ultimately retain their licensing and disciplinary authority, but would agree to share information and processes essential to licensing and regulation of physicians who practice across state borders.

Executive Officer’s
Report:

None.

Next Meeting:

Thursday, June 18, 2015
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, HI 96813

Adjournment:

It was moved by Dr. Sept, seconded by Mr. Puletsi, and unanimously carried to adjourn the meeting at 3:47 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/Ahlani K. Quiogue

/s/Wilma Balon

(Ms.) Ahlani K. Quiogue
Executive Officer

Wilma Balon
Secretary

AKQ:wb
5/26/15

- (X) Minutes approved as is.
() Minutes approved with changes; see minutes of _____.

HAWAII MEDICAL BOARD (05/14/2015-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 18072 MELISSA S <KIM<
MD 18073 KALA N <PARKER<
MD 18074 LARA L <GAINES<
MD 18075 HEIDI M <SOLBERG-SHANKLE<
MD 18076 CASEY E <HERRFORTH<
MD 18077 AJEET <DUBE<
MD 18078 JENIFER P <AARONSON<
MD 18079 JAY <PATEL<
MD 18080 WEI B <OOI<
MD 18081 HO H <YOO<
MD 18082 RYAN K <BROWN<
MD 18083 EVAN M <GROSJEAN<
MD 18084 CYNTHIA Y <BONTRAGER<
MD 18085 RYAN A <FREDERIKSEN<
MD 18086 JULIANA <MINAK<
MD 18087 DANIEL W <SEITZ<
MD 18088 ELLIOT L <WADE<
MD 18089 MELANIE M <PAYANAL<
MD 18090 FAITH A <SLATER<
MD 18091 SCOTT A <FLEMING<
MD 18092 GENE <GREENLEES<
MD 18093 TRENCE <CLARK<
MD 18094 ROBERT C <MCINTYRE<
MD 18095 DAVID M <TARASKEVICH<
MD 18096 THOMAS R <WILLIAMS< III
MD 18097 NANCY C <DEVINE<
MD 18098 BRANNON L <RANEY<
MD 18099 ARUN <PILLAI<
MD 18100 MITCHELL T <GUDMUNDSSON<
MD 18101 DWIGHT K <LEE<
MD 18102 AARON J <SMALL<
MD 18103 SHIVANI <CHOPRA<
MD 18104 ANDREW M <WALTERS<
MD 18105 ANNA M <CEDAR<
MD 18106 CRISTINA M <ALMEDIA<
MD 18107 CLAYTON J <SANDERS<
MD 18108 CHARLOTTE <CHARFEN<
MD 18109 TUI A <LAUILEFUE<
MD 18110 TEODORA <TOPALOVSKI<
MD 18111 LUCIANO A <PICCHIO<
MD 18112 RANDALL L <SOLOMON<

MD 18113 CHETAN N <PATEL<
MD 18114 HANH H <LA<
MD 18115 DEAN ADISON <FRASER<
MD 18116 RYAN <LUNSFORD<
MD 18117 FREDERICK F <DUENNEBIER<
MD 18118 EHAB G <DAOUD<
MD 18119 STEPHEN W <DOGGETT<
MD 18120 BROOKE R <HILL<
MD 18121 SHAMA S <SHAH<
MD 18122 TRACI T <MURAKAMI<
MD 18123 BRADLEY M <KING<
MD 18124 NATHAN B <MILLER<

MDR 6808 JOHN-TYLER <CENE<
MDR 6809 NICHOLAS J <MUSISCA<
MDR 6810 KATHRYN J <BONDANI<
MDR 6811 ALICIA G <LYDECKER<
MDR 6812 ELENI A <GREENWOOD<
MDR 6813 STEVEN C <MOORE<
MDR 6814 HANH H <NGUYEN<
MDR 6815 SHARMISTHA <DEV<
MDR 6816 BRETT C <EBELING<
MDR 6817 MEGHAN T <JONES<
MDR 6818 CHARYSE A <DIAZ<
MDR 6819 STEVEN <WASSERMAN<
MDR 6820 MARK J <PORTER<
MDR 6821 SARAH <MIN<
MDR 6822 JONATHAN E <MANDABACH<
MDR 6823 HANNAH M <KINOSHITA<
MDR 6824 ROBERT <HAGBOM<
MDR 6825 ADRIANN <BRUCE<
MDR 6826 SHIRLEY M <HIRATA<
MDR 6827 CHRISTINA <MARZO<
MDR 6828 BAO N L <PHAM<
MDR 6829 BROOKE <YORITA<

MDT 4082 DEVIN M <GARZA<
MDT 4083 PETER A <CASTILLO<

AMD 609 ANGELA D <JOHNSTON<
AMD 610 ERIK G <CAMP<
AMD 611 JOHN O <KROGH< III

AMD 612 CRAIG A <HUMES<

DOS 1654 WILLIAM <DELO<
DOS 1655 PRENTISS W <ADKINS< SR
DOS 1656 THOMAS J <SINGEL< II
DOS 1657 AASHISH <DADARWALA<
DOS 1658 RIO <COLE<
DOS 1659 TIMOTHY J <SWINDOLL<
DOS 1660 SUNDIP S <PATEL<
DOS 1661 ERICH R <SCHOENMAN<
DOS 1662 LEON <GRANT<

DOSR 328 MARK I <CROSBY<
DOSR 329 STEPHANIE M <GRAZIANI<
DOSR 330 WENHAO C <KUO<

EMTP 2091 STEVEN K <CASTELLO<

EMTB 2606 LANE T <NATORI<
EMTB 2607 DEENA A <CHOI<