

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 12, 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
Sharon "Shay" Bintliff, M.D., Hawaii Member
Maria Chun, Ph.D, Public 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")
Constance I. Cabral, Executive Officer
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Les Barrickman, D.O., Vice-Chairperson, Oahu Member
Gerard K. Akaka, M.D., Oahu Member
Peter C. Chin, M.D., Maui Member
Niraj S. Desai, M.D., Kauai Member
Carl K. Yorita, M.D., Oahu Member

Call to Order: The meeting was called to order at 1:04 p.m. at which time quorum was established.

Approval of the November 14, 2013 Minutes: It was moved by Dr. Kosasa, seconded by Dr. Bintliff, and unanimously carried to approve the minutes of the executive session of the November 14, 2013 as clarified, and to approved the minutes of the November 14, 2013 meeting with the following corrections:

On page 1, under Present, **Daniel Jacob, Deputy Attorney General ("DAG")** should be included.

On page 2, under Applications, it should read "It was moved by Dr. Kosasa, seconded by **Dr. Bintliff** and unanimously carried to enter into executive session at 1:08 p.m....."

On page 3, under Unfinished Business: a. Military Physicians, the second paragraph should read as follows:

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

On page 6, under Unfinished Business: a. Military Physicians, to include the following:

"3. The Board seeks clarity with respect to Colonel Nace's position on Army sponsored ACGME or AOA accredited residency programs providing medical boards with honest, candid, and transparent information regarding a resident's performance."

Additions/
Revisions to
Agenda:

None.

Applications for
License/
Certification:

b. Applications:

It was moved by Dr. Kosasa, seconded by Dr. Bintliff, and unanimously carried to enter into executive session at 1:10 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.

Bridget Bongaard, M.D.
Claudia Chapek, M.D.
Mitchell S. Collman, M.D.
Ashleigh E. Dixon, M.D.
Sang I. Han, M.D.
Daniel Lum, M.D.
Panida Piboolnurak, M.D.
Robert Ricketson, M.D.
David D. Shupe, M.D.
David J. Walters, M.D.
Bryce Becker, EMT-P

Craig Dieringer, EMT-P
Timothy Jenkins, EMT-P
Cameron Vann, EMT-P

It was moved by Dr. Bintliff, seconded by Mr. Puleasi and unanimously carried to return to the open meeting at 1:32 p.m.

Applications for
License/
Certification:

- a. Ratifications:
(i) List

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

It was moved by Dr. Sept, seconded by Mr. Puleasi and unanimously carried, to approve the following applications:

Bridget Bongaard, M.D.
Claudia Chapek, M.D.
Mitchell S. Collman, M.D.
Ashleigh E. Dixon, M.D.
Sang I. Han, M.D.
Daniel Lum, M.D.
Panida Piboolnurak, M.D.
David D. Shupe, M.D.
David J. Walters, M.D.
Bryce Becker, EMT-P
Craig Dieringer, EMT-P
Timothy Jenkins, EMT-P
Cameron Vann, EMT-P

Robert Ricketson, M.D.

After due consideration of the information received, it was moved by Chair Takanishi, seconded by Dr. Bintliff, and unanimously carried to deny Dr. Ricketson'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. Ricketson'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)(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)(8): Incompetence or multiple instances of negligence, including but not limited to the consistent use of medical service, which is inappropriate or unnecessary;
- 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 § 436B-19(8): Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity;
- 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; and
- HRS § 436B-19(17): Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

Unfinished Business: a. Military Physicians

The Board reviewed and discussed Mr. Gary Christal, Chief

Graduate Medical Education, Tripler Army Medical Center's email and attachments of October 30, 2013, regarding "Hawaii Licensing Exemption for Military Providers Training in Civilian Hospitals."

In addition, the Board considered a letter from Thaddeus A. Podbielski, Captain, JAGC dated March 22, 1983, which asked:

- Whether military physicians undergoing residency training and assigned to Tripler Army Medical Center must request and be issued [a] license when training at one of the non-federal hospitals in Hawaii.
- Whether civilian physicians employed as Department of the Army physicians at Tripler being required under HRS § 453-2 to obtain a permanent medical license.

Discussion followed. The Board consensus that Pursuant to §453-2(b)(3), Hawaii Revised Statutes ("HRS"), a commissioned medical officer participating in Accreditation Council for Graduate Medical Education (ACGME) accredited residency programs or American Osteopathic Association (AOA) approved residency programs may train at non-federal hospitals without first obtaining a license to practice medicine in Hawaii as long as they are engaged in the discharge of one's official duties. However, the Board also recognized that a private institution retains its prerogative to prescribe its own requirements, such as requiring Hawaii licensure (temporary or permanent) for any physician providing medical services in its facility.

With regards to civilian physicians employed as Department of the Army physicians at Tripler, Mr. Podbielski's letter states that these physicians are civilians and not commissioned medical officers. Given Mr. Podbielski's statement, it appears that these civilian physicians do not fall within the licensure exception of HRS § 453-2(b)(3) and are required to obtain licensure to practice medicine in Hawaii before performing or providing medical services in non-federal hospitals in Hawaii.

These responses are unofficial, nonbinding opinions in accordance with §16-201-90, Hawaii Administrative Rules. They are not official opinions or decisions, and therefore, are not to be viewed as binding upon the Board or the Department of Commerce and Consumer Affairs.

b. National Registry of Emergency Medical Technicians (NREMT) Examination

Executive Officer Cabral advised the Board that NREMT could not provide information as to the discrepancy on first time passing rate for the practical exam.

New Business:

a. Addition to RICO Medical Advisory Committee: M. Pierre Pang, M.D.

It was moved by Mr. Puletsi, seconded by Dr. Kosasa, and unanimously carried to approve the addition of M. Pierre Pang, M.D. to the RICO Medical Advisory Committee.

b. Use of Telehealth or Telemedicine

After discussion, it was moved by Chair Takanishi, seconded by Dr. Bintliff, and unanimously carried, to use "telehealth" as oppose to "telemedicine" that for the purpose of consistency.

c. Training on Adjudicatory Matters

Members were provided with a chart on Disciplinary Process for Administrative Boards. DAG Wong briefed the Board on Executive, Legislative, and Judicial process.

Advisory Committees:

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

Chairperson's Report:

None.

Adjournment:

It was moved by Mr. Puletsi, seconded by Dr. Bintliff, and unanimously carried to adjourn the meeting at 1:56 p.m.

Next Meeting:

Thursday, January 9, 2014
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, HI 96813

Reviewed and approved by:

/s/Constance I. Cabral

(Ms.) Constance I. Cabral
Executive Officer

CIC:wb
1/8/14

Taken and recorded by:

/s/Wilma Balon

Wilma Balon
Secretary

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

HAWAII MEDICAL BOARD (12/12/2013-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 17318 WILFRID M <FEHRLE<
MD 17319 ELISABETH J <CHANG<
MD 17320 SHAYLIN P Y K <CHOCK<
MD 17321 CATHERINE B <PHAM<
MD 17322 WILLIAM J <KLORIG<
MD 17323 VICTORIA M <FLORES<
MD 17324 JUDITH <HALLSTROM<
MD 17325 JEREMY C <ALDERFER<
MD 17326 JAIME T <MICHEL<
MD 17327 DONSHENG <XU<
MD 17328 JOHN <WUNG<
MD 17329 CHARLISA F <ALLEN<
MD 17330 TERRY A <BISSELL<
MD 17331 BRUCE <JACOBSEN<
MD 17332 FEBIN ORLANDO F <BARICAR<
MD 17333 MICHAEL D <PHILLIPS<

DOS 1555 FARHAN S <AYUBI<
DOS 1556 AMINA <MOGHUL<
DOS 1557 SHAUNA M <LYNCH<
DOS 1558 RUTH <HOLLIDAY<
DOS 1559 JOHN J <DIGIOVANNI<
DOS 1560 SUZANNE H <BARNES<
DOS 1561 ANTHONY-OSEI F <SAFO<
DOS 1562 ADRIENNE <KOVALSKY<
DOS 1563 LOUIS E <ANTOSEK<
DOS 1564 MARK S <PEDRI<
DOS 1565 RICHARD J <CARREGAL<
DOS 1566 JACOB <MATHEW< JR

MDR 6576 LARISSA <DUB<
MDR 6577 MEREDITH K <SOLES<
MDR 6578 DAVID J <BOUDREAULT<
MDR 6582 MARINA J W <LIU<

MDG 4048 CHRISTOPHER B <HAPPY<

DOSR 285 COURTNEY <LANE<