

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, December 13, 2018

Time: 1:00 p.m.

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

Present: Peter Halford, M.D., Vice-Chairperson, Oahu Member
Gerard K. Akaka, M.D., Oahu Member
Sharon "Shay" Bintliff, M.D., Hawaii Member
Maria Chun, Ph.D., Public 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: Jone Geimer-Flanders, D.O., Chairperson, Oahu Osteopathic Member

Guests: Lei Fukumura, DCCA-PVL, Special Deputy Attorney ("SDAG")
Vincent Tenorio, PA-C

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

Approval of the November 05, 2018, Minutes: It was moved by Dr. Dao, seconded by Dr. Sept, and unanimously carried to approve the minutes of the executive session and the minutes of the open session of the November 05, 2018, meeting as circulated.

Adjudicatory Matter: Vice-Chair Halford called for a recess from the meeting at 1:02 p.m. to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS:

- a. In the Matter of the License to Practice Medicine of Jeffrey D. Lovin, M.D.: MED 2017-47-L

After discussion, it was moved by Dr. Sept, seconded by Dr. Young, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"- "5".

Following the Board's review, deliberation, and decision in this matter pursuant to Chapter 91, HRS, Vice-Chair Halford announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:06 p.m.

SDAG Fukumura was excused from the meeting room at 1:06 p.m.

Applications for
License/
Certification:

- a. Applications:

It was moved by Dr. Holt, seconded by Dr. Akaka, and unanimously carried to enter into executive session at 1:06 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. June S. Chen, M.D.
- b. Glenn D. Cunningham, M.D.
- c. Lara E. Stewart, D.O.
- d. John T. Carroll, M.D.
- e. Trina Chakravarty, M.D.
- f. Varun Choudhary, M.D.
- g. Carrie Colmenares Roys, M.D.
- h. Timothy A. Conner, M.D.
- i. Susan A. Garand, D.O.
- j. Matthew H. Greenspan, M.D.
- k. Joseph S-H Kim, M.D.

- l. Kevin-Sean A. McGann, D.O.
- m. Roy Opshahl, M.D.
- n. Mark R. Rogers, M.D.
- o. Christopher J. Rubel, M.D.
- p. Warren B. Sparks, M.D.

Dr. Young recused herself from the discussion of Dr. Sparks's application and was excused from the meeting room from 1:55 p.m. to 1:57 p.m.

- q. Eric S. Teitel, M.D.
- r. Beth E. Yegerlehner, M.D.

(ii) Physician Assistant:

- a. Timothy R. Smith, PA-C

(iii) Emergency Medical Personnel:

- a. Carrisa C. Ellison, Paramedic

(iv) Request for Sponsorship to Retake USMLE Step 3:

- a. Victor N-O Ashbey, M.D.

(v) Request for Reconsideration:

- a. Brianne MacKenzie, M.D.

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

It was moved by Dr. Egami, seconded by Dr. Akaka, and unanimously carried to grant Dr. MacKenzie's request for reconsideration and to accept and review the following additional information:

1. Letter dated November 26, 2018, from Diana Wilkins, MD, Assistant Dean for Graduate Medical Education, Clinical Assistant Professor, Department of Family

Medicine, University of Buffalo, Jacobs School of
Medicine and Biomedical Sciences; and

2. Letter dated November 27, 2018, from Jennifer M. Corliss, MD, Family Medicine Residency Program Director, University of Buffalo, Jacobs School of Medicine and Biomedical Sciences.

It was moved by Dr. Sept, seconded by Dr. Akaka, and unanimously carried to enter into executive session at 2:13 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.

- b. Douglas R. Mailman, M.D.

It was moved by Dr. Sept, seconded by Dr. Akaka, and unanimously carried to return to the open meeting at 2:30 p.m.

Mr. Tenorio entered the meeting room at 2:32 p.m.

Applications for
License/
Certification:

- a. Applications:

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

- (i) Physician (Permanent):

- c. Lara E. Stewart, D.O.
- d. John T. Carroll, M.D.
- f. Varun Choudhary, M.D.
- g. Carrie Colmenares Roys, M.D.
- h. Timothy A. Conner, M.D.
- i. Susan A. Garand, D.O.
- j. Matthew H. Greenspan, M.D.
- k. Joseph S-H Kim, M.D.
- l. Kevin-Sean S. McGann, D.O.

- m. Roy Opshahl, M.D.
- q. Eric S. Teitel, M.D.
- r. Beth E. Yegerlehner, M.D.

(i) Physician (Permanent):

- a. June S. Chen, M.D.

After due consideration of the information received, it was moved by Vice-Chair Halford, seconded by Dr. Bintliff, and unanimously carried to approve Dr. Chen's application for licensure pending submission of a revised application and to issue a non-disciplinary letter of education reminding Dr. Chen of her responsibility as a physician to disclose and provide accurate and complete information at all times.

- b. Glenn Cunningham, M.D.

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

- e. Trina Chakravarty, M.D.

After due consideration of the information received, it was moved by Dr. Dao, seconded by Dr. Egami, and carried by a majority, with the exception of Dr. Chun, who abstained from voting, to approve Dr. Chakravarty's application for licensure pending submission of a revised application and to issue a non-disciplinary letter of education reminding Dr. Chakravarty of her responsibility as a physician to disclose and provide accurate and complete information at all times.

- n. Mark R. Rogers, M.D.

After due consideration of the information received, it was moved by Dr. Egami, seconded by Dr. Bintliff, and unanimously carried to deny Dr. Rogers'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. Rogers'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;
- (7) Professional misconduct, hazardous negligence causing bodily injury to another, or manifest incapacity in the practice of medicine or surgery;
- (8) Incompetence or multiple instances of negligence, including but not limited to the consistent use of medical service, which is inappropriate or unnecessary;
- (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; and
- (11) Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege.

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:

* * *

- (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; 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. Rogers 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; and
- (IV) A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.

- o. Christopher J. Rubel, M.D.

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

p. Warren B. Sparks, M.D.

After due consideration of the information received, it was moved by Dr. Sept, seconded by Dr. Bintliff, and carried by a majority, with the exception of Dr. Young, who recused herself from the discussion and vote on this application, to approve Dr. Sparks's application for licensure.

(ii) Physician Assistant

a. Timothy Smith, PA-C.

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

(iii) Emergency Medical Personnel:

a. Carrisa C. Ellison, Paramedic

After due consideration of the information received, it was moved by Dr. Holt, seconded by Dr. Sept, and unanimously carried to approve Ms. Ellison's application for licensure.

(iv) Request for Sponsorship to Retake USMLE Step 3

a. Victor N-O Ashbey, M.D.

After due consideration of the information received, it was moved by Dr. Akaka, seconded by Mr. Puleasi, and unanimously carried to approve Dr. Ashbey's application for licensure and request for sponsorship to retake USMLE Step 3.

(v) Request for Reconsideration:

a. Brianne MacKenzie, M.D.

After due consideration of Dr. MacKenzie's request and the additional information as referenced above, it was moved by Vice-Chair Halford, seconded by Dr. Bintliff, and carried by a majority, with the exception of Dr. Sept and Dr. Chun who opposed the

motion, to remove the conditions on Dr. MacKenzie's Hawaii Medical License, License No. MD-20045, with stipulations.

The Board notes that Dr. MacKenzie's request for reconsideration dated November 21, 2018, states that the "University of Hawaii had rescinded [her] training contract." Based on this rescission of the training contract, it is the Board's understanding that Dr. MacKenzie is no longer eligible for a J-1 Visa, thus, it was determined that Dr. MacKenzie is no longer meets the requirements for licensure pursuant to Hawaii Revised Statutes §§ 436B-10(a)(6) and 436B-10(b)(2). As such, the Board determined that it will allow the removal of the conditions from Dr. MacKenzie's license with the stipulation that:

1. Dr. MacKenzie agrees to not practice medicine in Hawaii for the duration of her license, present date to January 31, 2020; and
2. On January 31, 2020, or sooner, Dr. McKenzie agrees not to renew her Hawaii Medical License, License No. MD-20045. Dr. MacKenzie may not practice, renew, restore, or reapply for a license until she submits proof that she is a United States citizen, a United States national, or an alien authorized to work in the United States.

b. Douglas R. Mailman, M.D.

After due consideration of the information received, it was moved by Vice-Chair Halford, seconded by Dr. Dao, and unanimously carried to amend Condition No. 3 of Dr. Mailman's conditional license MD-20017, to read:

Prior to beginning the limited practice of out-patient general pediatric medicine, Dr. Mailman shall provide a copy of this letter to his prospective employer in the State of Hawaii. Dr. Mailman's prospective employer shall submit to the Board, within thirty (30) days of an offer of employment, written confirmation of this letter and information regarding Dr. Mailman's practice setting. Dr. Mailman's practice setting shall be approved by the Board prior to his working. Dr. Mailman's prospective employer shall include the following information for the Board's consideration: 1) the name(s) of your employer(s); 2) physical and mailing address of practice; 3) patient population served by the practice (age range); and 4) any other information relevant for the Board to make an

informed decision. This information shall be mailed or emailed to:

Ahlani K. Quiogue, Executive Officer
Hawaii Medical Board
P.O. Box 3469
Honolulu, Hawaii 96801
aquiogue@dcca.hawaii.gov

This amendment allows Dr. Mailman's prospective employer thirty (30) days from an offer of employment to notify the Board of Dr. Mailman's practice setting instead of thirty (30) days from the date of the Board's letter as the original condition required.

Applications for
License/
Certification:

b. Ratifications:

(i) List

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

Proposed
Legislation

a. Relating to Mental Health

The Board members reviewed a proposed bill, which would amend HRS § 577-29 **Mental services relating to minors; diagnosis, counseling, and related activities** to authorize mental health professionals under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors [fourteen (14) years of age or older].

Generally, this proposed bill would allow a mental health professional to provide mental health treatment or counseling services to a minor without a parent or guardian's authorization if it is determined that the involvement would be inappropriate.

Discussion followed. Dr. Bintliff expressed her concerns with this proposal, and stated that it is her belief that a parent or guardian's authorization should be obtained prior to any type of service being provided.

Playing the devil's advocate, Dr. Akaka conveyed that there are situations in which the parent or guardian could be the perpetrator or offender, thus, it would be in the best interest of the minor that the parent or guardian not be directly involved in authorizing the mental health treatment or counseling service.

The Board noted that this bill did not propose any amendments to

HRS Chapters 453 or 436B. As such, it was moved by Dr. Sept, seconded by Dr. Bintliff, and unanimously carried that the Board will take no position on this proposed bill.

Ms. Quiogue advised the Board members that if anyone would like to address the issues of this proposed bill, they can do it as individuals or through their professional organizations.

Federation of
State Medical
Boards:

- a. 2018 Annual Report on the USMLE to the Medical Licensing Authorities in the United States

Ms. Quiogue stated that the 2018 Annual Report on the USMLE to the Medical Licensing Authorities in the United States ("2018 USMLE Report") is provided to the Board for informational purposes only.

The 2018 USMLE Report was prepared by the Federation of State Medical Board of the United States, Inc. and the National Board of Medical Examiners. This report is intended to provide state medical boards with an overview of the USMLE program and updates that may be of interest to board staff and members. The report also includes USMLE performance data and summary of state medical boards' interactions with the USMLE program.

Advisory
Committees:

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

Open Forum: None.

Next Meeting: Thursday, January 17, 2018
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: The meeting adjourned at 2:40 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Ahlani K. Quiogue

/s/ Olga Reppun

(Ms.) Ahlani K. Quiogue
Executive Officer

(Ms.) Olga Reppun
Secretary

AKQ:or
01/10/19

(x) Minutes approved as is.
() Minutes approved with changes: see _____

HAWAII MEDICAL BOARD 12/13/2018 - RATIFICATION LIST

LTYPE LIC NUM BP NAME PART 1

MD	20025	CLAUDIA T <SADRO<
MD	20026	MICHAEL S <HEPFER<
MD	20027	TUSHAR M <GORADIA<
MD	20028	CURTIS S F <WONG<
MD	20029	DAVID ANDREW <PHILIPS<
MD	20030	JESSICA H <MORRIS<
MD	20031	MARK O <OWOLABI<
MD	20032	DIANA M <MALONE<
MD	20033	QUYNH-LAN V <NGUYEN<
MD	20034	SHAUNA P <STUPART<
MD	20035	MATIAS R <GNASS<
MD	20036	CASEY MARIE <PHAN<
MD	20037	JAIME D <STRINGER<
MD	20038	ROBERT S <REDLICH<
MD	20039	AIMEE SOYUN <PAIK<
MD	20040	JOHN CALEB <RICHARDS<
MD	20041	MARKOS D <EMMANOUEL<
MD	20042	TAMARA K <ZAGUSTIN<
MD	20043	MAGDALENA J <BAKOWITZ<
MD	20044	JON PATTERSON <GATES<
MD	20045	BRIANNE <MACKENZIE<

MD	20046	JULIA M <GREENE<
MD	20047	ROY J <SIRAGUSA<
MD	20048	ELISA E <AUMONT<
MD	20049	WEN-YEE < TSAI<
MD	20050	ROBERT RAYMOND <KOCH<
MD	20051	HASSANA A <IBRAHIM<
MD	20052	PAUL GRAHAM <FISHER<
MD	20053	DAVID H <DICKEY<
MD	20054	VIJAY P <AGARWAL<
MD	20055	CARLOS M <DIBBLE<
MD	20056	SAMUEL I <SAMUEL<
MD	20057	FREDRIC CHARLES <WOLLETT<
MD	20058	JAMES M <ADAMS<
		MICHAEL CHUNG-HOU
MD	20059	<CHIANG<
MD	20060	JORGE E <GUZMAN<
MD	20061	JASON D <HUGHES<
MD	20062	JULIE ANN <JACOB<
MD	20063	SIAMAK <KARIMIAN<
MD	20064	LEONA A <HOLMBERG<
MD	20065	JOEL A <HYDUKE<
MD	20066	JULIET K <KNOWLES<
MD	20067	OUSSAMA <NACHAR<
MD	20068	SHEILAJA <MITTAL<
MD	20069	DIANA P <LEWIS<
MD	20070	WALKER DAVID <BROOKS<
MD	20071	JASON K <GENTILE<

MD 20072 MATTHEW <BLACKE<
MD 20073 BENJAMIN <BROWN<
MD 20074 SANDERS <CHAI<
MD 20075 LISA <DOYLE<
MD 20076 RYAN MATTHEW <HARRIS<
MD 20077 THOMAS E <LAWRENCE<
MD 20078 FORREST <SWAN< JR
MD 20079 TREVAN M <RANKIN<
MD 20080 SUSAN K <GUY<
MD 20081 JOHN J <NIGRO<
MD 20082 LINDA SUEANNA <WYLIE<
MD 20083 STEPHEN G <NYCHAY<
MD 20084 CALEB P <CANDERS<
MD 20085 MARK WILLIAM <JENNINGS<
MD 20086 DAVID <NG<
MD 20087 DANIEL C <BARR<
MD 20088 KAREN R <JOHNSTON<
MD 20089 JIN SANG <HAHN<
MD 20090 RYOTARO <KATO<
MD 20091 ERIN N <WILMER<
MD 20092 VIJETA <SHUKLA<
MD 20093 ALICIA K <SANCHEZ<
MD 20094 PAUL J <SPILOTRO<
MD 20095 PAUL R <DIAZ<
MD 20096 HYUNMI <KIM<
MD 20097 AJA <MORNINGSTAR<

MD 20098 RACHEL L <KYLER<
MD 20099 MARK ROBERT <GREEN<
MD 20100 KISHORKUMAR N <PAREKH<

MDT 4087 BRYAN PHILIP <FONG<

MDR 7638 ETHAN <TSENG<
MDR 7639 JACQUELINE E <KURTH<
MDR 7640 ANDREW M <HYDEN<
MDR 7641 ADRIENNE L <YIP<
MDR 7642 MEGAN <ORLANDO<
MDR 7643 KONRAD <KARASEK<
MDR 7644 ANDREA K <BOUMAN<
MDR 7645 JOSHUA J <FAUCHER<
MDR 7646 LAUREN L <WESTOVER<
MDR 7647 MADELINE <YOGMAN<

AMD 874 BROOKS <HAMMOND<
AMD 875 AARON R <GRINSTEIN<
AMD 876 SCOTT C <GARDNER<
AMD 877 JAMES A <RULEY<
AMD 878 JARED P <SPACKMAN<

DOS 1938 CALEB D <HIXSON<
DOS 1939 COLE R <BURR<
DOS 1940 ANN-MARIE <BUSICK<

DOS 1941 BRADLEY J <PIEKIELKO<

DOS 1942 RICHARD D <HORAK<

EMT 2876 LEONARD A <PADILLA<

EMT 2877 ZIA MAE M <ROSUMAN<

EMT 2878 TAYLOR JAMES <BRESHEARS<

EMTP 2233 NATHAN J <WOOD<

EMTP 2234 ALLISON K <SLACK<

EMTP 2235 NATACIA <GARCIA<