

**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, October 10, 2019

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: Jone Geimer-Flanders, D.O., Chairperson, Oahu Osteopathic Member  
Peter Halford, M.D., Vice-Chairperson, Oahu Member  
Maria Chun, Ph.D., Public Member  
Franklin V.H. Dao, M.D., Oahu Member  
Darren K. Egami, M.D., Maui Member  
Andrew "Rick" Fong, M.D., Hawaii Member  
Peter Holt, M.D., Oahu Member  
Wesley Mun, Public Member  
Danny Takanishi, M.D., Oahu Member  
Shari J. Wong, Deputy Attorney General ("DAG")  
Ahlani K. Quiogue, Executive Officer  
Josephine Madiro, Secretary

Excused: Michael Jaffe, D.O., Oahu Osteopathic Member  
Geri Young, M.D., Kauai Member

Guest(s): Chad M.T. Cryer, M.D.

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

Approval of the September 12, 2019, Minutes: It was moved by Chair Geimer-Flanders, seconded by Vice-Chair Halford, to approve the minutes of the executive session of the September 12, 2019, meeting unamended and the minutes of the regular session of the September 12, 2019, meeting with the following amendments to:

Agenda item 5., The Federation of State Medical Boards: At Your Service.

Page 4, second paragraph should read as follows:

The Federation of State Medical Boards (“FSMB”) was established in 1912. Its office locations are in Euless, Texas and Washington, D.C. FSMB is a non-profit organization employing 165+ employees. It represents the seventy (70) medical and osteopathic regulatory boards – the state medical boards within the United States, its territories and the District of Columbia.

Page 5, the third bullet should read:

- Federation Credentials Verification Service (FCVS)

Page 5, a.; under the bullet item Educational Offerings, second sentence should read as follows:

Board Attorney Workshop[s]: November 7 - 8, 2020, New Orleans, Louisiana

Agenda item 6.a.(i), Unfinished Business, Email correspondence dated July 25, 2019 – July 29, 2019, between Beth Arnold, PharmD, BCPP, Professional Services Project Manager, Costco Wholesale Pharmacy, and the Board’s Executive Officer, regarding the Board’s interpretation of what it means for a patient to be “seen” by a licensed physician as provided in section 461-1, Hawaii Revised Statutes, The Practice of Pharmacy.

Page 7, a., (i); first paragraph should read as follows:

Based on the above summary as well as the Travel Directive provided by Dr. Arnold, Chair Geimer-Flanders stated that it is her [believe] **belief** that, although there is no direct contact with patients, the provider appears to be practicing medicine by [provide] **providing** comprehensive travel recommendations electronically that include specific vaccines and/or oral medications (+ dose, route of administration, quantity, etc.). She emphasized that making recommendations for vaccines and/or oral medications, including dosages, route of administration, quantity, etc. is the practice of medicine regardless of whether there is no direct contact with the patient. Further, it appears that the contracted provider is practicing telehealth.

Board Meeting  
Guest:

Chair Geimer-Flanders greeted Chad M.T. Cryer, M.D., to the meeting. The Board members and staff introduced themselves.

Dr. Cryer was excused from the meeting room at 1:06 p.m.

Adjudicatory  
Matters:

Chair Geimer-Flanders called for a recess from the meeting at 1:07 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 Dennis I. Ayon, M.D.; MED-2010-109-L

The Board members reviewed Dr. Ayon's letter dated September 12, 2019, requesting early termination from the Board's Final Order dated December 8, 2016. The Board's Final Order ordered, among other things, that Dr. Ayon's license be placed on probation for a period of five (5) years and that he be monitored by Pu`ulu Lapa`au, The Hawaii Program for Healthcare Professionals.

The Board members noted that several of the documents submitted to the Board do not support such request for early termination. Based on this information, Dr. Takanishi stated, and members agreed, that they were not inclined to approve Dr. Ayon's request for early termination.

Discussion followed. After due consideration of the information received, it was moved by Chair Geimer-Flanders, seconded by Dr. Takanishi, and unanimously carried to deny Dr. Ayon's request for early termination from the Board's Final Order dated December 8, 2016.

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.

Applications for  
License/  
Certification:

a. Applications:

It was moved by Dr. Takanishi, seconded by Dr. Holt, 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.

Request to have the Conditions Removed from the Conditional License:

a. Chad M.T. Cryer, M.D.

Drs. Chun and Takanishi recused themselves from the discussion and voting on Dr. Cryer's request to have the conditions removed from his conditional license, and left the meeting room from 1:12 p.m. to 1:17 p.m.

Dr. Cryer was invited to the meeting room to present oral testimony to the Board from 1:14 p.m. 1:16 p.m.

(i) Physician (Permanent):

a. Edward H. Park, M.D.

Chair Geimer-Flanders recused herself from the discussion and voting on Dr. Park's application, and left the meeting room from 1:18 p.m. to 1:25 p.m.

Ms. Quiogue called Dr. Park via teleconference. Members spoke with Dr. Park from 1:22 p.m. to 1:24 p.m.

- b. John M. Larsen, M.D.
- c. Brandon S. Brown, M.D.
- d. Robert H. Gross, M.D.
- e. Kimberly A. Moore, M.D.
- f. Kent A. Swaine, M.D.

(ii) Physician (Endorsement):

- a. Alton V. Hallum, III, M.D.
- b. David T. Padro, D.O.

It was moved by Dr. Takanishi, seconded by Dr. Holt, and unanimously carried to return to the open meeting at 2:08 p.m.

Applications for  
License/  
Certification:

a. Applications:

Request to have the Conditions Removed from the  
Conditional License:

a. Chad M.T. Cryer, M.D.

After due consideration of the information received and Dr. Cryer's oral testimony, it was moved by Dr. Egami, seconded by Dr. Holt, and carried by a majority, with the exception of Dr. Chun and Dr. Takanishi who recused themselves from the discussion and vote on this matter, to approve Dr. Cryer's request to have the conditions removed from his conditional medical license, Hawaii Medical License, License No. MD-17901.

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

(i) Physician (Permanent):

- b. John M. Larsen, M.D.

c. Brandon S. Brown, M.D.

e. Kimberly A. Moore, M.D.

(i) Physician (Permanent):

a. Edward H. Park, M.D.

After due consideration of the information received, it was moved by Vice-Chairperson Halford, seconded by Dr. Takanishi, and carried by a majority, with the exception of Chairperson Geimer-Flanders who recused herself from the discussion and vote on this matter, to approve Dr. Park's application.

d. Robert H. Gross, M.D.

After due consideration of the information received, it was moved by Dr. Dao, seconded by Vice-Chairperson Halford, and unanimously carried to deny Dr. Gross's application for licensure.

The Board based its decision on the following citations of the HRS and Hawaii Administrative Rules ("HAR"), which find factual support in the records and files of Dr. Gross's application:

HRS §453-8 provides that:

(a) In addition to any other actions authorized by law, any license to practice medicine and surgery may be revoked, limited, or suspended by the board at any time in a proceeding before the board, or may be denied, for any cause authorized by law, including but not limited to the following:

\* \* \*

(7) Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine or surgery;

(9) Conduct or practice contrary to 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;

- (11) Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege;
- (12) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a physician or osteopathic physician, notwithstanding any statutory provision to the contrary;

\* \* \*

(c) Notwithstanding any other law to the contrary, the board may deny a license to any applicant who has been disciplined by another state or federal agency. Any final order of discipline taken pursuant to this subsection shall be a matter of public record.

HAR §16-85-107 provides that:

(a) An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements under chapters 453 or 463E, HRS, or this chapter. In addition, the board may deny issuance of a license or certificate:

\* \* \*

- (1) When the applicant has committed any of the acts for which a license or certificate may be suspended or revoked under sections 453-8 or 463E-6, HRS, or section 16-85-112;
- (2) If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
- (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

The Board considers Dr. Gross's conduct to be extremely concerning and contrary to the recognized standards of ethics as adopted by the American Medical Association

("AMA"). Specifically, the Board believes that he failed to uphold the following AMA Principles of Medical Ethics:

- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
  - III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
  - VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.
- f. Kent A. Swaine, M.D.

After due consideration of the information received, it was moved by Vice-Chairperson Halford, seconded by Dr. Takanishi, and unanimously carried to deny Dr. Swaine's application for licensure.

The Board based its decision on the following citations of HRS and HAR, which find factual support in the records and files of Dr. Swaine's application:

HRS §453-8 provides that:

(a) In addition to any other actions authorized by law, any license to practice medicine and surgery may be revoked, limited, or suspended by the board at any time in a proceeding before the board, or may be denied, for any cause authorized by law, including but not limited to the following:

\* \* \*

- (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;
- (5) Practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;

- (7) Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine or surgery;
- (9) Conduct or practice contrary to 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;
- (11) Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege;
- (12) Conviction, whether by nolo contendere or otherwise, of a penal offense substantially related to the qualifications, functions, or duties of a physician or osteopathic physician, notwithstanding any statutory provision to the contrary; and
- (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.

\* \* \*

(c) Notwithstanding any other law to the contrary, the board may deny a license to any applicant who has been disciplined by another state or federal agency. Any final order of discipline taken pursuant to this subsection shall be a matter of public record.

HRS §436B-19 provides that:

In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (8) Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity; and



- (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.

HAR §16-85-107 provides that:

- (a) An application for issuance of a license or certificate shall be denied when an application is insufficient or incomplete or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements under chapters 453 or 463E, HRS, or this chapter. In addition, the board may deny issuance of a license or certificate:

\* \* \*

- (1) When the applicant has committed any of the acts for which a license or certificate may be suspended or revoked under sections 453-8 or 463E-6, HRS, or section 16-85-112;
- (2) If the applicant fails to demonstrate that the applicant possesses a good reputation for honesty, truthfulness, fairness, and financial integrity; or
- (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

The Board considers Dr. Swaine's conduct to be extremely concerning and contrary to the recognized standards of ethics as adopted by the AMA. Specifically, the Board believes that he failed to uphold the following AMA Principles of Medical Ethics:

- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
- III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
- VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

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

- (ii) Physician (Endorsement):
  - a. Alton V. Hallum, III, M.D.
  - b. David T. Padro, D.O.

Applications for License/Certification:

- b. Ratifications:
  - (i) List

It was moved by Vice-Chair Halford, seconded by Dr. Takanishi, and unanimously carried to ratify the attached list of individuals for licensure or certification.

Dr. Egami left the meeting room at 1:53 p.m. and returned at 1:55 p.m.

Chair Geimer-Flanders left the meeting room at 1:57 p.m. and returned at 1:58 p.m.

Regulated Industries Complaints Office (RICO):

- a. Medical Advisory Committee Members

The Board reviewed the Regulated Industries Complaints Office's ("RICO") Medical Advisory Committee List effective January 1, 2020.

After due consideration of this information, it was moved by Dr. Fong, seconded by Dr. Dao, and unanimously carried to approve the RICO Medical Advisory Committee List with any additional interim appointees that RICO deems necessary to aid in its investigations.

DAG Wong left the meeting room from 2:14 p.m. to 2:20 p.m.

Unfinished Business:

- a. Legislation:
  - (i) Amendments to section 453-1, Hawaii Revised Statutes

The Board members considered whether they would amend §453-1, HRS; practice of medicine defined.

HRS §453-1 states:

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 neuro-musculoskeletal 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.

Ms. Quiogue informed the Board members that, if they are inclined to amend §453-1, HRS, she can start drafting legislation and present it at the next meeting for their consideration. She went on to say that the practice of medicine is a complex and rapidly changing field. The current definition of the practice of medicine is outdated, and should be updated to reflect the practice of medicine today.

Chair Geimer-Flanders stated that in the past, the Board may have had concerns in opening up its statutory chapter for amendments because of the uncertainty of what could occur. However, given how antiquated and restrictive its definition of the practice of medicine is, she expressed her to amend this section.

By acclamation, the members instructed Ms. Quiogue to draft language amending its definition of the practice of medicine as defined in §453-1, HRS.

Ms. Quiogue stated that she would provide a draft for members to review at their November 14, 2019, meeting.

Advisory

Committees:

a. Emergency Medical Personnel

None.

b. Physician Assistants

None.

c. Podiatrists

None.

Open Forum:

None.

Next Meeting:

Thursday, November 14, 2019  
1:00 p.m.  
King Kalakaua Conference Room, First Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Adjournment:

It was moved by Chairperson Geimer-Flanders, seconded by Dr. Chun, and unanimously carried to adjourn the meeting at 2:30 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Ahlani K. Quiogue

/s/ Josephine Madiro

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(Ms.) Ahlani K. Quiogue  
Executive Officer

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(Ms.) Josephine Madiro  
Secretary

AKQ:jm  
11/4/19

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Minutes approved as is.  
Minutes approved with changes: see minutes of the November 14, 2019 meeting

## HAWAII MEDICAL BOARD 10/10/19 - RATIFICATION LIST

LTYPE LIC NUM BP NAME PART 1

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MD	20716	SCOTT D <CULBERTSON<
MD	20717	KEVIN D <MAUPIN<
MD	20718	NATALIE C <AITCHISON<
MD	20719	JENNIFER LEIGH <GRIESEL<
MD	20720	CYRUS <GHAVAM<
MD	20721	MERRICK B <LIPMAN<
MD	20722	ANDREA AN-YI <LUI<
MD	20723	TROY L <POTTHOFF<
MD	20724	NEDA <NIKPOOR<
MD	20725	DAVID L <SALTMAN<
MD	20726	RAJNIKANTH <RAVULA<
MD	20727	JOHN G <ALLEY< JR
MD	20728	SUHAIB <CHAUDRY<
MD	20729	VALERIA E <MUNGUIA JOVEL<
MD	20730	JASMINE <JAVADI<
MD	20731	MATTHEW J <CARESKEY<
MD	20732	JENNIFER P A <NGUYEN<
MD	20733	ANTHONY J <MAGEE< JR
MD	20734	JUDE J <MCELROY<
MD	20735	JOY-SARAH Y <VINK<
MD	20736	KATELYN P <STEELE<
MD	20737	FAN <YANG<
MD	20738	ANDREA N <HEIER<
MD	20739	MITCHELL <STOTLAND<
MD	20740	SUZANNE M <DUNDON<
MD	20741	PATRICK C <YEAKEY<
MD	20742	BRIAN C <FEDESON<
MD	20743	NANCY ANN <JEFFERS<
MD	20744	WILLIAM W <KIRBY<
MD	20745	MAZEN A <ROSHDY<
MD	20746	ATUL <SHETH<
MD	20747	GREGORY C <GERBER<
MD	20748	MAYA M <GREEN<
MD	20749	GLENN T <YAMAGATA<
MD	20750	JACK C <GALAGAN<
MD	20751	JASON R <VAN ROMPAEY<
MD	20752	JAMES MATTHEW <EDWARDS<
MD	20753	JEFFREY STEPHEN <ALVIS<

MD	20754	SAKDA <SATHIRAREUANGCHAI<
MD	20755	JASON A <POFF<
MD	20756	JONATHAN DAVID <LARSON<
MD	20757	MADHURA G <JOAG<
MD	20758	NICHOLAS A <POKRAJAC<
MD	20759	TONY E <YUSUF<
MD	20760	ANDRZEJ P <KUDELKA<

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MDR	7832	JESSICA S <KIM<
MDR	7833	ANISH R <RAJ<
MDR	7834	VINCENT <BOSTON<
MDR	7835	AMY E <MARKS<
MDR	7836	PAUL A <NICHOLSON<
MDR	7837	ARIELLE <FILIBERTI<
MDR	7838	NATHAN F <MARCINKOWSKI<
MDR	7839	KRISTIN R <PARRINELLA<
MDR	7840	CORTNEY A <TAYLOR<

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AMD	949	BRIANA A <BROWNHILL<
AMD	950	JASON C <GEORGE<

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DOS	2021	DARCIE M <TAKEMOTO<
DOS	2022	NATASHA J <PYZOCHA<
DOS	2023	DAVID Z <KALIR<
DOS	2024	NIRAJ C <PATEL<
DOS	2025	ANJALI S <MARBLE<
DOS	2026	PATRICK M <NICHOLS<
DOS	2027	AARON P <BURCH<

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EMT	2959	SAMANTHA LEA <SAUFLEY<
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EMTP	2266	ROBERT H <OLSON<
EMTP	2267	CHARLENE M <ROAQUIN<