

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, August 09, 2018

Time: 1:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Present: Jone Geimer-Flanders, D.O., Chairperson, Oahu Osteopathic Member
Peter Halford, M.D., Vice-Chairperson, Oahu Member
Gerard K. Akaka, M.D., Oahu Member
Franklin V.H. Dao, M.D., Oahu Member
Darren K. Egami, M.D., Maui Member
Peter Holt, M.D., Oahu Member
Palasi Puletasi, Public Member
Karen E. Sept, D.O., Oahu Osteopathic Member
Geri Young, M.D., Kauai Member
Shari J. Wong, Deputy Attorney General
Ahlani K. Quiogue, Executive Officer
Olga Reppun, Secretary
Risé Doi, Executive Officer
Christopher Fernandez, Executive Officer

Excused: Sharon "Shay" Bintliff, M.D., Hawaii Member
Maria Chun, Ph.D., Public Member

Guests: Ava Dysarz, Pre-med Student, Chaminade University
Joseph Puente, EMT, Applicant
Christopher Thomas, Esq., Attorney for Mr. Puente
Jeff Zuckernick, UH – KapCC EMS, Department Chair
Lei Fukumura, DCCA-PVL, Special Deputy Attorney ("SDAG")
Kelley Withy, M.D., John A. Burns School of Medicine ("JABSOM")
Michael Di Martino, JABSOM
Vincent Tenorio, Physician Assistant

Call to Order: The meeting was called to order at 1:02 p.m., at which time quorum was established.

Introduction of guests: **Ms. Dysarz, Mr. Puente, Mr. Thomas, and Mr. Zuckernick were invited into the meeting room at 1:02 p.m.**

Ms. Quiogue introduced PVL's new executive officers, Mr. Fernandez and Ms. Doi, and explained that they will be attending the Board meeting as part of their training.

Chair Geimer-Flanders greeted the guests. Board members and staff introduced themselves.

Approval of the
July 12, 2018,
Minutes:

It was moved by Dr. Halford, seconded by Dr. Sept, and unanimously carried to approve the minutes of the executive session and the minutes of the open session of the July 12, 2018, meeting as circulated.

Ms. Dysarz, Mr. Puente, Mr. Thomas, and Mr. Zuckernick were excused from the meeting room at 1:08 p.m.

Adjudicatory
Matter:

Chair Geimer-Flanders called for a recess from the meeting at 1:08 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 Osteopathy of Harold Kornylak, D.O.; MED 2018-92-L

Dr. Dao entered the meeting room at 1:09 p.m.

After discussion, it was moved by Dr. Halford, seconded by Dr. Akaka, and unanimously carried to accept the Settlement Agreement Prior to Filing a Petition for Disciplinary Action and Board's Final Order; Exhibits "1" and "2".

- b. In the Matter of the License to Practice Medicine of Nancy D. Rogers, M.D.; MED 2013-27-L

Ms. Quiogue informed members that no action is required at this time regarding this matter.

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Chair Geimer-Flanders announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:11 p.m.

SDAG Fukumura was excused from the meeting room at 1:11 p.m.

Applications for
License/
Certification:

- a. Applications:

It was moved by Chair Geimer-Flanders, seconded by Dr. Akaka, and unanimously carried to enter into executive session at 1:11 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.

(i) Emergency Medical Personnel:

- a. Joseph Puente, EMT

At 1:26 p.m. Mr. Puente, Mr. Thomas, and Mr. Zuckernick were invited into the meeting room and presented oral testimony to the Board.

Mr. Puente, Mr. Thomas, and Mr. Zuckernick were excused from the meeting room at 1:43 p.m.

Mr. Puletsi entered the meeting room at 1:47 p.m.

(ii) Physician (Permanent):

- a. Samuel E. Fuller, M.D.
b. John W. Gianini, M.D.
c. Thomas J. Green, Jr., M.D.
d. Jyothi Gunta, M.D.
e. David B. Karch, M.D.
f. Amit Pal, M.D.
g. Jacklyn Tran-Nguyen, M.D.
h. David B. Turetsky, M.D.

It was moved by Dr. Holt, seconded by Dr. Egami, and unanimously carried to return to the open meeting at 2:12 p.m.

Ms. Dysarz, Mr. Puente, Mr. Thomas, Mr. Zuckernick, Dr. Withy, Mr. Di Martino, and Mr. Tenorio were invited into the meeting room at 2:14 p.m.

Applications for
License/
Certification:

b. Ratifications:

- (i) List

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

It was moved by Vice-Chair Halford, seconded by Dr. Dao, and unanimously carried to approve the following application:

- a. Applications:
 - (i) Emergency Medical Personnel:
 - a. Joseph Puente, EMT
 - (ii) Physician:
 - a. Samuel E. Fuller, M.D.

After due consideration of the information received, it was moved by Dr. Holt, seconded by Vice-Chair Halford, and unanimously carried to:

- (1) Approve Dr. Fuller's application for licensure subject to certain conditions;
- (2) Issue a non-disciplinary letter of education advising Dr. Fuller of his responsibility to provide any changes to his application and to make full disclosure within thirty (30) days of any disciplinary action issued against him by another jurisdiction; and
- (3) Require Dr. Fuller to submit an updated statement of explanation regarding the actions taken against his Colorado, Wyoming, and California medical licenses.

With regard to number (1) above, the Board based its decision on the following grounds of the Hawaii Revised Statutes ("HRS") and Hawaii Administrative Rules ("HAR"), which find support in the records and files of Dr. Fuller's application:

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| HRS §436B-19(3): | Being addicted to, dependent on, or a habitual use of a narcotic, barbiturate, amphetamine, hallucinogen, opium, cocaine, or other drugs or derivatives of a similar nature; |
| HRS §436B-19(4): | Practicing the licensed profession or vocation while impaired by alcohol, |

	drugs, physical disability, or mental instability;
HRS §436B-19(7):	Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;
HRS §436B-19(9):	Conduct or practice contrary to the recognized standards of ethics for the licensed profession or vocation; certificate, or medical privilege for reasons as provided in this section;
HRS §436B-19(13):	Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;
HRS §436B-19(15):	Failure to report in writing to the licensing authority any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days of the disciplinary decision; and
HAR §16-85-7(c):	It shall be the applicant's responsibility to furnish any information and documentation requested by the board. In the event of any change of information provided, the applicant shall notify the board in writing within thirty days of any change.

In addition, the Board members stated that Dr. Fuller failed to uphold the following AMA Principles of Medical Ethics:

- I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights;
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in competence, or engaging in fraud or deception, to appropriate entities; and

- VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

For reasons contained in the records and files of Dr. Fuller's application, the Board placed the following conditions on his conditional license:

1. Dr. Fuller shall, within thirty (30) days of the conditional license number being issued by the Board, notify all jurisdictions in which he holds/held a healthcare related license of the conditions placed on his conditional license. A copy of each letter notifying those jurisdictions shall also be provided to the Board. Copies of these letters shall be mailed or emailed to the Board's Executive Officer.
2. Dr. Fuller shall enter into a monitoring contract with Pu`ulu Lapa`au ("Pu`ulu Lapa`au"), The Hawai`i Program for Healthcare Professionals within sixty (60) days of the date of his conditional license number being issued. The length of the contract shall be determined by Pu`ulu Lapa`au. However, said monitoring contract may be extended by the Board if the Board believes that reasonable grounds exist.
3. Dr. Fuller shall provide a copy of his fully executed contract with Pu`ulu Lapa`au to the Board within seventy-five (75) days of his license number being issued. All correspondence shall be addressed to the Board's Executive Officer.
4. Dr. Fuller may only begin to practice medicine in the State of Hawaii after he receives written confirmation from the Board that he has secured proper monitoring in the State of Hawaii with Pu`ulu Lapa`au.
5. If, at any time, Pu`ulu Lapa`au determines that Dr. Fuller is not in compliance with the monitoring contract, he shall immediately notify the Board and immediately cease practicing medicine until Pu`ulu Lapa`au specifies to the Board what conditions, if any, it recommends for the physician to safely resume the practice of medicine. Depending upon Pu`ulu Lapa`au's written report and recommendations, the Board may evaluate what, if any, further conditions are warranted for Dr. Fuller to practice medicine and impose such conditions on his license. If Dr. Fuller fails to refrain from using drugs or alcohol, the Board also will consider whether to suspend, revoke, or otherwise discipline his license.

6. During the period of Dr. Fuller's conditional license, he shall ensure that Pu`ulu Lapa`au submits quarterly written reports to the Board. These written reports shall include, but not be limited to, assessments regarding: (1) his compliance with the monitoring contract; and (2) his ability to safely practice as a physician. The first quarterly report is due within ninety (90) days from the date Dr. Fuller's conditional license number is issued. All correspondence shall be addressed to the Board's Executive Officer.
7. Dr. Fuller shall comply with all probationary terms, conditions, and restrictions placed on his Colorado, Wyoming, and California medical licenses.
8. The Board, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Board may deem appropriate if Dr. Fuller violates any further provision of the statutes or rules governing the conduct of physicians in the State of Hawaii, or if he fails to abide by the terms of his conditional license.
9. Should Dr. Fuller wish to have any condition removed from his license, he shall make a request in writing to the Board, at which time the Board would consider his request. When doing so, Dr. Fuller shall provide evidence of full compliance with his monitoring contract with Pu`ulu Lapa`au and all other conditions placed on his conditional license.

Presentation:

- a. Kelley Withy, M.D., Ph.D., Hawaii/Pacific Basin Area Education Center, Director, John A. Burns School of Medicine, University of Hawaii, on the Report on the Findings from the Hawai'i Physician Workforce Assessment Project.

Dr. Withy made a presentation to the Board. She reported on the latest data collected by the Hawaii Physician Workforce Assessment Project ("Project") survey of licensed physicians.

Dr. Withy informed the Board that the data shows an increase of 98 FTEs from 2017 with a shortage of about 390 physicians. She also remarked that telehealth practice rose from: 2% in 2014; 15% in 2016; and 20.5% in 2018.

Dr. Withy gave the Board an update on a number of measures taken by the Project to improve physician retention in the State, including: loan repayment; rural training; integration of new doctors into the community;

and free advertising of all open physician positions. She also spoke about the upcoming September 8, 2018 Health Workforce Summit.

Dr. Withy informed the Board that finding young doctors who are interested in taking over private practices of retiring doctors is proving to be a great challenge. She stated that the Program was looking for ideas and suggestions on how to improve the situation. Dr. Withy mentioned that a Young Doctor Hui was created in the hopes of helping to build a community of young doctors. It is also their hope that that they can use this forum to disseminate information amongst this group of doctors.

Dr. Withy asked the Board members if they had any questions.

Chair Geimer-Flanders asked Dr. Withy if the data analysis presented to the Board was still based on only self-reported information.

Dr. Withy responded in the affirmative and added that 90% of physicians who renew their licenses on-line fill out the program's survey. For the rest of the physicians, the information is gathered by phone: the Program's staff call doctors' offices.

Chair Geimer-Flanders inquired if Dr. Withy had any concerns regarding the accuracy of the self-reported data.

Dr. Withy stated that this way of gathering data is – at this time – the best that the program can do.

Chair Geimer-Flanders was also interested to know what the mean age for the workforce was.

Dr. Withy explained that they recently received the data for osteopaths [it was noted that osteopaths' licenses expired on June 30, 2018], so the information has not been processed and analyzed yet. Based on the current available statistics, it appears that in the next ten (10) years the State will be losing about 50% of its physicians who are currently practicing.

Dr. Withy continued by presenting the Program's current microsimulation models which analyze and estimate demand and supply and describing the measures that were being taken to improve the models' accuracy.

Dr. Withy invited Mr. Michael Di Martino to brief the Board on the findings of their analysis of the 2015 data, which compared national data and Hawaii data.

At the conclusion of the presentation, Dr. Withy asked the Board for suggestions, comments, or questions.

Vice-Chair Halford and Dr. Sept asked Dr. Withy to clarify the purpose and meaning of the presented comparisons.

Dr. Withy responded that, in her opinion, the comparisons showed that there is no ideal model and the program will continue to use their own analysis and microsimulation models. She also clarified that, currently, the Program is less focused on research and more on practical measures aimed to improve physician retention and recruitment.

Chair Geimer-Flanders thanked Dr. Withy and Mr. Di Martino for the presentation.

Advisory
Committees:

- a. Emergency Medical Personnel
- b. Physician Assistants

Ms. Quiogue addressed Mr. Tenorio to remind him that if there are any issues that the Physician Assistant Committee would like to have placed on the agenda, they need to contact the Board's office at least two weeks prior to the meeting.

- c. Podiatrists

Open Forum:

None.

Next Meeting:

Thursday, September 13, 2018
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment:

There being no further business to discuss, the meeting was adjourned at 2:40 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Ahlani Quiogue

/s/ Olga Reppun

(Ms.) Ahlani K. Quiogue
Executive Officer

(Ms.) Olga Reppun
Secretary

AKQ:or
09/04/18

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Minutes approved as is.
Minutes approved with changes: see _____

HAWAII MEDICAL BOARD 08/09/2018-RATIFICATION LIST

LTYPE LIC NUM BP NAME PART 1

MD 19784 RYAN M <MCKENZIE<
MD 19785 SANJAY M <VASWANI<
MD 19786 DEREK G <DOMBROSKI<
MD 19787 DAVID K <BOWDEN<
MD 19788 JOSEPH S <HONG<
MD 19789 BERNARD R <BRASS<
MD 19790 KAERYN N <LEWIS<
MD 19791 RICHARD P <NGUYEN<
MD 19792 NKETI I <FORBANG<
MD 19793 TYLER J <HENDRICKS<
MD 19794 RAGHUVVEER B <SHENOY<
MD 19795 RYAN SOPELSA
MD 19796 ERIC <DAVIS<
MD 19797 SARAH K <KEMBLE VERHOEF<
MD 19798 JENNIFER A <ARMSTRONG<
MD 19799 MARK R <BELL<
MD 19800 MARCO B <MIELCAREK<
MD 19801 BONNIE J <DAVIS<
MD 19802 BRYAN J <LIMING<
MD 19803 SCOTT J <STREATER<
MD 19804 KYUNGMIN <KANG<
MD 19805 LIDIA <NELKOVSKI<
MD 19806 BASMAH A <JALIL<
MD 19807 DOUGLAS M <ELWOOD<

MD 19808 HASEEB A <RAHMAN<
MD 19809 JENNIFER A <HILL<
MD 19810 SARAH <MUSLEH<
MD 19811 BASSAM J <DAGHMAN<
MD 19812 ELIZABETH A <ALWOHOUSH<
MD 19813 FONG-KUEI F <CHENG<
MD 19814 CINDY S <GENTILE<
MD 19815 JOHN H <HOLMEN<
MD 19816 NILOUFAR N <NAIMA<
MD 19817 LLOYD E <PERINO<
MD 19818 BENJAMIN <REMINGTON<
MD 19819 RAKHEE <SAXENA<
MD 19820 SUNIL D <SHROFF<
MD 19821 WILLIAM R <STEVENS<
MD 19822 DEBORAH <KIMBALL<

AMD 848 ELIZABETH M <ENNIS<
AMD 849 BRIANNA S <WOODS<
AMD 850 REBEKA L <COLEMAN<
AMD 851 COLBY J <ANDERSEN<
AMD 852 DIANA J <HARDY<
AMD 853 TINA M <MOUSSALLY<

DOS 1909 VICTORIA L <TUTTLE<

DOS 1910 MATTHEW T <MCEWAN<

DOS 1911 RYAN C <YANG<

DOS 1913 WILLIAM E <BUNN< II

DOS 1914 GAIL E S <BOLTRON<

DOS 1915 LANE C <THAUT<

MDR 7600 DAVID A <KLEIN<

MDR 7601 LUKE <HOFKAMP<

MDR 7602 LUKE <STURMY<

MDR 7603 HANNAH R <WALLACE<

MDR 7604 ITAI <RONEN<

MDR 7605 DANIEL J <FRANCESON<

MDR 7606 MARK S <ROBINSON<

MDR 7607 AMANDA R <MANN<

MDR 7608 ARI <NALBANDIAN<

EMTP 2220 ABIGAIL J <CALO<