

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, January 8, 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 Holt, M.D., Oahu Member
Thomas S. Kosasa, M.D., Oahu Member
Palasi Puleyasi, Public Member
Karen E. Sept, D.O., Oahu Member
Shari Wong, Deputy Attorney General ("DAG")
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Peter Halford, M.D., Oahu Member

Guests: Claudia R. Mondragón, D.O.
Steve Barta, counsel for Dr. Mondragón
Lei Fukumura, Special Deputy Attorney General

Call to Order: The meeting was called to order at 1:08 p.m. at which time quorum was established.

Additions/ Revisions to Agenda: None.

Approval of the December 11, 2014 Minutes: It was moved by Chair Desai, seconded by Dr. Kosasa, and unanimously carried to approve the minutes of the regular session meeting with the following corrections on page 6, Correspondence:

b. The Validity of Prescriptions, the second paragraph, first sentence, should read as follows:

“After discussion, it was determined that prescriptions are valid until **they...**”

“ c. Necessity of Medical License for Training Activity: Physicians Providing Training Sessions for FDA-approved Non-surgical Devise to Treat Hemorrhoids”

It was moved by Dr. Bintliff, seconded by Dr. Egami, and unanimously carried to approve the minutes of the Public Hearing as circulated.

Adjudicatory Matters:

Chair Desai called for a recess from the meeting at 1:13 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

a. In the Matter of the License to Practice Medicine of Wendell C. Danforth, M.D.; MED 2014-26-L

After discussion, it was moved by Dr. Geimer-Flanders, seconded by Dr. Bintliff and unanimously carried to reject the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order.

Following the Board’s review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Chair Desai announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:32 p.m.

Applications for License/
Certification:

a. Ratifications:

(i) List

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

It was moved by Dr. Holt, seconded by Dr. Kosasa, and unanimously carried to enter into executive session at 1:34 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.

b. Applications:

Claudia R. Mondragón, D.O.

It was moved by Dr. Bintliff, seconded by Dr. Holt and unanimously carried to return to the open meeting at 2:10 p.m.

Claudia R. Mondragón, D.O.

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

It was moved by Dr. Kosasa, seconded by Dr. Egami, and unanimously carried to enter into executive session at 2:12 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.

Kenneth R. Wilcox, M.D.
Charles T. Cavallaro, D.O.
Paul M. Scheele, M.D.
Scott D. Bergfeld, M.D.
James C. Cole, M.D.
Ryan H. Kwon, D.O.
Keith C. Leverenz, M.D.
Roderick L. Paras, M.D.
Kenneth L. Sacks, M.D.
Sangeeta S. Wagner, D.O.

Request to Have
Conditions Modified
On Conditional
License:

c. Scottie A. Bussell, M.D.

It was moved by Dr. Bintliff, seconded by Dr. Kosasa, and unanimously carried to return to the open meeting at 3:01 p.m.

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

Scott D. Bergfeld, M.D.
James C. Cole, M.D.
Keith C. Leverenz, M.D.
Kenneth L. Sacks, M.D.
Sangeeta S. Wagner, D.O.

Charles T. Cavallaro, D.O.

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

Kenneth R. Wilcox, M.D.

After due consideration of the information received, it was moved by Dr. Holt, seconded by Dr. Sept, and unanimously carried to defer Dr. Wilcox's application for medical licensure. In deferring Dr. Wilcox's application the Board requests that Dr. Wilcox appear before the Board by phone or in person.

Paul M. Scheele, M.D.

After due consideration of the information received, it was moved by Dr. Bintliff, seconded by Chair Desai, and unanimously carried to approve Dr. Scheele's application for medical licensure, and issue him a Non-Disciplinary Letter of Education due to his failure to provide accurate information on his application. Additionally, the Board requires that Dr. Scheele submit a revised application.

Ryan H. Kwon, D.O.

After due consideration of the information received, it was moved by Dr. Geimer-Flanders, seconded by Dr. Sept, with Dr. Akaka abstaining, and carried to deny Dr. Kwon's application for osteopathic 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. Kwon'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 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;

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;

HRS § 436B-19(5): Procuring a license through fraud, misrepresentation, or deceit;

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 Board also considers Dr. Kwon's conduct extremely concerning and contrary to the recognized standards of medical ethics as adopted by the American Osteopathic Association ("AOA"). Specifically, the Board believes that Dr. Kwon failed to uphold the following sections of the AOA Code of Ethics:

Section 13. A physician shall respect the law. When necessary a physician shall attempt to help to formulate the law by all proper means in order to improve patient care and public health; and

Section 18. A physician shall not intentionally misrepresent himself/herself or his/her research work in any way.

Roderick L. Paras, M.D.

After due consideration of the information received, it was moved by Chair Desai, seconded by Dr. Holt, and unanimously carried to defer Dr. Paras' application for medical licensure pending additional information.

Request to Have
Conditions Modified
On Conditional
License:

c. Scottie A. Bussell, M.D.

After due consideration of the information received, it was moved by Chair Desai, seconded by Dr. Kosasa and unanimously carried to defer Dr. Bussell's request to have the conditions modified on his conditional medical license.

Prior to the Board making any decision regarding Dr. Bussell's request, the Board requests additional information.

Unfinished business: a. Necessity of Medical License for Training Activity: Physicians Providing Training Sessions for FDA-approved Non-surgical Device to Treat Hemorrhoids

This matter was deferred from the December 11, 2014 meeting.

The Board received a letter dated May 23, 2014, from Michaela D. Poizner, regarding the necessity of a medical license for training activities.

According to Ms. Poizner's letter, she "seek[s] confirmation from the Hawaii Medical Board that physicians providing training sessions regarding the device [an FDA-approved non-surgical device to treat hemorrhoids] are not required to be licensed in [Hawaii]." She explains further that:

Licensed surgeons are available to prospective and current users of the device for training, consultation, and support as needed. To receive the benefit of this support, a physician practicing in Hawaii may infrequently call one of the surgeons into Hawaii to be present while that physician performs a procedure using the device. In addition to a didactic training session, **the surgeon observes the use of the device and examines the doctor's placement of the band to confirm that the physician has used it correctly.** The surgeon would not treat the patient or bill the patient. The patient remains under the care and responsibility of the Hawaii-licensed physician.

Emphasis added.

Discussion followed. After due consideration of the information received, it was moved by Chair Desai, seconded by Dr. Kosasa and unanimously carried to have its Executive Officer inform Ms. Poizner that providing advice, direction, and examination during a patient care encounter is considered the treatment of a patient, and is therefore the practice of medicine. The Board did not believe billing of a patient to be relevant to or determinative of her question. However, the Board did consider examination of "the doctor's placement of the band to confirm that the physician had used it correctly" to necessitate the surgeon's direct involvement with and/or touching of the patient. As such, the out-of-state licensed surgeon would be required to obtain a medical license pursuant to Hawaii Revised Statutes §§453-3.2 or 453-4.

In accordance with Hawaii Administrative Rule § 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.

Advisory
Committees:

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

Executive Officer's
Report:

Executive Officer Quiogue reminded members that the Board will hold a public hearing on Thursday, February 12, 2015 at 12:00 p.m., in the King Kalakaua Conference Room, First Floor, King Kalakaua Building, Department of Commerce and Consumer Affairs, 335 Merchant Street, Honolulu, Hawaii.

The purpose is to allow physician assistants to prescribe schedule II medications in all practice settings under the supervision of a physician.

Chairperson's
Report:

None.

Next Meeting:

Thursday, February 12, 2015
Following the public hearing
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, HI 96813

Adjournment:

It was moved by Dr. Halford, seconded by Dr. Kosasa, and unanimously carried to adjourn the meeting at 1:58 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
1/28/15

- () Minutes approved as is.
- (X) Minutes approved with changes; see minutes of February 12, 2015.

HAWAII MEDICAL BOARD (01/08/2015-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 17913 ROBERT H <BLACKSHEAR<
MD 17914 BRUCE H <CAMILLERI<
MD 17915 DOUGLAS S <LEE<
MD 17916 WILLIAM A <MEADE< JR
MD 17917 MATTHEW <KREPS<
MD 17918 MATTHEW C <ABOUDARA<
MD 17919 LEYLA <MEHDINASAB<
MD 17920 LIANE C <COLSKY<
MD 17921 HOLLIS A T <BURGGRAF<
MD 17922 LORENA A <VIVANCO DE MARTINEZ<
MD 17923 TAMARA M <KRIMM<
MD 17924 MARK O <MCINTURFF<
MD 17925 LEX A <MITCHELL<
MD 17926 ELISABETH M <BRITTON<
MD 17927 ALISA M J <CHING<
MD 17928 BRIAN M <DUNCAN<
MD 17929 EDWARD <DOMANSKIS<
MD 17930 JOHN S <CHIARA<
MD 17931 DAN L <BENNETT<
MD 17932 CARLY R N <RICHARDS<
MD 17933 ROSE M <MONARDO<
MD 17934 SYLVIA G <ARORA<
MD 17935 IRISA M P <DEVINE<
MD 17936 CALVIN <JOHNSON<
MD 17937 LUKE C H <LAM<
MD 17938 JUDY L <MARVIN<
MD 17939 NANCY J <MAC NEAL<
MD 17940 ANTONIO J <HERNANDEZ<
MD 17941 JANET N <MYERS<
MD 17942 ALAN P <GEHRICH<
MD 17943 RAMAKRISHNA P <RAO<
MD 17944 RYAN D <MCCRACKEN<
MD 17945 THOMAS <LEE<
MD 17946 LAURA J <SEED<
MD 17947 ANTHONY A <TERRERI<
MD 17948 SITA <KRISHNAMOORTHY<
MD 17949 WILLIAM M <SHAPIRO<
MD 17950 KAORU A <MIZUGUCHI<
MD 17951 ERIC M <WILLIAMS<
MD 17952 KELLY A <SHIMABUKURO<
MD 17953 CARL <AHROON<
MD 17954 ANDREW <ZINKEL<
MD 17955 ROBERT J <SHNEIDMAN<

12/11/2014-RATIFICATION LIST

PAGE 2

MDR 6776 ANDREW J <BARD<
MDR 6777 MARRON C < WONG<
MDR 6778 KEVIN M <SENER<
MDR 6779 WILLIAM J <SCHEELS<
MDR 6780 REEVA Y <PATEL<
MDR 6781 TAMARA H <HALAWEH<
MDR 6782 JOHN R <BAHLING<

MDT 4081 WILLIAM O <BRANT<

AMD 590 ALECIA C <STURGILL<
AMD 591 LORI ANN <HOLENICK<

DOS 1632 STEVEN M <MATES<
DOS 1633 CARLANN <DEFONTES<
DOS 1634 CLIFFORD R <HOFFMAN<

DOSR 322 ROBERT C <MATULONIS<

EMTP 2074 RYAN P <KOOSER<