

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, October 16, 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
Maria Chun, Ph.D, Public Member
Peter Halford, M.D., Oahu Member
Peter Holt, M.D., Oahu Member
Thomas S. Kosasa, M.D., Oahu Member
Palasi Puleyasi, Public Member
Shari Wong, Deputy Attorney General ("DAG")
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Gerard K. Akaka, M.D., Oahu Member
Jone Geimer-Flanders, D.O., Oahu Member
Karen E. Sept, D.O., Oahu Member

Guests: Ryan K. Louie, M.D., Applicant
William F. Haning, III, M.D., University of Hawaii Psychiatry Residency Program

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

Approval of the September 11, 2014 Minutes: It was moved by Dr. Kosasa, seconded by Dr. Bintliff, and unanimously carried to approve the minutes of the regular session meeting as circulated, and to approve the minutes of the executive session meeting with the following amendments:

All references to 'with regards to' should be amended to reflect 'with **regard to**'

All references to 'briefed the Board on this application which Board members reviewed' should be amended to reflect 'briefed the Board on this application, which Board members reviewed'

On page 2, the third full paragraph should read as follows:

'... 4) the voluntary surrender of **Dr. Johnson's**...'

On page 3, the last paragraph should read as follows:

'...she last **practiced**...'

On page 9, the third paragraph from the bottom should read as follows:

'...has a long history of **providing**...'

Additions/
Revisions to
Agenda:

None.

Applications for
License/
Certification:

a. Ratifications:

- (i) List

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

b. Applications:

It was moved by Dr. Halford, seconded by Dr. Kosasa, and unanimously carried to enter into executive session at 1:03 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.

Ryan K. Louie, M.D.
Vern R. Williams, M.D.
Patricia Lynn Borman, M.D.
Arthur D. Charap, M.D.
Randall J. Cousins, M.D.
Leland G. De Evoli, D.O.
Linda A. Gunshefski, M.D.
Mark A. Henzler, M.D.
Martin L. Hopp, M.D.
Murad A. Sunalp, M.D.

Cyrus Yaghmai, M.D.
Michael L. Mekkers, EMT-P
Angela N. Moroles, EMT-B
Daniel A. Rice, EMT-B

It was moved by Mr. Puletasi, seconded by Dr. Holt and unanimously carried to return to the open meeting at 2:01p.m.

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

Ryan K. Louie, M.D.
Vern R. Williams, M.D.
Patricia Lynn Borman, M.D.
Randall J. Cousins, M.D.
Linda A. Gunshefski, M.D.
Mark A. Henzler, M.D.
Martin L. Hopp, M.D.
Murad A. Sunalp, M.D.
Michael L. Mekkers, EMT-P
Angela N. Moroles, EMT-B
Daniel A. Rice, EMT-B

Arthur D. Charap, M.D.

After due consideration of the information received, it was moved by Chair Desai, seconded by Dr. Bintliff and unanimously carried to deny Dr. Charap'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. Charap's application:

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 the recognized standards of ethics for the medical profession as adopted by the Hawaii Medical Association, the American Medical Association, the Hawaii Osteopathic Physicians and Surgeons, or the American Osteopathic Association;

HRS § 453-8(a)(11): Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege for reasons as provided in this section;

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; and

HRS § 436B-19(12): Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity.

The Board also considers Dr. Charap's conduct as referenced in several documents to be extremely inappropriate and contrary to the recognized standards of medical ethics as adopted by the American Medical Association ("AMA"). Specifically, the Board believes that Dr. Charap failed to uphold the following AMA Principles of Medical Ethics:

- I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights;
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities; and
- IV. A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.

Leland G. De Evoli, D.O.

It was moved by Dr. Halford, seconded by Dr. Kosasa, and unanimously carried to approve Dr. De Evoli's application for osteopathic licensure pending Dr. De Evoli's passage of the Special Purpose Examination (SPEX) or the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA (COMVEX-USA), pursuant to §453-4(d), Hawaii Revised Statutes.

It was moved by Dr. Halford, seconded by Dr. Kosasa, and unanimously carried to enter into executive session at 2:07 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.

Cyrus Yaghmai, M.D.

It was moved by Dr. Holt, seconded by Dr. Bintliff and unanimously carried to return to the open meeting at 2:09 p.m.

Cyrus Yaghmai, M.D.

After due consideration of the information received, it was moved Dr. Holt, seconded by Dr. Bintliff, and unanimously carried to approve Dr. Yaghmai's application for medical licensure pending receipt of a revised application.

Correspondence: a. Request for Waiver of the USMLE Seven Year Requirement

The Board received a letter from Leslie Garay, M.D. dated September 22, 2014, requesting a waiver of Hawaii Administrative Rule 16-85-8(e), which states that:

Applicants shall have passed all three steps of the USMLE within seven years. Failure to obtain passing scores for each step within seven years shall result in the forfeiture of the score of the step taken outside of the seven year period. The seven year period begins on the date of administration of the first examination which the applicant passed. The applicant shall be required to retake a failed step and obtain a passing score within the seven year period. Emphasis added.

The Board noted that Dr. Garay failed to pass all three steps of the USMLE within the 7-year time limit.

Given this information, it was moved by Chair Desai, seconded by Dr. Kosasa, and unanimously carried to advise Dr. Garay that it is unable to waive an administrative rule requirement. Furthermore, members instructed their Executive Officer to inform Dr. Garay that they will be considering an amendment to §16-85-8(e), HAR, which would ultimately eliminate the requirement that "applicants shall have passed all three steps of the USMLE within seven years" soon.

Advisory
Committees:

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

Executive Officer's
Report:

- a. Addition to RICO Medical Advisory Committee

After discussion, it was moved by Dr. Bintliff, seconded by Chair Desai, and unanimously carried to approve the addition to the RICO Medical Advisory Committee.

Executive Officer Quiogue informed members that she recently attended a meeting for the Board of Barbering and Cosmetology. She went on to explain that members had requested that the Medical Board consider services provided at medi-spas / med/spas / medical spas. Specifically, whether the following procedures fall within the scope of practice of medicine: 1) use of light and heat energy devices; 2) chemical peels; 3) spray/airbrush tanning; 4) skin needling / micro needling / "Dermapen"; and 5) microderm abrasion.

Executive Officer requested assistance, and Dr. Halford volunteered to help, in determining whether the above procedures fall within the scope of practice of medicine.

Members indicated that this matter will be placed on a future agenda for discussion.

Chairperson's
Report:

Chair Desai informed members that he will not be attending the November 13, 2014 Board meeting.

Adjournment:

It was moved by Dr. Halford, seconded by Dr. Kosasa, and unanimously carried to adjourn the meeting at 2:17 p.m.

Next Meeting:

Thursday, November 13, 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
10/29/14

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

HAWAII MEDICAL BOARD (10/16/2014-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 17801 DORA <GONZALEZ<
MD 17802 RICHARD L <ROBERTS<
MD 17803 BENJAMIN S <SHILLINGLAW<
MD 17804 ROBERT J <MCCULLY<
MD 17805 ANTONY R <BOODY<
MD 17806 MICHAEL R <WILKERSON<
MD 17807 NANCY B <HERRON<
MD 17808 STEPHEN D <COLEMAN<
MD 17809 NATHAN L <CHIN<
MD 17810 EDUARDO R <DE LA CRUZ<
MD 17811 QUENTIN J <DURWARD<
MD 17812 GREGORY <LANOUILLE<
MD 17813 ERIK L <RUSSELL<
MD 17814 NAVJOT <SINGH<
MD 17815 BARRIE D <SOLOWAY<
MD 17816 BRUCE C <MCCLELLAN<
MD 17817 JEROME R <MINKOFF<
MD 17818 SUSIE <CHANG<
MD 17819 MARIAMA A <MASSAQUOI<
MD 17820 LAUREL M <COLEMAN<
MD 17821 ASHLEE M <SEGAWA<
MD 17822 NAOMI G <BIKLE<
MD 17823 WYNETTE G <AMAZONA<
MD 17824 ASMAA S <ABU MAZIAD<
MD 17825 HERMAN A <GLEICHER<
MD 17826 CARLO P <HONRADO<
MD 17827 KATHERINE M <SEAWRIGHT<

AMD 576 PATRICIA G <ACHAY<
AMD 577 KATHLEEN M <MCCARRON<
AMD 578 JONATHAN S <YANKES<
AMD 579 AMY L <DINELLO<

DOS 1613 NINA L <FAKHORI<
DOS 1614 DANYELLE M <TIERNEY<
DOS 1615 CHRISTINA M <JAMROS<
DOS 1616 TIFFANY G M L <HEU<
DOS 1617 MICHAEL P <QUIRK<

PO 213 JAMES C <GILLEY<

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PAGE 2

EMTP 2067 STEVEN M <COVEY<
EMTP 2068 JASON K <CREAMER<

EMTB 2566 KAIMANA I <WILSON<