

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, August 14, 2014

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
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. Quogue, Executive Officer
Wilma Balon, Secretary

Guests: Vincent Tenorio, PA-C
May Ferrer, Executive officer

Call to Order: The meeting was called to order at 1:00 p.m. at which time quorum was established.

Chair Desai welcomed both Jone Geimer-Flanders, D.O. and Peter Halford, M.D. to the Board. Dr. Geimer-Flanders is the new osteopathic member and Dr. Halford is the new Honolulu member. Chair Desai indicated that both members were appointed on an interim basis.

Dr. Sept entered the meeting room at 1:03 p.m.

Approval of the
July 10, 2014
Minutes:

It was moved by Dr. Bintliff, seconded by Dr. Akaka, and unanimously carried to approve the minutes of the July 10, 2014 meeting as circulated, and to approve the executive session minutes of the July 10, 2014 meeting with the following corrections:
On page 2, under Alyce V. Belonis, M.D., the third full paragraph, should read as follows:

“Dr. Akaka referred to the Hospital Form submitted by Anthony P.S. **Guerrero**, M.D., Program Director, University of Hawaii...”

On page 5, under Scottie A. Bussell, M.D., the fourth paragraph should read as follows:

“Discussion followed. Dr. Desai indicated that he was inclined to recommend issuing Dr. Bussell...”

On page 6, under Scottie A. Bussell, M.D., the third paragraph should read as follows:

“Dr. Akaka suggested that...Dr. Bussell's...”

Additions/
Revisions to
Agenda:

None.

Election of
Officers:

The floor was opened for nominations for the office of Chairperson. Dr. Sept nominated Dr. Desai as Chairperson. The nomination was seconded by Dr. Bintliff. There were no other nominations for Chairperson. Dr. Desai was elected Chairperson by acclamation.

The floor was opened for nominations for the office of Vice-Chairperson. Dr. Kosasa nominated Dr. Bintliff. The nomination was seconded by Dr. Sept. There were no other nominations for Vice-Chairperson. Dr. Bintliff was elected Vice-Chairperson by acclamation.

Educational
Presentation:

DAG Wong presented an overview of the Board's duties and responsibilities, including guidelines relating to the State's Sunshine Law, Chapter 92, HRS. DAG Wong also presented an overview of the Board's functions and disciplinary process.

Members were informed that they may go to the Office of Information Practices (OIP) website to review pamphlets on the State's Sunshine Law.

Applications for
License/
Certification:

- a. Ratifications:
(i) List

It was moved by Dr. Akaka, seconded by Dr. Bintliff and carried by a majority, to ratify the attached lists of individuals for licensure or certification, with the exception of Dr. Chun who recused herself on the ratifications of Drs. Freese, Ota, and Matthews' licenses.

It was moved by Dr. Sept, seconded by Dr. Holt, and unanimously carried to enter into executive session at 1:29 p.m. pursuant to Section 92-5(a)(1), HRS, to consider and evaluate personal information relating to individuals applying for professional license 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.

- b. Applications:

Marvin B. Padnick, M.D.
Donald E. Alter, Jr., M.D.
Edward P. Bahk, D.O.
Basiouni Basiouni, D.O.
Nathan L. Chin, M.D.
Wanhee Choi, M.D.
Maude N. Gibbs, M.D.
Stephen W. Hiltz, M.D.
Takkin Lo, M.D.
Tracey Bond, EMT-P
Stuart Chung, EMT-P
Michael Devinck, EMT-P.
Benjamin Mackenzie, EMT-P
Benjamin McAnly, EMT-P

Request for
Reconsideration:

Valerie Girona, M.D.

It was moved by Dr. Bintliff, seconded by Dr. Halford and unanimously carried to return to the open meeting at 2:33 p.m.

Marvin B. Padnick, M.D.

After due consideration of the information received, it was moved by Chair Desai, seconded by Dr. Kosasa and unanimously carried

to deny Dr. Padnick's application for medical licensure, basing its decision on the following grounds of the Hawaii Revised Statutes ("HRS"), which find factual support in the records and files of Dr. Padnick's application:

- HRS § 453-8(a)(6): Procuring a license through fraud, misrepresentation, or deceit, or knowingly permitting an unlicensed person to perform activities requiring a license;
- HRS § 453-8(a)(7): Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine, osteopathy, or surgery;
- HRS § 453-8(a)(9): Conduct or practice contrary to recognized standards of the ethics of the medical profession as adopted by the Hawaii Medical Association, the American Medical Association, the Hawaii Association of Osteopathic Physicians and Surgeons, or the American Osteopathic Association; and
- HRS § 453-8(a)(15): Submitting to or filing with the board any notice, statement, or other document required under this chapter, which is false or untrue or contains any material misstatement or omission of fact.
- HRS § 436B-19(5): Procuring a license through fraud, misrepresentation, or deceit;
- HRS § 436B-19(7): Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;
- HRS § 436B-19(8): Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity; and
- HRS § 436B-19(9): Conduct or practice contrary to recognized standards of ethics for the licensed profession or vocation.

Request for
Reconsideration: Valerie Gironda, M.D.

It was moved by Chair Desai, seconded by Dr. Akaka, and unanimously carried to grant Dr. Gironda's request for reconsideration and accept the new information provided by Dr. Gironda and the Federation Credentials Verification Service ("FCVS").

It was moved by Dr. Kosasa, seconded by Dr. Holt, and unanimously carried to enter into executive session at 2:45 p.m. pursuant to Section 92-5(a)(1), HRS, to consider and evaluate personal information relating to individuals applying for professional license 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.

Request for
Reconsideration: Valerie Gironda, M.D.

It was moved by Dr. Halford, seconded by Dr. Akaka and unanimously carried to return to the open meeting at 2:55 p.m.

Donald E. Alter, Jr., M.D.

It was moved Dr. Akaka, seconded by Dr. Geimer-Flanders and unanimously carried to approve Dr. Alter's application for medical licensure.

Edward P. Bahk, D.O.

It was moved by Chair Desai, seconded by Dr. Sept and unanimously carried to defer Dr. Bhak's application and request the information previously requested by its Executive Officer.

Basiouni Basiouni, D.O.

It was moved Dr. Kosasa, seconded by Dr. Holt and unanimously carried to approve Dr. Basiouni's application for osteopathic medical licensure.

Nathan L. Chin, M.D.

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

Wanhee Choi, M.D.

It was moved Dr. Bintliff, seconded by Dr. Kosasa, with the exception of Dr. Geimer-Flanders who recused herself from the vote and discussion on this application, and carried by the majority to approve Dr. Choi's application for medical licensure.

Maude N. Gibbs, M.D.

It was moved Chair Desai, seconded by Dr. Kosasa, with the exception of Dr. Akaka who recused himself from the vote and discussion on this application, and carried by the majority to approve Dr. Gibbs' application for medical licensure.

Stephen W. Hiltz, M.D.

It was moved by Dr. Akaka, seconded by Dr. Halford and unanimously carried to approve Dr. Hiltz's application for medical licensure.

Takkin Lo, M.D.

It was moved Dr. Holt, seconded by Dr. Sept and unanimously carried to approve Dr. Lo's application for medical licensure.

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

Tracey Bond, EMT-P
Stuart Chung, EMT-P
Michael Devinck, EMT-P.
Benjamin Mackenzie, EMT-P
Benjamin McAnly, EMT-P

Request for
Reconsideration: Valerie Gironda, M.D.

After due consideration of Dr. Gironda's request and new information, it was moved by Dr. Kosasa, seconded by Mr. Puleasi and unanimously carried to approve her application for medical licensure.

New Business: Scope of Practice: Clarification Regarding the Use of Laser

Members reviewed emails from Michael Pasquale, D.O. dated July 17, 2014 and July 31, 2014, regarding the use of lasers. The Board also reviewed its prior informal opinion regarding the use of lasers issued in 1999. That informal opinion states that "except as otherwise provided by law, the use of lasers is considered to be the practice of medicine."

Discussion followed. After due consideration of the information received, the Board informally opined that unless authority is granted by a statute or administrative rule beyond Chapter 453, Hawaii Revised Statutes, and Chapter 16-85, Hawaii Administrative Rules (the laws which governs the practice of medicine in Hawaii), the use of lasers to cut, shape, burn, vaporize, or otherwise structurally alter human tissue constitutes the practice of medicine. The Board further informally opined that the delegation of the use of any lasers may only be made to those professions which are regulated by the State of Hawaii. Therefore, medical assistants and laser technicians who are not regulated by the State of Hawaii may not use lasers, nor may a licensed professional (e.g., physician or nurse) delegate the use of lasers to such unregulated personnel.

In accordance with the 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 ("DCCA").

Advisory
Committees:

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

Chairperson's

Report:

Chair Desai reported that he met with the Director, Deputy Director, and DCCA staff to discuss the Licensing Enforcement Administration Project ("LEAP").

Chair Desai informed members that they are working at revamping the DCCA licensing process by eliminating unnecessary paper work, and establishing policies/procedures on several other matters in order to have a more efficient Department and Board.

Adjournment:

It was moved by Mr. Puletasi, seconded by Dr. Akaka, and unanimously carried to adjourn the meeting at 3:16 p.m.

Next Meeting:

Thursday, September 11, 2014
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, HI 96813

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
8/29/14

() Minutes approved as is.

(X) Minutes approved with changes; see minutes of September 11, 2014.

HAWAII MEDICAL BOARD (08/14/2014-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 17731 MARIAN V <KOLARSKY<
MD 17732 ANDREW W <HILL<
MD 17733 SARA M <SAKAMOTO<
MD 17734 MONA <TOMESCU<
MD 17735 KATERINA <KURTEEVA<
MD 17736 KRYSTAL M <SCHERRER<
MD 17737 ERIN M H <WATERS<
MD 17738 CLARENCE BRETT <STEELS<
MD 17739 BENJAMIN W <MCCLINTOCK<
MD 17740 AARON <KATCHER<
MD 17741 ANNA <SOKOLOWSKI<
MD 17742 KAMRAN R <JANJUA<
MD 17743 ELAINE <TSUKAYAMA<
MD 17744 GURUDARSHAN S <KHALSA<
MD 17745 KRISTER P <FREESE<
MD 17746 IAN H G <FREEMAN<
MD 17747 OSCAR D <DELLINGER< III
MD 17748 ROBERT L <BOONE<
MD 17749 ALYCE V <BELONIS<
MD 17750 GERALD O <MATTHEWS<
MD 17751 SCOTTIE A <BUSSELL<
MD 17752 MICHAEL D <SAPOZINK<
MD 17753 REYNOLD L <RIMOLDI<
MD 17754 GARY D <CHAIKIN<
MD 17755 MONIVIRIN <SON<
MD 17756 MICHAEL B <ROUNTREE<
MD 17757 KIRK A <MILHOAN<
MD 17758 MARCUS <OTTOCHIAN<
MD 17759 ANN <VAN HEEST<
MD 17760 PATRICK <PRICE<
MD 17761 ROBERT S <SWIFT<
MD 17762 CHRISTOPHER A <BAILEY<
MD 17763 THOMAS M <WATANABE<
MD 17764 NGUYEN <LUU-TRONG<
MD 17765 PRAYUK A <WARAN<
MD 17766 DANIEL <BRENNER<
MD 17767 JASON A <TAN<
MD 17768 ANNA C <MARTINEZ<
MD 17769 KRISTAL M K <BROWN<
MD 17770 JOHN D <CHICO<
MD 17771 ROXSANN L <ROBERTS<

MD 17772 MICHAEL A <PARENTEAU<
MD 17773 FRANK H <GAWIN<
MD 17774 ARIEL <ONG<
MD 17775 JENNIFER D <HAMILTON<
MD 17776 POURIA <PARSA<
MD 17777 ANTHONY J <PACINI<

MDR 6474 EMI <OTA<
MDR 6702 RAJINDERPAL <SINGH<
MDR 6749 LEIGH A <GIANO<
MDR 6750 ANTHONY J <PFEIFFER<
MDR 6751 JOHN Q <SCHISLER< III

AMD 571 MATTHEW A <KWOCK<
AMD 572 ADAM M <COTTLE<
AMD 573 SHAYNA M M <KAPAONA<
AMD 574 DUSTIN <HARN<

DOS 1608 GRACE M <GALIZA<
DOS 1609 DAVID B <ROY<
DOS 1610 JESSE R <SHERRATT<

DOSR 293 BRETT <MATTHEWS<

EMTP 2061 VERONICA L <COMPEAN<

EMTB 2559 LEANDRA K <WILSON<
EMTB 2560 DEO A A <DOMINGO<
EMTB 2561 ROBERT M <MILLER<
EMTB 2562 MATTHEW J <MCMULLIN<
EMTB 2563 JOANNA M E <TUMBAGA<
EMTB 2564 WESLEY <HELM<
EMTB 2565 JARED T <MATSUDA<

MDT 4081 WILLIAM O <BRANT<