

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, May 09, 2019

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
Sharon "Shay" Bintliff, M.D., Hawaii 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

Excused: Maria Chun, Ph.D., Public Member

Guests: Keith Ridley, State of Hawaii Department of Health
Vincent Tenorio

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

Approval of the April 11, 2019, Minutes: It was moved by Vice-Chair Halford, seconded by Dr. Bintliff, and unanimously carried to approve the minutes of the open session and the minutes of the executive session of the April 11, 2019, meeting as circulated.

It was moved by Vice-Chair Halford, seconded by Dr. Sept, and unanimously carried to discuss agenda item 6.a. out of order in order to better facilitate discussion on this matter.

Introduction of
Guests:

Chair Geimer-Flanders welcomed Keith R. Ridley, Chief, Office of Health Care Assurance. Mr. Ridley, Board members and staff introduced themselves.

Correspondence:

- a. Letter from Keith R. Ridley, Chief, Office of Health Care Assurance, dated April 4, 2019, inquiring whether a statutory exemption is required to allow out-of-state physicians employed by the Veterans Administration to practice medicine in Hawaii licensed health care facilities, agencies, or organizations.

Chair Geimer-Flanders asked Mr. Keith R. Ridley, Chief, Office of Health Care Assurance ("OHCA") if he would like to address the Board members before the Board discussed the matter.

Mr. Ridley thanked Chair Geimer-Flanders. He gave a short summary of the functions that OHCA performs and further explained that, because licensure of individual physicians is under the jurisdiction of the Hawaii Medical Board, the Department of Health was not in a position to interpret Section 453-2(b)(3), HRS, on whether out-of-state licensed physicians employed by the Veterans Affairs ("VA") are allowed to practice medicine in Hawaii licensed health care facilities, agencies, or organizations such as Home Health Agencies ("HHA"). He also asked if there is not an exemption to the Board's licensing laws, would one be required.

Mr. Ridley stated that OHCA would like to inquire as to the intent of the Board in providing or not providing certain licensure exemptions. Was it the intent of the Medical Board to not extend an exception to VA physicians or physicians credentialed by the VA or would the Medical Board consider expanding the exception contained in HRS section 453-2(b)(3), which states, in relevant part, that:

- (b) Nothing herein shall:
- (3) Apply to any commissioned medical officer in the United States armed forces or public health service engaged in the discharge of one's official duty, including a commissioned medical officer employed by the United States Department of Defense, while providing direct telehealth support or services to neighbor island beneficiaries within a Hawaii National Guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the commissioned medical officer employed by the United States Department of Defense is credentialed by Tripler Army Medical Center.

Discussion followed. Ms. Quiogue clarified that it was the Hawaii State Legislature, not the Board, that enacts statutes, including the exceptions for licensure as referenced above, to apply only to commissioned medical

officers in the United States armed forces or public health service engaged in one's office duty. The Legislature, based on the above statutory language, did not provide for the exceptions to licensure to be more expansive.

Chair Geimer-Flanders informed Mr. Ridley that, because she works at the Tripler Army Medical Center, she was asked about this matter about five (5) years ago. Her opinion on the matter is that the facilities need to follow the federal law for Medicare/Medicaid certified facilities, which requires that physicians are licensed in the state where they are practicing or providing services. Chair Geimer-Flanders stated that she believes this requirement exists to allow state medical and osteopathic boards to protect the public.

For example, Chair Geimer-Flanders stated that it appears that, if it were the Board's opinion that private insurance companies, such as HMSA, may reimburse for the services provided by out-of-state licensed physicians, it would essentially provide an approval for an out-of-state licensed physician to practice in Hawaii without first obtaining a license by the Board.

Chair Geimer-Flanders asked DAG Wong and Ms. Quiogue whether they agreed with her statement.

Ms. Quiogue stated that, in her opinion, it is important to consider the intent that the Legislature had in providing the specific exemptions listed in HRS section 453-2; whether the Legislature intended to limit or to expand the instances when a physician may practice without acquiring a State license. She went on to say that issues regarding reimbursement for services provided by physicians, whether licensed in Hawaii or not, are not issues under the Board's jurisdiction.

DAG Wong expressed her agreement with Ms. Quiogue.

Mr. Ridley added that, similarly, the issue of reimbursement is not under the authority of the State Department of Health, OHCA. Also, OHCA has no regulatory authority over health care professionals. It only has regulatory authority over health care facilities that are licensed by OHCA. Currently, Hawaii Administrative Rules ("HAR") chapter 11-97 is interpreted to mean that Hawaii-licensed Home Health Agencies ("HHA") could only accept patients from Hawaii licensed physicians.

Ms. Quiogue summarized the discussion to say that it would appear that the answer to OHCA's first question of what was the Board's intent would be that the exemptions intended to narrowly define the cases where an exemption would be allowed: specifically, any commissioned medical officer on the United States armed forces or public health service engaged in the discharge of one's official duty.

Ms. Quiogue also addressed the Board members, and asked them to address the second question, whether the Board would consider amending its statutes to expand the exemptions to include VA physicians, so that OHCA regulated facilities are allowed to accept direct referrals of VA patients from VA patients who are not licensed in Hawaii.

Ms. Quiogue referred to page 3 of Mr. Ridley's letter, which provides that "the VA recently acknowledged that patient access to HHAs is not an issue. The VA raised this issue solely to streamline its referral process. Currently, VA physicians refer their VA patients to Hawaii-licensed physicians for further referral into state licensed HHAs."

The Board members expressed their opinion that they were not inclined to consider expanding exemptions from licensure in this instance.

Chair Geimer-Flanders stated that the Board was charged with the protection of the public and that expanding exemptions from licensure would be contrary to the Board's responsibility protect the public.

Ms. Quiogue asked if any of the Board members were of a different opinion or wanted to add something else to this discussion.

The Board members responded in the negative.

It was moved by Vice-Chair Halford, seconded by Dr. Holt, and unanimously carried to authorize the Board's Executive Officer to summarize the Board's discussion on this matter and provide a written response to OHCA.

Mr. Ridley left the meeting room at 1:12 p.m.

Adjudicatory
Matters:

None

Applications for
License/
Certification:

a. Applications:

It was moved by Dr. Bintliff, seconded by Vice-Chair Halford, and unanimously carried to enter into executive session at 1:13 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) Physician (Permanent):

a. Glenn A. Burket, III, D.O.

- b. Christopher T. Koch, M.D.
 - c. Gary P. MacDonald, D.O.
 - d. Juan E. Manzur, M.D.
 - e. Robert L.G. Stears, M.D.
 - f. Eugene F. Tareshawty, Jr., M.D.
 - g. Conrad J. Tirre, M.D.
 - h. Patrick C. Yeakey, M.D.
 - i. Frank D. Yelian, M.D.
- (ii) Physician (Endorsement):
- a. Adam R. Hecht, M.D.
 - b. Alfred H. Seekamp, M.D.
 - c. Tess B. VanHoy, M.D.
- (iii) Physician Assistant:
- a. Joanna Kong, PA-C
- (iv) Emergency Medical Personnel:
- a. Cameron I. Bucek, Paramedic
 - b. Desmond K. McNeal, Paramedic
 - c. Chance R. Shaffner, Paramedic
- (v) Request to have the conditions removed from the conditional license:
- a. Christopher "Scott" Acree, PA-C

It was moved by Dr. Egami, seconded by Dr. Sept, and unanimously carried to return to the open meeting at 2:19 p.m.

Applications for License/

- a. Applications:

Certification:

It was moved by Chair Geimer-Flanders, seconded by Dr. Bintliff, and unanimously carried to approve the following applications:

- (i) Physician (Permanent):
 - a. Glenn A. Burkett, III, D.O.
 - b. Christopher T. Koch, M.D.
 - c. Gary P. MacDonald, D.O.
 - f. Eugene F. Tareshawty, Jr., M.D.
 - g. Conrad J. Tirre, M.D.
 - i. Frank D. Yelian, M.D.
- (ii) Physician (Endorsement):
 - b. Alfred H. Seekamp, M.D.
 - c. Tess B. VanHoy, M.D.
- (i) Physician (Permanent):
 - d. Juan E. Manzur, M.D.

After due consideration of the information received, it was moved by Dr. Akaka, seconded by Dr. Young, and unanimously carried to deny Dr. Manzur's application for licensure.

The Board based its decision on the following grounds of the Hawaii Revised Statutes ("HRS") and Hawaii Administrative Rules ("HAR"), which find factual support in the records and files of Dr. Manzur'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; and
- (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 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;
- (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;

- (17) Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

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; and
- (3) If the applicant has had disciplinary action taken by any jurisdiction, including any federal or state regulatory body.

In addition, the Board members stated that Dr. Manzur 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; and
- (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.

e. Robert L.G. Stears, M.D.

After due consideration of the information received, it was moved by Dr. Holt, seconded by Dr. Dao, and unanimously carried to defer Dr. Stears's application for licensure pending submission of additional information.

h. Patrick Yeakey, M.D.

After due consideration of the information received, it was moved by Dr. Young, seconded by Dr. Sept, and unanimously carried to defer Dr. Yeakey's application pending submission of additional information.

(ii) Physician (Endorsement):

a. Adam R. Hecht, M.D.

After due consideration of the information received, it was moved by Dr. Holt, seconded by Vice-Chair Halford, and unanimously carried to defer Dr. Hecht's application pending submission of additional information.

(iii) Physician Assistant:

a. Joanna Kong, PA-C

After due consideration of the information received, it was moved by Dr. Egami, seconded by Dr. Young, and unanimously carried to approve Ms. Kong's application for licensure and to issue Ms. Kong a non-disciplinary letter of education to remind her of her responsibility as a physician assistant to disclose and provide information truthfully and accurately at all times.

(iv) Emergency Medical Personnel

a. Cameron I. Bucek, Paramedic

After due consideration of the information received, it was moved by Dr. Young, seconded by Dr. Dao, and unanimously carried to approve Mr. Bucek's application for licensure and to issue Mr. Bucek a non-disciplinary letter of education to remind him of his responsibility as a health care practitioner to respect a patient's privacy at all times.

b. Desmond K. McNeal, Paramedic

After due consideration of the information received, it was moved by Dr. Dao, seconded by Dr. Holt, and unanimously carried to defer Mr. McNeal's application for licensure pending submission of additional information.

(iii) Request to have the conditions removed from the conditional license:

a. Christopher "Scott" Acree, PA-C

After due consideration of the information received, it was moved by Vice-Chair Halford, seconded by Dr. Bintliff, and unanimously carried to approve Mr. Acree's request to have the conditions removed from his conditional license.

Applications for License/
Certification:

b. Ratifications:

(i) List

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

Mr. Tenorio entered the meeting room at 2:21 p.m.

Legislation:

a. SB1406, SD1, HD2 Relating to Health

The purpose of the bill is to require supervision of physician assistants by physician groups. Permits supervising physicians or groups to establish practice-appropriate record review policies. Establishes continuing education requirements and authorizes audits to enforce compliance. Clarifies provisions relating to forfeiture and reinstatement of a license.

Ms. Quiogue informed the Board members that SB1406, SD1, HD2 was enrolled to the Governor on April 18, 2019, but has not been signed into law.

b. HB665, HD2, SD1 Relating to the Electronic Prescription Accountability System

The purpose of the bill is to specify that a health care provider shall not be required to consult the electronic prescription accountability system for patients when the prescription will be directly administered under the supervision of a health care provider; provided that the system is consulted when the patients are initially admitted at a hospital; for patients in post-operative care with a prescription limited to a three-day supply; or for patients with a terminal disease receiving hospice or other palliative care.

Ms. Quiogue provided the following update: the Conference Committee passed this measure with amendments, it passed Final Reading as amended in CD1, and was transmitted to the Governor on May 1, 2019.

Advisory

a. Emergency Medical Personnel

Committees:

None.

a. Physician Assistants

None.

a. Podiatrists

None.

Open Forum: None.

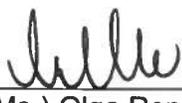
Next Meeting: Thursday, June 13, 2019
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 2:29 p.m.

Reviewed and approved by:

Taken and recorded by:


for (Ms.) Ahlani K. Quiogue
Executive Officer


for (Ms.) Olga Reppun
Secretary

AKQ:or
06/01/19

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(x)

Minutes approved as is.

Minutes approved with changes: see minutes of the June meeting.

HAWAII MEDICAL BOARD 04/11/2019-RATIFICATION LIST

LTYPE LIC NUM BP NAME PART 1

MD	20264	DAVIS <LIU<
MD	20265	SHOTA <YAMAMOTO<
MD	20266	PATRICIA E <VAN LEER<
MD	20267	JAMES F <HAMMEL<
MD	20268	DAVID S <GOROVOY<
MD	20270	ADAM <STIVALA<
MD	20271	NEEMA J <PATEL<
MD	20272	LANDON MATTHEW <PRATT<
MD	20273	MARY ROSE L <NINO<
MD	20274	KELCY G <HIGA<
MD	20275	BERND G <LAUBER<
MD	20276	DAN CONG <PHAN<
MD	20277	LISA M <YOUNG-PRENDERGAST<
MD	20278	GINA B <WILSON<
MD	20279	JORDAN M <KONO<
MD	20280	TAJ M <KATTAPURAM<
MD	20281	JANICE JEEHYUN <HWANG<
MD	20282	MARINA E <HITOSUGI-LEVESQUE<
MD	20283	JATINDER <LACHAR<
MD	20284	SALLY K <MARKEE<
MD	20285	ARPEE F <YERETZIAN<
MD	20286	ERIC GERARD <YOUNG<

MD	20287	HANNAH V <SCHMITZ<
MD	20288	CHRISTOPHER <LEE-MESSER<
MD	20289	OWEN P <PALMER<
MD	20290	RODRIGO JOSE <FERNANDEZ<
MD	20291	KATHLEEN ELIZABETH <MIN<
MD	20292	MATTHEW T <HOFFMAN<
MD	20293	RANJITHA <VEERAPPAN<
MD	20294	JENNIFER K <ROSSI<
MD	20295	HUMA K <MIRZA<
MD	20296	JENNIFER GRACE <LEE<
MD	20297	VICTOR W <GALSON<
MD	20298	STEVEN O <BOSSINGER<
MD	20299	SAMIA A <KHWAJA<
MD	20300	LAWRENCE S <LIEBMAN<
MD	20301	CAROL H <ROEDER<
MD	20302	CALVIN A <SELWYN<
MD	20303	JAMISON N <WYATT<
MD	20304	ANDREW J <MARTIN<
MD	20305	DAVID KAI-MING <TSO<
MD	20306	KRISTIN E <HIRABAYASHI<
MD	20307	SANAH <CHRISTOPHER<
MD	20308	FIONA M <BAUMER<
MD	20309	VINCENT C <GIANI< JR
MD	20310	CAMERON M <CUMMINGS<
MD	20311	ALEXANDER Y <HUH<

MD	20312	JARED SCOTT <MAHAN<
MD	20313	TODD <KLINE<
MD	20314	ANDREW <MEDENDORP<
MD	20315	JOSHUA D <MORAIS<
MD	20316	JOSIE J <POKORNY<
MD	20317	SAJID <JALIL<
MD	20318	TEJA V <SURAPANENI<
MD	20319	JENNIFER E <WARREN<
MD	20320	ALEX S <MOHSENI<
MD	20321	NICHOLAS S <FERN<
MD	20322	LESLIE ANN <RUDZINSKI<
MD	20323	MARK T <BERNARDI<
MD	20324	ANDREW J <SUN<
MD	20325	AMANDA B <REED-MALDONADO<
MD	20326	ROBERT Y <KANTERMAN<
MD	20327	ANDREW J <RUEGE<
MD	20328	RASHIDA <HENDERSON<
MD	20329	MICHAEL C <JACOBSON<
MD	20330	ROBIN L <ROSE<

MDR	7675	JESUS <GRANADOS<
MDR	7676	ELIZABETH N <TEAL<
MDR	7677	BRITNI <BOYD<
MDR	7678	SAHAR <MORKOS EL HAYEK<
MDR	7679	BRENT D <FIECHTER<

MDR 7680 BETTY Y <YANG<
MDR 7681 STEPHANIE <ROUSSEAU<

AMD 900 TODD A <CASKEY<
AMD 901 CODY M <BAKKEN<
AMD 902 ADAM <PICKER<
AMD 903 DAEYUN <KIM<
AMD 904 MARIE I <THOMAS<
AMD 905 NANETTE A <BOWEN<
AMD 906 GRETCHEN R <NAKAMA<
AMD 907 REBECCA L <PUETZ<
AMD 908 EVAN C <ROWLEY<
AMD 909 ROBERT A <MCPHERSON<
AMD 910 SYBILLE M <BAUMELER<
AMD 912 BENTON C <KINNEY<

DOS 1961 DRAION M <BURCH<
DOS 1962 SEAN R <COSTELLO<
DOS 1963 MATTHEW C <LINDEN<
DOS 1964 CHIHUI <YUAN<
DOS 1965 MINDY L <CHEN<
DOS 1966 ANKIT <MALIK<
DOS 1967 ELISE J <BARNEY<
DOS 1968 KELSEY L <RHODES<
DOS 1969 JENNIFER A <FRANGOS<

DOS	1970	KAROLINA W <DEMBINSKI<
DOS	1971	NICHOLAS P <FRANKLIN<
DOS	1972	JAMES A <SMITH<
DOS	1973	LEONARD K <DUNIKOSKI<
DOS	1974	JESSICA R <COX<
DOS	1975	NICOLE L <WADE<

PO	229	ANIELA <CORDOBA<
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EMT	2903	KYLEE J R <CLARK<
EMT	2904	STEVEN E <SCHABERT<

EMTP	2254	MARLON R <CEZAR<
EMTP	2255	JORDON K <TAKAKURA-PUHA<
EMTP	2256	STEPHEN C <NACY<

EMTA	38	JESSICA M <STANFIELD<
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