

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, November 14, 2013

Time: 1:00 p.m.

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

Present: Danny M. Takanishi, M.D., Chairperson, Oahu Member
Les Barrickman, D.O., Vice-Chairperson, Oahu Member
Gerard K. Akaka, M.D., Oahu Member
Sharon "Shay" Bintliff, M.D., Hawaii Member
Maria Chun, Ph.D, Public Member
Niraj S. Desai, M.D., Kauai 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")
Constance I. Cabral, Executive Officer
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Peter C. Chin, M.D., Maui Member
Carl K. Yorita, M.D., Oahu Member

Guests: Vincent Tenorio, PA-C

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

Approval of the October 10, 2013 Minutes: It was moved by Dr. Kosasa, seconded by Dr. Bintliff with the exception of Dr. Sept who recused herself, to approve the minutes of the October 10, 2013 meeting as circulated, and to approve the minutes of the executive session of the October 10, 2013 as clarified.

Additions/
Revisions to
Agenda:

It was moved by Dr. Barrickman, seconded by Dr. Desai, and unanimously carried to add under New Business " A Bill for an Act Relating to Physician Orders for Life-Sustaining Treatment" .

Adjudicatory
Matters:

Chair Takanishi called for a recess from the meeting at 1:03 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

a. Derrick T. Kida, M.D.; MED 2013-53-L

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

b. Amir Yazdanshenas, M.D.; MED 2013-54-L

After discussion, it was moved by Dr. Barrickman, seconded by Dr. Desai and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order with amendment to Exhibits 1 and 2.

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Chair Takanishi announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:08 p.m.

Applications for
License/
Certification:

b. Applications:

It was moved by Dr. Kosasa, seconded by Dr. Chun, and unanimously carried to enter into executive session at 1:08 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.

Jeremy C. Alderfer, M.D.
Carlos Arauco, M.D.
Febin Orlando F. Baricar, M.D.
Natalia Eidlin, M.D.
Stella J. Fitzgibbons, M.D.
Sanjay Gandhi, M.D.
Judith Hallstrom, M.D.

Gerald C. Hamrick, Jr., M.D.
Anthony F. Harewood, M.D.
Bruce Jacobsen, M.D.
Dmitriy Litvinenko, M.D.
Robert S. Marlan, M.D.
Jaime T. Michel, M.D.
William R.C. Murphy, M.D.
Shauna A. Paylor, M.D.
Kevin A. Weidman, M.D.
Dongsheng Xu, M.D.
William David, EMT-P
Curtis La Chusa, EMT-P

Unfinished Business: a. Military Physicians

Dr. Bintliff left the meeting room at 2:30 p.m.

It was moved by Dr. Kosasa, seconded by Dr. Chin and unanimously carried to return to the open meeting at 3:05 p.m.

Applications for
License/
Certification:

- a. Ratifications:
(i) List

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

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

Jeremy C. Alderfer, M.D.
Carlos Arauco, M.D.
Natalia Eidlin, M.D.
Sanjay Gandhi, M.D.
Judith Hallstrom, M.D.
Gerald C. Hamrick, Jr., M.D.
Anthony F. Harewood, M.D.
Bruce Jacobsen, M.D.
Dmitriy Litvinenko, M.D.
Robert S. Marlan, M.D.
Jaime T. Michel, M.D.
William R.C. Murphy, M.D.
Shauna A. Paylor, M.D.
Dongsheng Xu, M.D.
William David, EMT-P

Curtis La Chusa, EMT-P

Febin Orlando F. Baricar, M.D.

After due consideration of the information received, it was moved by Dr. Akaka, seconded by Mr. Puleasi and unanimously carried to delegate to the staff, the authority to issue a license to Dr. Baricar pending receipt of a corrected application and to issue him a Non-Disciplinary Letter of Education for his failure to appropriately answer the question posed on the Board's application.

Stella J. Fitzgibbons, M.D.

It was moved by Dr. Akaka, seconded by Dr. Sept, and unanimously carried to approve Dr. Fitzgibbons' application for licensure.

Kevin A. Weidman, M.D.

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

HRS § 453-8(a)(4): Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;

HRS § 453-8(a)(5): Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;

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 the recognized standards of 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;
- HRS § 453-8(a)(11): Revocation, suspension, or other disciplinary action by another state or federal agency of a license certification 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;
- HRS § 436B-19(8): Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity; and
- HRS § 436B-19(12): Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license.

The following agenda items were taken out of order.

Unfinished Business: a. Military Physicians

After discussion, it was moved by Chair Takanishi, seconded by Dr. Kosasa and unanimously carried to write a letter to the Director of Graduate Medical Education, to obtain the Department of the Army's ("Army") position on the following matters.

In particular, for purposes of § 453-2(b)(3), Hawaii Revised Statutes, the Board asks whether the Army considers its commissioned medical officers ("CMOs") practicing in a non-military health facility/non-emergent setting to be engaged in the discharge of one's official duties. The Board seeks additional clarity with respect to:

1. Those CMOs who are currently participating in Accreditation Council for Graduate Medical Education ("ACGME")

accredited residency programs or American Osteopathic Association ("AOA") approved residency programs; and

2. Those CMOs who have completed ACGME or AOA residency programs.
- c. National Registry of Emergency Medical Technicians (NREMT) Examination

Executive Officer Cabral provided to members the statistics on the passing rate for practical exams in Hawaii from 2009 – 2013.

Discussion followed. Chair Takanishi express his concerned with the discrepancy in terms of first time passing rate.

New Business:

- a. Executive Officer Delegation: Conditional Licenses for J-1 Visa Holders

The Board reviewed a Draft Agreement for applicant who answered "Yes" to the question "Are you a U.S. citizen, a U.S. National, or an alien authorized to work in the U.S.?"

After due consideration of the request, it was moved by Dr. Barrickman, seconded by Chair Takanishi to allow the Executive Officers to execute the agreement with conditions for applicants with J-1 Visa.

- b. Request for Comment: FSMB SMART Workgroup Initial Draft Policy

The Board reviewed the initial draft of "Model Policy for the appropriate Use of Telemedicine Technologies in the Practice of Medicine". Chair Takanishi informed members that FSMB SMART Workshop is seeking comments and feedbacks to ensure that the final document accurately represents the views of the FSMB's member boards. The deadline to submit comments is Friday, December 6, 2013.

- c. Request for Comment: FSMB Framework on Professionalism in the Adoption and Use of Electronic Health Records

The Board reviewed the draft report on Framework on Professionalism in the Adoption and Use of Electronic Health Records. The report addresses 1) the impact on the physician-patient relationship; 2) privacy, confidentiality and security; 3)

ethical behavior; 4) use in adjudication and other evidentiary purposes; and 5) patient safety. The deadline to submit comments is Monday, December 30, 2013.

d. Request for Comment: FSMB Workgroup on Innovations in State-Based Licensure Report

The Board reviewed the draft report on Innovations in State-Based Licensure which address instances of temporary, limited or special practice and encourages alignment of policies and procedures among the boards. The deadline to submit comments is Monday, December 30, 2013.

e. Training on OIP Matters

Executive Officer Cabral distributed to members OIP's three-part Quick Review on who Board members can talk to and when.

DAG Wong briefed the Board on Sunshine Law and how it applies to Board members. OIP's quick review helped board members understand what they can talk about outside a meeting, and with whom.

f. A Bill for an Act Relating to Physician Orders for Life-Sustaining Treatment

The purpose of this bill is to expand signature authorization to include Advanced Practice Registered Nurses and make technical corrections to the Hawaii Physician Orders for Life-sustaining Treatments (POLST) Law.

Discussion followed. Dr. Desai and Dr. Akaka indicated that APRN's and other profession are okay as long as they are safe to public.

The following agenda item were taken out of order.

Unfinished Business: b. PA Rules

Mr. Tenorio, PA-C appeared before the Board to get an update on the Boards recommendations in amending the PA rules.

After discussion, the Board indicated to leave the recommendation the way it is, as ratified from the Board's May 2013 Board meeting as follows.

- (1) When supervising a Physician Assistant:

- (A) For the first 6 months of supervision, review and sign 100% of the medical records within 7 days of the patient visit; and
 - (B) For the next 6 months of supervision, review and sign 50% of the medical records within 7 days of the patient visit.
- (2) Subsequent to (1) above:
- (A) Review and sign 10% of the medical records within 30 days of the patient visit; or
 - (B) For at least 30 minutes each month, perform an audit and review and sign medical records.

Advisory
Committees:

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

Chairperson's
Report:

None.

Adjournment:

It was moved by Dr. Sept, seconded by Dr. Barrickman, and unanimously carried to adjourn the meeting at 4:20 p.m.

Next Meeting:

Thursday, December 12, 2013
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/Constance I. Cabral

/s/Wilma Balon

(Ms.) Constance I. Cabral
Executive Officer

Wilma Balon
Secretary

CIC:wb
12/3/13

- () Minutes approved as is.
- (X) Minutes approved with changes; see minutes of December 12, 2013.

HAWAII MEDICAL BOARD (11/14/2013-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 17279 KATHRYN R <FERGUS<
MD 17280 BERNARD <STOPAK<
MD 17281 EDMUND <KENNEDY<
MD 17282 LINDSAY A <ALAISHUSKI<
MD 17283 MARK R <GIBSON<
MD 17284 BRUNILDA <NAZARIO<
MD 17285 TRACEY N <CAO<
MD 17286 KATHLEEYA N <STANG-VELDHOUSE<
MD 17287 YOMNA A <IBRAHIM<
MD 17288 ANNE <KO<
MD 17289 SCOTT D <BANGERT<
MD 17290 HOLLY W <PENG<
MD 17291 SAUL H <HELFING<
MD 17292 PAUL J <WETSTEIN<
MD 17293 TIM U <LEIER<
MD 17294 BHARAT K <NARUMANCHI<
MD 17295 JERRY L <BANGERT<
MD 17296 CHARLES N <BARAX<
MD 17297 DALE I <BARTOLOME<
MD 17298 PHYLLIS A <CULLEN<
MD 17299 RUSSELL B <EPHRAIM<
MD 17300 RUBEN <TORREZ<
MD 17301 ANH TUAN <LAM<
MD 17302 L DEAN <KNOLL<
MD 17303 ANNA <HOM<
MD 17304 JAMES D <MARTIN<
MD 17305 JOHN F <SANDBACH<
MD 17306 NEELIMA A <VEGESNA<
MD 17307 BENJAMIN J <WILLIAMS<
MD 17308 AZADE C <YEDIDAG<
MD 17309 JONATHAN H <ZARLEY<
MD 17312 ERNESTO M <PADILLA<
MD 17313 CAROLINE S <BRINKLEY<
MD 17314 CHERYL L T <SCOTT<
MD 17315 EDWARD T <CHANG<
MD 17316 CHRISTINA O Z <ECONOMOS<
MD 17317 RITA A <FRIEDRICHS<

DOS 1554 BRYAN M <PETTI<

PO 205 VANESSA J M <JUNIO<
PO 206 ANTHONY <LO<

AMD 541 ANTHONY N <DERENCIUS<
AMD 542 ERIK <CHAPARRO<
AMD 543 ALYSSA S <TUOZZOLI<
AMD 544 JUSTIN K <MAIO<
AMD 545 CINDY W <LOGUE<
AMD 546 ALLISON N <BALDWIN<
AMD 547 ALYSSA M <GALUSHA<

EMTP 2037 TIFFANY D <WILLIAMS<
EMTP 2038 THOMAS N <HOLLOWAY<
