

**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, January 12, 2017

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  
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  
Palasi Puletasi, Public Member  
Karen E. Sept, D.O., Oahu Member  
Shari J. Wong, Deputy Attorney General ("DAG")  
Ahlani K. Quiogue, Executive Officer  
Wilma Balon, Secretary

Excused: Sharon "Shay" Bintliff, M.D., Vice-Chairperson, Hawaii Member  
Darren K. Egami, M.D., Maui Member  
Peter Holt, M.D., Oahu Member

Call to Order: The meeting was called to order at 1:03 p.m., at which time quorum was established.

Mr. Puletasi entered the meeting room at 1:06 p.m.

Approval of the December 8, 2016 Minutes: It was moved by Dr. Halford, seconded by Dr. Geimer-Flanders, and unanimously carried to approve the minutes of the December 8, 2016 meeting as circulated.

Adjudicatory Matters: Chair Desai called for a recess from the meeting at 1:10 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS.

a. In the Matter of the License to Practice Medicine of Stephen H. Denzer, M.D.; MED 2010-199-L

The Board reviewed Dr. Denzer's request to remove the terms of probation from his Hawaii Medical License, License No. MD-4563. The

Board also received information from the Drug Enforcement Agency, Honolulu District Office, which states that Dr. Denzer “did complete the terms of [his Memorandum of Agreement].”

After due consideration of this information as well as the reports filed by Pu`ulu Lapa`au, it was moved by Dr. Halford, seconded by Dr. Akaka, and unanimously carried to approve Dr. Denzer’s request to remove the terms of probation from his Hawaii Medical License, License No. MD-4563.

b. In the Matter of the License to Practice Medicine of Evelyn L. Blair-Allen, M.D.; MED 2015-19-L

After discussion, it was moved by Chair Desai, seconded by Dr. Sept, and unanimously carried to accept and adopt the Hearings Officer’s Findings of Fact, Conclusions of Law, and Recommended Order as its Final Order.

c. In the Matter of the License to Practice Medicine of Thomas O. Orvald, M.D.; MED 2014-189-L

After discussion, it was moved by Dr. Geimer-Flanders, seconded by Chair Desai, and unanimously carried to accept and adopt the Hearings Officer’s Findings of Fact, Conclusions of Law, and Recommended Order as its 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 1:22 p.m.

Applications for License/Certification:

a. Ratifications:

- (i) List

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

It was moved by Dr. Halford, seconded by Dr. Akaka, and unanimously carried to enter into executive session at 1:23 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:

- (i) Physician:

- a) Mary K. Mays, M.D.
- c) David J. Magee, M.D.
- d) Rawel Randhawa, M.D.
- b) Yefim Levy, M.D.
- e) Jane-Ellen Sonneland, M.D.
- f) John Sundin, M.D.
- g) James T. Tran, M.D.

(ii) Physician Assistant:

- a) Douglas E. Amis, PA-C
- b) Thomas W. Ellis, III, PA-C

It was moved by Dr. Akaka, seconded by Dr. Halford, and unanimously carried to return to the open meeting at 1:43 p.m.

It was moved by Chair Desai, seconded by Mr. Puletasi, and unanimously carried to approve the following applications:

(i) Physician:

- a) Mary K. Mays, M.D.
- b) Yefim Levy, M.D.
- c) David J. Magee, M.D.
- e) Jane-Ellen Sonneland, M.D.
- f) John Sundin, M.D.

It was moved by Chair Desai, seconded by Mr. Puletasi, with the exception of Dr. Geimer-Flanders who abstained from the vote, to approve the following applications:

(i) Physician:

- g) James T. Tran, M.D.

(ii) Physician Assistant:

- a) Douglas E. Amis, PA-C
- b) Thomas W. Ellis, III, PA-C

After due consideration of the information received, it was moved by Dr. Halford, seconded by Mr. Puletasi, and unanimously carried to defer the following application pending additional information:

(i) Physician:

- d) Rawel Randhawa, M.D.

New Business:

a. Legislation

- (i) Proposed Statutory Amendments to Hawaii Revised Statutes § 457-8.6, Allowing Advanced Practice Registered Nurses to Dispense Drugs

The proposed statutory amendments were distributed to members for informational purposes.

- (ii) Proposed Legislation Relating to the Physician Workforce Assessment

The Board reviewed and discussed the proposed legislation entitled Relating to Physician Workforce Assessment.

Executive Officer Quiogue informed the Board that the purpose of this bill is to allow the John A. Burns School of Medicine (“JABSOM”) to continually receive a portion of the physician workforce assessment fee to support physician workforce assessment and planning to effect the strategic recruitment and retention of physicians in rural areas and planning efforts. She went on to say that this bill would repeal the current sunset date of June 30, 2017.

Chair Desai expressed his concerns and displeasure with regard to the methodologic quality of the data provided by JABSOM.

Dr. Geimer-Flanders expressed her opposition to this bill, and indicated that it is important that the sunset date of June 30, 2017 remain. She stated that since the initial report of December 2010, there have been no significant changes in the data.

Chair Desai asked members whether they support or oppose this proposed legislation.

Dr. Akaka stated that there are two things to consider regarding this matter: 1) the data presented by JABSOM; and 2) the fact that access to care for certain patient populations are negatively affected more so than other patient populations.

Dr. Akaka explained that given the number of resources available to him, it is often impossible for him to obtain referrals to primary care physicians for certain patient populations.

Chair Desai referred to the Board’s prior discussion of this matter at its October 13, 2016 meeting, and relayed that there is data that shows a clear maldistribution of specialists throughout the State.

Dr. Sept stated that she is opposed to the repeal of the sunset date. She indicated that it often times feels like physicians are being penalized with this assessment fee.

Dr. Chun stated that she agrees that the methodological quality of the data could be better, but emphasized that the study should continue. Dr. Chun explained that JABSOM uses Dr. Withy's data to justify increasing its class sizes and graduate medical education class sizes.

Dr. Chun went on to say that perhaps JABSOM should consider finding other sources of funding rather than the current physician assessment fee.

Dr. Halford conveyed that the reports repetitively state there is a shortage of physicians, but does not provide any solutions to this problem. He went on to state that data, such as The Dartmouth Atlas of Health Care and the Association of American Medical Colleges, reflect that Hawaii patients' access to care is at the national average. However, he again reiterated Chair Desai's comments that there is a maldistribution of specialists throughout the State.

Discussion followed. Board members expressed their concern with regard to the reports received from JABSOM. Specifically, the Board expressed their dissatisfaction with the following:

- Methodologic quality of the study; and
- Reports convey repetitive data information

Executive Officer asked the Board to provide specific comments for future testimony. She went on to request that a physician-member be available to testify on this bill.

Dr. Geimer-Flanders volunteered to assist the Board's Executive Officer during this Legislative Session.

Chair Desai, based on members' well-articulated comments, stated that the following should be conveyed to the respective legislative committees regarding the data:

- Quality of data: JABSOM uses a distinct methodology which is currently being used by very few states. JABSOM collects data through a survey based process, therefore deeply limiting any comparisons.
- Access to care: The primary issue should be access to care and the breakdown of access to care. Access to care is the focus of national health policy, and should be determined by how quickly a patient is able to see a physician and the distance which the patient must travel to see that physician. The Board noted that this has not been used as an outcome measure in any of the data presented by JABSOM.

Discussion followed. Dr. Geimer-Flanders conveyed, and members agreed that, should the assessment fee continue, it be used towards

increasing medical school and graduate medical education class sizes. She went on to say that there is proven data that physicians' remain where they complete their residency/fellowship training.

It was moved by Chair Desai, seconded by Dr. Halford and unanimously carried to request that the physician workforce assessment fee be repealed on June 30, 2017. Further, members stated that the comments above regarding the quality of the data and the focus of the study be relayed in the Board's testimony when the Legislature hears the bill(s).

Unfinished Business: a. Physician Workforce Assessment Report

This matter was deferred to the February 9, 2017 meeting.

b. Email Inquiries dated November 18, 2016 and December 29, 2016, from Michael Pasquale, D.O., Regarding the Use of Laser and Intense Pulse Light Devices (IPL)

The Board reviewed and discussed Dr. Pasquale's November 18, 2016 email; meeting minutes of the Board of Nursing, Board of Barbering and Cosmetology, and Medical Board; and letter from the American Association of Medical Assistants ("AAMA").

Discussion followed. Regarding Dr. Pasquale's specific questions, the Board provided the following responses:

1. *A completely unlicensed individual does LASER or IPL treatments with no physician supervisor.*

**Unlicensed individuals shall not use lasers or IPL treatments to cut, shape, burn, vaporize or otherwise structurally alter human tissue, whether delegated or not.**

2. *A completely unlicensed individual does LASER or IPL treatments with a physician supervisor, but not in house but in some communication.*

**See response to question 1.**

3. *A completely unlicensed individual does LASER or IPL treatments with a physician supervisor as in house medical director.*

**See response to question 1.**

4. *A license nurse performs a laser/IPL treatment with no supervision on their own.*

**Licensed nurses may use lasers and other similar devices to cut, shape, burn, or otherwise structurally alter human tissue provided their practice act (HRS Chapter 457) allows them to**

**perform such tasks, and such tasks are delegated and under the direction of a physician. Further, the supervision and delegation of such tasks and/or treatments by the physician must ensure the safety of the patient and must also adhere to the generally accepted principles of professionalism as set forth in the AMA's Code of Medical Ethics and the AOA's Code of Ethics.**

5. *A license nurse performs a laser/IPL treatment with a medical director on paper only but does not show evidence of supervision.*

**See response to question 4.**

6. *A license nurse performs a laser/IPL treatment with a medical director who is out of house supervisor.*

**See response to question 4.**

7. *A license nurse performs a laser/IPL treatment with an in-house medical director supervisor.*

**See response to question 4.**

Members recommended that any cases of suspected violations should be referred to the Regulated Industries Complaints Office for investigation.

With regard to the letter from the AAMA, the AAMA's interpretation of Hawaii law, specifically Hawaii Revised Statutes § 453-5.3, is incorrect. This statutory section applies to physician assistants only, and not medical assistants. Therefore, physician assistants are a regulated profession in this State, and must meet specific requirements in order to be issued a license by the Board. The Board noted that Mr. Balasa's letter reflects a significant misunderstanding of the role of medical assistants in Hawaii. As opposed to physician assistants, medical assistants are not regulated in Hawaii and have considerably less qualifications and, accordingly, less authority to perform certain tasks.

Discussion followed. After due consideration of the information received, it was moved by Chair Desai, seconded by Dr. Geimer-Flanders, and unanimously carried to affirm its informal opinion of August 2014, and determined that it will assess situations based on their individual characteristics.

Lastly, in accordance with Hawaii Admin. 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 Medical Board or the Dept. of Commerce and Consumer Affairs.

- Correspondence: a. Letter dated December 27, 2016 from Board of Pharmacy, Regarding Guidance Statement – “Pharmacist’s Corresponding Responsibility When Dispensing Controlled Substances”

The above was distributed to members for informational purposes.

Executive Officer Quiogue informed members that the Hawaii Board of Pharmacy collaborated with the State of Hawaii Department Public Safety, Narcotics Enforcement Division, and created the guidance statement.

Members stated that the document was well written, and would serve as a great education tool for practitioners and consumers.

Executive Officer Quiogue inquired with members whether they would like to include this information on the Board’s website.

Members indicated that this information should be included on its website.

Advisory  
Committees:

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

Announcements/  
Report:

- a. Medical Marijuana Legislative Oversight Working Group: Summary of the December 14, 2016 meeting

Executive Officer Quiogue informed members that she attended the meeting with Dr. Holt. At this meeting, Dr. Holt presented the Federation of State Medical Boards Model Guidelines for the Recommendation of Marijuana in Patient Care, and informed members of the Working Group that the Board informally adopted it at its meeting on December 8, 2016 meeting.

Next Meeting:

Thursday, February 9, 2017  
King Kalakaua Conference Room, First Floor  
335 Merchant Street  
Honolulu, HI 96813

Adjournment:

It was moved by Dr. Halford, seconded by Mr. Puletsi, and unanimously carried to adjourn the meeting at 2:25 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  
2/1/17

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

**HAWAII MEDICAL BOARD (01/12/2017-RATIFICATION LIST)**

LTYPE LIC NUM BP NAME PART 1

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MD 18907 PATRICK N <POMPL<  
MD 18908 SARA <DAVIS<  
MD 18909 JOSEPH H <CHIN<  
MD 18910 WALTER W <TOM<  
MD 18911 WILLIAM H <MAISEL<  
MD 18912 VENKATARAO <ISOLA<  
MD 18913 BRADLEY C Y <CHING<  
MD 18914 MICHAEL O <YUNG<  
MD 18915 VINCENT R <FOWLER<  
MD 18916 AHMED A <FADIL<  
MD 18917 BRADY W <WHITMER<  
MD 18918 OLEXANDER <BARCHAN<  
MD 18919 AMY R <YACTOR<  
MD 18920 SVETLANA A <SHCHEDRINA<  
MD 18921 DEBORAH <LEE<  
MD 18922 JOHN R <VAZ<  
MD 18923 SARAH R <COX<  
MD 18924 DAVID A <BRICE<  
MD 18925 KRISTEN T <HOUGLAND<  
MD 18926 JANIS <ROSENFELD-BARBASH<  
MD 18927 SAM H <SHEN<

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AMD 728 LEIGH A <KEENER<

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DOS 1776 COLIN <ZHU<  
DOS 1777 CHRISTOPHER M <WEIRTZ<  
DOS 1778 MELISSA A <PERRINE<  
DOS 1779 ROYDEN E <CHRISTENSEN<  
DOS 1780 EMBER A <CHRISTENSEN<  
DOS 1781 RINA E K <EDEN<  
DOS 1782 KATHRYN T <FEKETE<

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DOSR 393 TIFFANY R <PHILLIPS<  
DOSR 394 KRISTINA <SYCAMORE<

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MDR 7210 JESSICA A <EVERETT<  
MDR 7211 ALEXANDER M <SIDLAK<  
MDR 7212 ALEXANDER <HART<  
MDR 7213 KATHERINE S <BROWN<

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PO 219 JOSHUA M <VEST<

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EMTP 2141 TORY L <GIRTEN<  
EMTP 2142 CHRISTINE <MORGAN<  
EMTP 2143 TRAVIS C <BEASLEY<  
EMTP 2144 PAUL Z <BARRAZA<

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EMTA 1 MICHAEL J <JONES<

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EMT 2771 MANUEL J <GARCIA<  
EMT 2772 TIFFANY S <POMAIKAI<  
EMT 2773 GEORGE C A <ROMLEY<