

**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, December 10, 2015

Time: 1:00 p.m.

Place: King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> 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. Quiogue, Executive Officer  
Wilma Balon, Secretary

Excused: Darren K. Egami, M.D., Maui Member

Guests: Lei Fukumura, Special Deputy Attorney General ("SDAG")  
Eric Seitz, Esq., Counsel for Ryan H. Kwon, D.O.  
John Hassler, Supervising Attorney, Regulated Industries Complaints  
Office ("RICO"),  
Daria Loy-Goto, Complaints and Enforcement Officer, RICO

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

Approval of the November 12, 2015 Minutes: It was moved by Dr. Geimer-Flanders, seconded by Dr. Kosasa, and unanimously carried to approve the minutes of the regular session of the November 12, 2015 meeting as circulated, and to approve the executive session minutes of the November 12, 2015 meeting as amended:

On page 3, under Chawki E. Nahabet, M.D., the fifth paragraph, first sentence should read:

**'Discussion** followed.'

Additions/  
Revisions to  
Agenda:

None.

Adjudicatory  
Matters:

Chair Desai called for a recess from the meeting at 1:02 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

a. In the Matter of the Application for Medical License of Ryan H. Kwon, D.O.; MED-LIC-2015-002

Eric Seitz, Esq., attorney for Dr. Kwon and Lei Fukumura, SDAG were invited into the meeting room at 1:10 p.m.

Mr. Seitz filed written Exceptions and Ms. Fukumura filed a Statement in Support. Both parties presented oral arguments.

After much discussion and due consideration, it was moved by Chair Desai, seconded by Dr. Akaka, and carried by the majority, with Mr. Puleasi abstaining, to accept and adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

In reference to Mr. Seitz's comment that Dr. Kwon is prohibited from applying for an osteopathic medical license in the State, Chair Desai stated that Dr. Kwon may apply for an osteopathic medical license at any time.

b. In the Matter of the License to Practice Medicine of James Louis Grisez, M.D.; MED 2015-97-L

After discussion, it was moved by Dr. Kosasa, 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 Emergency Medical Technician Certificate of John P. Kanaulu, Jr.; MED 2014-169-L

After discussion, it was moved by Dr. Bintliff, seconded by Dr. Geimer-Flanders, and unanimously carried to accept 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, Hawaii Revised Statutes ("HRS"), Chair Desai announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:39 p.m.

Applications for  
License/  
Certification:

a. Ratifications:

- (i) List

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

Applications for  
License/  
Certification:

b. Applications:

It was moved by Dr. Kosasa, seconded by Dr. Sept, and unanimously carried to enter into executive session at 1:40 p.m. pursuant to Section 92-5(a)(1), Hawaii Revised Statutes ("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.

Chawki E. Nahabet, M.D.  
Paul L. Bice, M.D.  
Benjamin Gerson, M.D.  
Aimee R. Mayeda, M.D.  
Barbara J. Ohnemus, D.O.  
Vinod Patwa, M.D.  
Idalee Pia C. Posa, M.D.  
Purificacion F. Tumbaga, M.D.

It was moved by Dr. Akaka, seconded by Dr. Halford, and unanimously carried to return to the open meeting at 2:20 p.m.

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

Chawki E. Nahabet, M.D.  
Benjamin Gerson, M.D.  
Vinod Patwa, M.D.  
Idalee Pia C. Posa, M.D.  
Purificacion F. Tumbaga, M.D.

Paul L. Bice, M.D.

It was moved by Halford, seconded by Dr. Kosasa, and unanimously carried to approve Dr. Bice's application for medical licensure pending evidence of having taken and passed either the National Board of Medical Examination (NBME), the United States Medical Licensing Examination (USMLE), or the Special Purpose Examination (SPEX) if Dr. Bice took a state produced license exam.

Aimee R. Mayeda, M.D.

After due consideration of the information received, it was moved by Dr. Geimer-Flanders, seconded by Dr. Halford, and unanimously carried to defer Dr. Mayeda's application for licensure pending additional information and review.

Barbara J. Ohnemus, D.O.

After due consideration of the information received, it was moved by Dr. Sept, seconded by Dr. Holt, and unanimously carried to defer Dr. Ohnemus' application for licensure pending additional information and review.

New Business:

a. Regulated Industries Complaints Office Discussion

Daria Loy-Goto, Complaints and Enforcement Officer, RICO and John Hassler, Supervising Attorney, RICO were invited into the meeting room at 2:24 p.m.

Chair Desai explained to Ms. Loy-Goto and Mr. Hassler that they were invited to the meeting to discuss the recent series of articles in the Star-Advertiser regarding the Board.

Ms. Loy-Goto informed the Board that she, along with other DCCA representatives were responsible for gathering information and responding to Mr. Perez's inquiries.

Ms. Loy-Goto stated that over the past 10 years, RICO has come a long way. She indicated that previously the settlement agreements included a \$500 fine. Since then, RICO staff attorneys have tailored sanctions based on the underlying facts of the case.

Ms. Loy-Goto explained that the RICO team works very hard to address all concerns, and to perform their jobs as efficiently as possible given the number of changes implemented over the last 5 to 10 years, and the increase in the number of complaints it receives. Ms. Loy-Goto informed members that on average RICO receives about 1,700 complaints.

Dr. Geimer-Flanders inquired whether RICO has considered specializing its investigators and staff attorneys. More specifically, Dr. Geimer-Flanders suggested that there be dedicated staff for healthcare related professions and dedicated staff for non-healthcare related professions.

Ms. Loy-Goto indicated that she is considering this option as part of their recruiting/hiring process.

Dr. Geimer-Flanders stated that one of the many criticisms in the 3-part Star-Advertiser series was that the Board has not had the opportunity to exercise the summary suspension provision.

Ms. Loy-Goto referred to the summary suspension provision which requires the Board to conclude that failure to take such action may result in an 'immediate and unreasonable' threat to the personal safety or of fraud that jeopardizes or endangers the health or safety of patients. She went on to explain that in addition to allowing the Board to summarily suspend a license, this provision also authorizes the Board to order a licensee to submit to a physical or mental evaluation or biological fluid test under specific circumstances.

Executive Officer Quiogue stated that the Board was provided a copy of the draft legislation which seeks to appropriately address discipline based on action taken by another state or federal agency. Executive Officer Quiogue asked Ms. Loy-Goto or Mr. Hassler to explain the proposed legislation to members.

Mr. Hassler explained to members that the proposal would authorize the Board to impose the same disciplinary action against a licensee as was taken by another state or federal agency.

Dr. Halford asked Mr. Hassler to clarify his statement. As an example if a physician's license were revoked in another state, would the Board be able to take the same action.

Mr. Hassler answered in the affirmative.

Ms. Loy-Goto explained that the current law does not allow the Board to issue an order imposing the same disciplinary action upon the licensee without RICO investigating and prosecuting the case first.

Dr. Holt asked Ms. Loy-Goto or Mr. Hassler to explain the process.

Ms. Loy-Goto explained that the proposed legislation would address out of state disciplinary actions in a more expeditious manner. In particular, upon receipt of evidence of disciplinary action against the licensee by another state or federal agency, the Board may issue an order imposing the same disciplinary action upon the licensee. The following conditions must be met:

- The licensee shall be served with a proposed order imposing disciplinary action as required by chapter 91;
- The licensee shall have the right to request a hearing to show cause why the action described in the proposed order should not be imposed;

- A request for hearing shall be made in writing and filed with the Board within twenty days after mailing of the proposed order to the licensee; and
- If the licensee does not submit a written request for a hearing within the timeframe specified, the Board may issue a final order imposing the disciplinary action described in the proposed order.

Chair Desai expressed his concern regarding the recent series by the Star-Advertiser. Chair Desai stated that through this entire process he still does not understand the magnitude of the problem. Chair Desai inquired whether the problem is with the investigatory or prosecutorial process, over which RICO has complete oversight, or is the problem more of a systemic issue.

Chair Desai stated that he was very concerned that the articles consistently criticized the Board, or more specifically, referred to the Board regarding problems, when it should have been directed towards RICO.

Chair Desai further stated that he does not understand the process, and questioned why the Board cannot be used as the experts in the matter rather than just accepting or rejecting a settlement agreement.

Ms. Loy-Goto explained that RICO and the process are extremely unique. She explained that RICO operates under an umbrella agency. She further stated that RICO is like working in a vacuum in terms of the magnitude of the problems and how it manages this information.

Ms. Loy-Goto went on to say that she would like to see a unified reporting system between RICO and a licensing area. Regarding the process, Ms. Loy-Goto stated that RICO relies on unpaid volunteers who serve in an advisory capacity. She indicated that she would like to make better use of these experts, but also realizes that reviewing cases can sometimes be very arduous and time consuming.

Chair Desai asked Ms. Loy-Goto whether she has information which compares the RICO processing time to the processing time of other states (from investigation to the disposition of the case).

Ms. Loy-Goto indicated that she does not have this type of information. She explained that it's hard to predict. She went on to say that timeliness is something that RICO has struggled with, but is addressing.

Dr. Chun expressed her concerns with some of the information relayed in Mr. Perez's articles, and stated that she feels that the Board was thrown under the bus for something it has absolutely no control over. More specifically, the Board does not have control over the timeliness of RICO's processes, nor does it have control over the specific terms of

settlement agreements. The Board is only authorized by law to accept or reject a settlement agreement.

Dr. Chun referred to one of the articles addressing the composition of the Board, and whether more public/lay members should be appointed to the Board. Dr. Chun stated that she believes the public is adequately represented, but also believes that if more public members were added it may help provide more balance to the Board. Dr. Chun emphasized that public members, as well as physician members, must be responsible, well informed, and prepared for every meeting.

Discussion followed. Members expressed their individual concerns. Having no further questions, the Board thanked both Ms. Loy-Goto and Mr. Hassler for appearing before the Board and excused them from the meeting room at 3:23 p.m.

b. Legislation

(i) Draft Legislation: Relating to Drug Overdose Prevention

The Board reviewed and discussed the legislative proposal from the Department of Health, Relating to Drug Overdose Prevention. This draft legislation creates immunity for individuals who prescribe, possess, or administer an opioid antagonist such as naloxone hydrochloride during an opioid-related drug overdose. Additionally, it authorizes, among other things, emergency medical personnel or first responders to administer naloxone hydrochloride.

Discussion followed. The Board proposed the following changes be made to the draft legislation:

Page 2, line 14, the phrase “or that a layperson” be deleted.

The Board expressed its concern with this statement, and indicated that a layperson may not accurately recognize the symptoms of an opioid related drug overdose, and may administer an opioid antagonist that is not needed. Furthermore, a layperson would not be able to immediately treat/rectify an overdose and/or contraindication of this drug.

Page 3, line 1, “a person who...” should be deleted for the same reasons as described above.

Page 3, lines 17-21, the following terms should be deleted “emergency services personnel, police officer, and fire fighters”, and be replaced with “first responders”.

Additionally, it was noted that the sections need to be renumbered, beginning on page 3, line 17, §-2.

Correspondence: a. The National Transportation Safety Board: Safety Recommendation I-14-1 and I-14-2

The Board reviewed and discussed Mr. Christopher A. Hart, Chairman, National Transportation Safety Board (“NTSB”) letter dated November 12, 2015, regarding the NTSB Safety Recommendations I-14-1 and I-14-2, issued on September 23, 2014.

In response to this letter, it was noted that the Board adopted the American Medical Association’s Code of Medical Ethics, which also requires the physician to provide competent medical care. The Board considers competent medical care to include a discussion of the risks and benefits of prescribing medication and, in 2006, adopted Pain Management Guidelines for a physician’s reference in providing a quality medical practice.

Additionally, the Board will be placing this information on its webpage under “Important Announcements” for its licensees and the public to view.

Advisory Committees:

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

Chairperson’s Report:

None.

Executive Officer’s Report:

None.

Next Meeting:

Thursday, January 14, 2016  
King Kalakaua Conference Room, First Floor  
335 Merchant Street  
Honolulu, HI 96813

Adjournment:

It was moved by Dr. Halford, seconded by Dr. Sept, and unanimously carried to adjourn the meeting at 3:50 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



12/23/15

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

**HAWAII MEDICAL BOARD (12/10/2015-RATIFICATION LIST)**

LTYPE LIC NUM BP NAME PART 1

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MD 18400 DAVID C <NEWHOUSE<  
MD 18401 NATALIE N Y <ALBANESE<  
MD 18402 MAYA <MAXYM<  
MD 18403 JENNIE A <MCLAURIN<  
MD 18404 JOSEPH Y J <CHANG<  
MD 18405 EDGAR P G <DREW<  
MD 18406 MARINA <KATZ<  
MD 18407 PEI HUEY <NIE<  
MD 18408 JEFFREY <STEIN<  
MD 18409 DAVID B <BETTIS<  
MD 18410 ETHEL J <CARTER<  
MD 18411 ANDREW F <CANNESTRA<  
MD 18412 JAVIER M <FIGUEROA< II  
MD 18413 JENNIFER <JOUT<  
MD 18414 GABRIELLE A <O'SULLIVAN<  
MD 18415 CHRISTIAN S <WELCH<  
MD 18416 CYRUS C L <WONG<  
MD 18417 ADAM A <COLES<  
MD 18418 NELVIS <VELAZQUEZ<  
MD 18419 SUSAN R <JOHNSON<  
MD 18420 THOMAS D <KREWSON<  
MD 18421 VINCENT C <FAN<  
MD 18422 CINDY H T <PAU<  
MD 18423 MARIA E <SAMERSON<  
MD 18424 DAVID K <KANESHIRO<  
MD 18425 SHALINI <CHAHAL<

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DOS 1706 JONATHAN W <CHOOEY<  
DOS 1707 JESSICA M <AGUILAR<  
DOS 1708 PHILIP R <FRANK<  
DOS 1709 RICHARD S <ROSENBLUM<

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AMD 659 ABBY S <GARDNER<  
AMD 660 CHRISTINA J <ROBBINS<  
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