

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 §92-7(b), Hawaii Revised Statutes ("HRS").

Date: Thursday, June 9, 2016

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
Darren K. Egami, M.D., Maui 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
James Paige, 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

Guests: Lei Fukumura, Special Deputy Attorney General ("SDAG")
Wendell Danforth, M.D.
Michael Van Dyke, Esq.

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

Approval of the February 11, 2016 Minutes: It was moved by Dr. Halford, seconded by Dr. Bintliff, and unanimously carried to approve the regular session meeting minutes of the February 11, 2016 meeting with corrections as reflected below:

On page 6 and page 7, under the application of Luther Mangoba, M.D., the following corrections were made:

"HRS § 453-8(a)(7): Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine;"

“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;”

It was moved by Dr. Halford, seconded by Dr. Bintliff, and unanimously carried to approve the executive session minutes of the February 11, 2016 meeting with corrections as reflected below:

On page 5, under the application of Luther Mangoba, M.D., the following corrections were made:

“HRS § 453-8(a)(7): Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine;”

“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;”

Approval of the
May 12, 2016
Minutes:

It was moved by Dr. Bintliff, seconded by Dr. Sept, and unanimously carried to approve the minutes of the May 12, 2016 meeting as circulated.

Additions/
Revisions to
Agenda:

It was moved by Dr. Sept, seconded by Dr. Kosasa, and unanimously carried to revise the agenda by adding the following application under agenda item 5.b., Applications:

Bora Ozguler, M.D.

Adjudicatory
Matters:

Chair Desai called for a recess from the meeting at 1:04 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, Hawaii Revised Statutes (“HRS”).

- a. In the Matter of the License to Practice Medicine of Steven A. Baldwin, M.D.; MED 2016-90-L

It was moved by Dr. Sept, seconded by Dr. Halford, and unanimously carried to defer the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order. Members noted that although the Settlement Agreement made reference to an Exhibit “1”, it was not included. Furthermore, the Settlement Agreement cites to HRS §453-8(a)(13) as “failure to report”, however, this citation is incorrect. The correct statutory citation is HRS §453-8(a)(14).

Dr. Egami entered the meeting room at 1:05 p.m.

- b. In the Matter of the License to Practice Medicine of David S. Kirby, M.D.; MED 2016-75-L

After discussion, it was moved by Dr. Bintliff, 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.

- c. In the Matter of the License to Practice Medicine of Douglas W. Woolard, M.D.; MED 2014-8-L

Dr. Holt informed members that he will be recusing himself from the discussion and vote of this matter, and left the meeting room at 1:08 p.m.

After discussion, it was moved by Dr. Halford, seconded by Dr. Bintliff, with the exception of Dr. Holt who recused himself, and carried by majority to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- d. In the Matter of the License to Practice Medicine of Wendell C. Danforth, M.D.; MED 2014-103-L

Dr. Holt returned to the meeting at 1:11 p.m.

Chair Desai informed members that Michael J. Van Dyke, Esq., attorney for Dr. Danforth, and Wendell C. Danforth, M.D., Respondent were present to discuss this matter.

This matter came before the Board so that it may determine whether Dr. Danforth has complied with Term 6 of the Board's Final Order dated February 11, 2016. Term 6 of the Board's Final Order requires the following:

Respondent will enter into and successfully complete a residential or intensive longitudinal day treatment process for professional sexual misconduct as outlined in the Acumen assessment. Respondent will obtain approval of the program within sixty (60) days of the issuance of the Board's Final Order. Failure to complete the program or noncompliance with the program will result in the immediate revocation of Respondent's license.

Mr. Van Dyke, Esq. and Dr. Danforth were invited into the meeting room at 1:19 p.m. to answer any questions the Board may have.

After hearing from Dr. Danforth and his attorney, Chair Desai excused both Dr. Danforth and Mr. Van Dyke from the meeting room at 1:23 p.m.

Dr. Danforth and Mr. Van Dyke returned to the meeting room at 1:28 p.m.

It was moved by Dr. Bintliff, seconded by Dr. Kosasa, and unanimously carried to inform Dr. Danforth and Mr. Van Dyke that Dr. Danforth has complied with Term 6 of the Board's Final Order dated February 11, 2016. Chair Desai reminded Dr. Danforth that it is his sole responsibility to remain compliant with the terms and conditions of the Board's Final Order. He went on to request that Dr. Danforth provide the Board with any follow up documentation from Acumen.

e. In the Matter of the Application for a Medical License of Judith (Jody) Steel, D.O.; MED-LIC-2011-1

Dr. Sept informed members that she will be recusing herself from the discussion and vote of this matter. Dr. Sept left the meeting room at 1:30 p.m.

After discussion, it was moved by Chair Desai, seconded by Dr. Bintliff, with the exception of Dr. Sept who recused herself, and carried by majority to accept the Hearings Officer's recommended decision as the 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 1:33 p.m.

Dr. Sept returned to the meeting room at 1:33 p.m.

Applications for License/Certification:

a. Ratifications:

- (i) List

It was moved by Dr. Holt, seconded by Dr. Kosasa, 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 HRS §92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional licenses cited in HRS §26-9, and pursuant to HRS §92-5(a)(4), 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:

Thinh X. Ho, M.D.
Kenneth W. Crabb, M.D.
Gregory M. DeArmond, M.D.

Heather M. Falvo, M.D.
Robin E. Garrison, M.D.
Michael L. Getzell, M.D.
Cynthia D. Horton, M.D.
Gordon H. Lee, M.D.
David P. Levy, M.D.
Seabrook K. Mow, M.D.
Rafael J. Oania, M.D.
Andrew G. Smith, M.D.
Richard A. Elkins, EMT-P
Regina M. Costantini, M.D.
Bora Ozguler, M.D.

It was moved by Dr. Sept, seconded by Dr. Egami, and unanimously carried to return to the open meeting at 2:35 p.m.

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

Thinh X. Ho, M.D.
Kenneth W. Crabb, M.D.
Gregory M. DeArmond, M.D.
Heather M. Falvo, M.D.
Michael L. Getzell, M.D.
David P. Levy, M.D.
Andrew G. Smith, M.D.
Richard A. Elkins, EMT-P
Regina M. Costantini, M.D.
Bora Ozguler, M.D.

Robin E. Garrison, M.D.

After due consideration of the information received, it was moved by Dr. Holt, seconded by Dr. Bintliff, and unanimously carried to deny Dr. Garrison's request for state sponsorship to retake USMLE Step 3. Dr. Garrison is to be informed that the Board, prior to repealing its seven year time limit to complete all three Steps of the USMLE, only sponsored an applicant to retake any Step or Step Component of the USMLE if that Step or Step Component was previously passed and/or exceeded this jurisdiction's previously established time limit for completion of all Steps of the USMLE.

Cynthia D. Horton, M.D.

It was moved by Dr. Bintliff, seconded by Chair Desai, and unanimously carried to approve Dr. Horton's application for licensure and issue her a Non-Disciplinary Letter of Education. The Board also requires that Dr. Horton submit a revised application.

Gordon H. Lee, M.D.

It was moved by Dr. Egami, seconded by Dr. Bintliff, and carried by a majority, with the exception of Drs. Chun and Halford who recused themselves, to approve Dr. Lee's application for a Limited and Temporary License for Residency or Specialty Training.

Seabrook K. Mow, M.D.

It was moved by Dr. Bintliff, seconded by Chair Desai, and unanimously carried to approve Dr. Mow's application for licensure and issue him a Non-Disciplinary Letter of Education. The Board also requires Dr. Mow to submit a revised application.

Rafael J. Oania, M.D.

It was moved by Dr. Sept, seconded by Chair Desai, and unanimously carried, with the exception of Dr. Chun who recused herself, to approve Dr. Oania's application for a Limited and Temporary License for Residency or Specialty Training and issue him a Non-Disciplinary Letter of Education.

Correspondence:

- a. Email Inquiry from Laura Tao dated May 19, 2016, Regarding Telemedicine Regulations on ECG Test for QT Syndrome.

The Board reviewed and discussed Ms. Tao's email dated May 19, 2016, regarding QT Screen tests.

In particular, Ms. Tao asks the following questions of the Board:

1. If the parent(s) in Hawaii order the test directly on our website, will this test be considered telemedicine, and does it fall under the jurisdiction of Hawaii Medical Board?

Members indicated 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 neuromusculoskeletal 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.

2. Will there be any problems that a California licensed physician reads the test results and send the electronic report to the parents?

The Board considers "read[ing] test results and send[ing] the electronic report to the parents" as the practice of medicine. As such, the California licensed physician would be required to obtain a medical license in this State. However, 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)(4), nothing herein shall:

Apply to any practitioner of medicine and surgery from another state when in actual consultation, including in-person, mail, electronic, telephonic, fiber-optic, or other telehealth 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.

3. Would it make a difference if the test is recommended (not prescribed) by a pediatrician, and the parent(s) orders it directly on our website?

Members referred to their discussion and responses to questions 1 and 2, and stated that similar responses should be provided to the above question.

4. If the service is not considered telemedicine, can an out of state physician read the ECG? Are there any other laws or regulations of the Hawaii state we should follow?

Again, the Board referred to the responses to questions 1 and 2 above, and suggested providing a similar response.

Lastly, in accordance with HAR § 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

Chairperson's
Report:

Chair Desai noted that this would be Dr. Kosasa's last meeting as his term expires on July 1, 2016. Chair Desai thanked Dr. Kosasa for his service, countless hours spent preparing for each meeting, and his knowledge and expertise that he brought to the Board.

Dr. Kosasa expressed his gratitude to the Board members and the administrative staff for their efforts and hard work.

Executive Officer's
Report:

Executive Officer Quiogue informed members that a public hearing will be conducted on July 14, 2016, at 1:00 p.m. The scheduled Board meeting will be conducted after the public hearing. The purpose of the public hearing is so that the Board may consider the proposed amendments to HAR Chapter 16-85, the relevant provisions pertaining to certifying emergency medical service personnel.

Next Meeting:

Thursday, July 14, 2016
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 2:51 p.m.

Reviewed and approved by:

/s/Ahlani K. Quiogue

(Ms.) Ahlani K. Quiogue
Executive Officer

Taken and recorded by:

/s/Wilma Balon

Wilma Balon
Secretary

AKQ:wb
06/23/16

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

HAWAII MEDICAL BOARD (06/09/2016-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 18623 DARRAGH C <O'CARROLL<
MD 18624 MAYER M <EISENFELD<
MD 18625 PRABHAT K <BHAMA<
MD 18626 TRUPTI D <PATEL<
MD 18627 DEBORAH L <NUCATOLA<
MD 18628 ANDREW B <RICHARDSON<
MD 18629 YUN SUN <LEE<
MD 18630 RICHARD S <WORONOFF<
MD 18631 LAN T L <NGUYEN<
MD 18632 MEI <LIU<
MD 18633 CHRISTIAN Y <KITAMURA<
MD 18634 JEFFREY S <HAMBLETON<
MD 18635 JORGE <GONZALEZ-CRUZ<
MD 18636 KELLY R <BROWN<
MD 18637 JESSELLE ELAINE-MARIE <ALBERT<
MD 18638 LAUREN D <STANDIG<
MD 18639 UMA D <CHALUVADI<
MD 18640 SARAH C <STOCK<
MD 18641 MELISSA <KUWAHARA<
MD 18642 LARRY R <SADLER<
MD 18643 BRADLEY D <REBER<
MD 18644 JOHN A <CERRITELLI<
MD 18645 MARTHA H <ALDRIDGE<
MD 18646 SHO <FURUTA<
MD 18647 GERALD E <BIENIEK<
MD 18648 CORI-ANN M <HIRAI<
MD 18649 DEVON L <DAVIS<
MD 18650 NATHAN S <ELLIS<
MD 18651 ERIC M <SCHENFELD<
MD 18652 FRANCIS P <LAGATTUTA<
MD 18653 JUSTIN C <BOHRER<
MD 18654 JACQUELINE C <BROWN<
MD 18655 MARIA THERESA F <VILLA<
MD 18656 JOELY <KAUFMAN-JANETTE<
MD 18657 JANIE H R <YOO<
MD 18658 WILLA L <THORSON<
MD 18659 HEIDI K <HILLESLAND<
MD 18660 JAMES G <LEIFERMAN<
MD 18661 CHRISTIAN K K <KIKUCHI<
MD 18662 PHYLLIS T <LOSIKOFF<
MD 18663 DOROTHY A <DOLHANTY<

MD 18664 SAMI N <NASRALLAH<
MD 18665 JOSEFINA <BATISTA<
MD 18666 JEREMY C <DAVIS<
MD 18667 SAMI M <FAKIR<
MD 18668 MARY A <HOLLMAN<
MD 18669 KIHAN <KIM<
MD 18670 CLYNER S <ANTALAN<
MD 18671 ROBERT J <WALLERSTEIN<

MDR 7031 JORGE L <ALVARADO<
MDR 7032 MAEGAN L M <DOI<
MDR 7033 LI-HSIEH <CHEN<
MDR 7034 VALYNN T-P <PHAM<
MDR 7035 HENRY <LEW<
MDR 7036 MATTHEW <REBESCO<
MDR 7037 JOANNA M <LE PARC<
MDR 7038 CHRISTOPHER <LAWRENCE<
MDR 7039 LAUREN N <RODRIGUEZ<
MDR 7040 MICHAEL SUNG-MIN <HU<
MDR 7041 STEPHANIE D <YOSHIMURA<
MDR 7042 VINCENT G <NIP<
MDR 7043 ANDREW N <MUELLER<
MDR 7044 ALEXANDER M <CASELLA<
MDR 7045 CARLOS R <ASTORGA<
MDR 7046 AUGUST H <BOEGLIN<
MDR 7047 DEVLIN K <COLE<
MDR 7048 SCARLETT C <JOHNSON<
MDR 7049 JORDAN M <KONO<
MDR 7050 KEVIN K <MAKINO<
MDR 7051 MARY R L <NINO<
MDR 7052 JOHN A <LEE<
MDR 7053 ELLIE M <COHEN<
MDR 7054 JANUARY M <ANDAYA<
MDR 7055 LAURYN C <ANDO<
MDR 7056 VIVIAN <LIN<
MDR 7057 KELLY M <MAKINO<
MDR 7058 CHASE R <SOCHA<
MDR 7059 KEIKO <CHEN<
MDR 7060 DAVINDER S <CHIMA<
MDR 7061 JOSHUA J <CHOI<
MDR 7062 DANIEL J <OLSON<
MDR 7063 EVAN M <TANIGUCHI<
MDR 7064 IAN G <HASEGAWA<
MDR 7065 NIKKI D S <KUMURA<

MDR 7066 VINCENT V <LA<
MDR 7067 CAROLINE G Y <LAU<
MDR 7068 DANIELLE R <OGEZ<
MDR 7069 CHRISTINE M <TODD<
MDR 7070 MICHAEL V F <MENDOZA<
MDR 7071 NATHAN K <KANYINDA<
MDR 7072 SARAH K <MORIHARA<
MDR 7073 KARI <KAKAZU<
MDR 7074 DANIEL A <MORENO<
MDR 7076 YURI <ENDO<
MDR 7077 SAKDA <SATHIRAREUANGCHAI<
MDR 7078 MOHAMMAD A <AS_SAYAIDEH<
MDR 7079 JING <BAO<
MDR 7080 JANINA P T <SY<
MDR 7081 ABIGAIL C <SANTOS<

AMD 688 EVAN G <SMITH<
AMD 689 KARA C <REGEHR<
AMD 690 KIT-LING <CHEW<

DOS 1726 VANESSA E <RAGUKONIS<
DOS 1727 FRANCES S <THOMAS<
DOS 1728 STEPHEN M <THOMAS<
DOS 1729 KIMBERLY R <THEOS<

DOSR 368 KELSEY L <LARGEN<
DOSR 369 MATTHEW C <LINDEN<
DOSR 370 ROSS <COHEN<
DOSR 371 TAYLOR R <BURNHAM<

EMTB 2703 JASON L <CAMPOS<
EMTB 2704 ALEXANDER <LABODA-LYMAN<
EMTB 2705 LACHLAN M <VENTAR< JR

EMTP 2118 MARCOS E <COLLAZO<