

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 8, 2011

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
Brian E. Cody, Public Member, Vice-Chairperson
Gerard K. Akaka, M.D., Oahu Member
Sharon "Shay" Bintliff, M.D., Hawaii Member
Les Barrickman, D.O., Oahu Member
Peter C. Chin, M.D., Maui Member
Niraj S. Desai, M.D., Kauai Member
Thomas S. Kosasa, M.D., Oahu Member
Palasi Puleyasi, Public Member
Karen E. Sept, D.O., Oahu Member
Carl K. Yorita, M.D., Oahu Member
Shari Wong, Deputy Attorney General ("DAG")
Constance I. Cabral, Executive Officer
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Guests: Lei Fukumura, Special Deputy Attorney General
Lorrin Kau, Attorney
Zachary W. Spinuzzi M.D., Applicant
Bob Grossman, Hawaiian Eye Foundation
Jeffrey Rutgard M.D., Applicant
Tyrie Jenkins, M.D.
Vincent Tenorio, PA-C
Ricardo Custodio, ATSU-School of Osteopathic Medicine, Waianae
Benson Chau, ATSU-SOMA
Hanh Nguyen, ATSU-SOMA
Dave McMurray, ATSU-SOMA
Lorraine Majewski, ATSU-SOMA
Sharon Chi, ATSU-SOMA

Quincy Sa'ena, ATSU-SOMA
Samuel Galima, ATSU-SOMA
Jason Ie, ATSU-SOMA
Cecilia Dinh, ATSU-SOMA
N. Mahealani Lum, ATSU-SOMA

Call to
Order:

The meeting was called to order at 1:10 p.m. at which time quorum was established.

Chair Takanishi welcomed guests from the ATSU-School of Osteopathic Medicine, Waianae.

The following agenda items were taken out of order.

Additions/
Revisions to
Agenda:

None.

Adjudicatory
Matters:

Chair Takanishi called for a recess from the meeting at 1:11 p.m. to discuss and deliberate on the following adjudicatory matter pursuant to HRS Chapter 91.

- (a) Thomas L.V. Lodi, M.D.; MED-LIC-2002-3, MED-LIC-2004-1, MED-LIC-2006-1

Lorri Kau, attorney for Dr. Lodi and Lei Fukumura, Special Deputy Attorney General, were present at the Board meeting.

Dr. Chin arrived at 1:27 p.m.

Dr. Akaka arrived at 1:30 p.m.

Dr. Akaka informed the Board that he will be recusing himself from any discussion and decision-making on this matter.

After oral argument from Mr. Kau and SDAG Fukumura, it was moved by Dr. Sept, seconded by Dr. Barrickman and carried by a majority (with Dr. Akaka recusing himself) to adopt the Board's Proposed Final Order as the Board's Final Order.

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Chair Takanishi announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 2:26 p.m.

Applications for
License/
Certification:

c. Request for Reconsideration

Michele J. Lea-Stokes, M.D.

The Chair announced that this application will be deferred pursuant to Dr. Lea-Stokes' attorneys' request.

b. Applications:

It was moved by Mr. Cody, seconded by Dr. Chin, and unanimously carried to enter into executive session at 2:26 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.

Julia L. Bruce, M.D.
Trissy M. Chun, M.D.
Stephen C. Lazaro, M.D.
Arabella I. Leet, M.D.
Rebecca J. O'Rourke, M.D.
Hoang Phan, M.D.
Jeffrey J. Rutgard, M.D.
Douglas M. Sides, M.D.
John S. Slaven, M.D.
Richard W. Terry, M.D.
Gary R. Woodworth, M.D.
Samuel Biddle, EMT-B
Zachary W. Spinuzzi, M.D.

It was moved by Mr. Cody, seconded by Dr. Desai and unanimously carried to return to the open meeting at 4:02 p.m.

Approval of the
November 10, 2011
Minutes:

It was moved by Mr. Cody, seconded by Dr. Kosasa and unanimously carried to approve the minutes of the regular session and the minutes of the executive session of November 10, 2011 as circulated.

Applications for
License/
Certification:

- a. Ratifications:
(i) List

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

Zachary W. Spinuzzi, M.D.

Dr. Spinuzzi's application was deferred at the March 10, 2011 meeting pending additional information from the Tripler Army Medical Center.

After due consideration of the information received and Dr. Spinuzzi's personal statements before the Board, it was moved by Dr. Desai, seconded by Dr. Sept and carried by majority (with Chair Takanishi recusing himself and Dr. Yorita opposing), to deny Dr. Spinuzzi's application for licensure, basing its decision on the following grounds of the Hawaii Revised Statutes ("HRS"), which find support in the records and files of Dr. Spinuzzi's application:

- HRS § 453-8(a)(4): Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or 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)(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)(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;

HRS § 453-8(a)(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; and

HRS § 436B-19(17): Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

The Board is extremely concerned with Dr. Spinuzzi's habitual use of and addiction to alcohol. The Board is also very concerned that Dr. Spinuzzi was drinking in a binge fashion throughout medical school and residency training as clearly documented in the Talbott Recovery Campus documents.

The Board believes that Dr. Spinuzzi's actions placed him, and most importantly, his patients' safety and care at risk. While the Board recognizes his efforts to become rehabilitated, the Board believes that a continued pattern of sobriety is needed before Dr. Spinuzzi consider seeking medical licensure in this State.

Julia L. Bruce, M.D.

It was moved by Dr. Desai, seconded by Dr. Akaka, and unanimously carried to approve Dr. Bruce's application for licensure.

Trissy M. Chun, M.D.

It was moved by Chair Takanishi, seconded by Dr. Barrickman, and unanimously carried to approve Dr. Chun's application for licensure.

Stephen C. Lazaro, M.D.

It was moved by Dr. Chin, seconded by Dr. Barrickman, and unanimously carried to approve Dr. Lazaro's application for licensure.

Arabella I. Leet, M.D.

It was moved by Dr. Sept, seconded by Mr. Puleasi, and unanimously carried to approve Dr. Leet's application for licensure.

Rebecca J. O'Rourke, M.D.

It was moved by Dr. Barrickman, seconded by Dr. Kosasa, and unanimously carried to approve Dr. O'Rourke's application for licensure.

Hoang Phan, M.D.

It was moved by Dr. Yorita, seconded by Dr. Barrickman, and unanimously carried to approve Dr. Phan's application for licensure.

Douglas M. Sides, M.D.

It was moved by Dr. Akaka, seconded by Dr. Desai, and unanimously carried to approve Dr. Side's application for licensure.

John S. Slaven, M.D.

After due consideration of the information received, it was moved by Dr. Chin, seconded by Mr. Puleasi, and unanimously carried to approve Dr. Slaven's application for licensure subject to certain condition(s), basing its decision on the following grounds in the Hawaii Revised Statutes ("HRS"), which find support in the records and files of his application:

HRS § 453-8(a)(4): Being habituated to the excessive use of drugs or alcohol; 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)(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

HRS § 436B-19(17): Violating this chapter, the applicable laws, or any rule or order of the licensing authority.

Therefore, the Board hereby imposes the following conditions on Dr. Slaven's license:

1. Dr. Slaven shall, at his sole expense, enter into a contract with Pu'ulu Lapa'au, The Hawaii Program for Healthcare Professionals ("Pu'ulu Lapa'au"). The contract with Pu'ulu Lapa'au may be extended by the Board if the Board believes that reasonable grounds exist. During the period of the contract Dr. Slaven shall refrain from using drugs, except as provided by his treating physician, or alcohol.
2. Pu'ulu Lapa'au shall submit quarterly written reports to the Board's office. The written reports should, at a minimum, state whether Dr. Slaven is in compliance with the monitoring contract.
3. If at any time Pu'ulu Lapa'au determines that Dr. Slaven is not in compliance with the monitoring contract, Dr. Slaven shall immediately notify the Board and immediately cease practicing medicine. Pu'ulu Lapa'au shall specify to the Board what conditions, if any, it recommends for him to safely continue 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. Slaven to practice medicine and impose such conditions on his license. If Dr. Slaven fails to refrain from using drugs or alcohol, the Board also will consider whether to suspend, revoke, or otherwise discipline his license.

Richard W. Terry, M.D.

It was moved by Dr. Sept, seconded by Dr. Chin, and unanimously carried to approve Dr. Terry's application for licensure.

Gary R. Woodworth, M.D.

It was moved by Dr. Akaka, seconded by Dr. Desai, and unanimously carried to approve Dr. Side's application for licensure.

Samuel Biddle, EMT-B

It was moved by Chair Takanishi, seconded by Mr. Cody, and unanimously carried to approve Mr. Biddle's application.

Jeffrey J. Rutgard, M.D.

Dr. Tyrie Jenkins and Bob Grossman, Executive Director of Hawaiian Eye Foundation were present at the meeting in support of Dr. Rutgard.

Dr. Jenkins indicated that Dr. Rutgard has been a clinical instructor, teaching small incision cataract surgery in the United States, and has done humanitarian eye surgeries and examinations for over 12 years overseas. Dr. Jenkins stated that Dr. Rutgard puts his patients' needs before his own.

Mr. Grossman indicated that Dr. Rutgard is an excellent ophthalmologist and surgeon, stating that Dr. Rutgard is compassionate towards his patients.

It was moved by Dr. Desai, seconded by Dr. Sept, and unanimously carried to enter into executive session at 4:12 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.

It was moved by Dr. Kosasa, seconded by Dr. Desai and unanimously carried to return to the open meeting at 4:21 p.m.

The following agenda items were taken out of order.

New Business: b. Inactive Category

Executive Officer Cabral informed members that she received an inquiry concerning an "inactive" status category that would allow retired physicians and those who do not live or practice in Hawaii to place their license on inactive status and, as a result, pay a lower fee.

Discussion followed. It was moved by Chair Takanishi, seconded by Dr. Kosasa and unanimously carried by a majority (with Dr. Sept

abstaining) to affirm the Board's position of not promulgating rules for an inactive category.

c. Request for Waiver/Modification of CME: Gunther Hintz, M.D.

It was moved by Chair Takanishi, seconded by Mr. Cody and unanimously carried to grant Dr. Hintz's request for waive the CME requirements for this renewal. For the 1/31/2014 renewal, Dr. Hintz will need to submit documentation of 80 category 1 CME.

It was moved by Chair Takanishi, seconded by Mr. Puletasi and unanimously carried to delegate the authority to staff to waive/modify CME requirements for similarly-situated licensees.

Jeffrey J. Rutgard, M.D.

Dr. Tyrie Jenkins and Bob Grossman were invited back into the meeting room at 4:21 p.m.

The Board resumed its prior discussion on the application of Dr. Rutgard.

Dr. Jenkins stated that Dr. Rutgard had made mistakes in the past and is very remorseful for what he did. Dr. Jenkins indicated that in terms of putting patient first, Dr. Rutgard has devoted his time to his patients by doing community work outside of the United States. Dr. Jenkins went on to say that she feels comfortable with Dr. Rutgard's skills as a physician and is in support of his application for a medical license.

Dr. Chin asked Dr. Rutgard if he is Board Certified in ophthalmology.

Dr. Rutgard answered in the affirmative.

It was moved by Chair Takanishi and seconded by Dr. Desai to deny Dr. Rutgard's application. Drs. Takanishi, Desai, Barrickman, and Kosasa voted in favor of the motion. Drs. Chin, Sept, and Yorita opposed the motion. Dr. Akaka, Mr. Cody and Mr. Puletasi abstained from voting. The motion failed to carry.

It was moved by Dr. Yorita and seconded by Mr. Puletasi to approve Dr. Rutgard's application. Drs. Yorita, Chin, Sept and Mr. Puletasi voted in favor of the motion. Drs. Takanishi, Desai, Barrickman, and Kosasa opposed the motion. Dr. Akaka and Mr. Cody abstained from voting. The motion failed to carry.

New Business: a. Rules Revisions
Due to lack of time, this matter is deferred.

Advisory
Committees: a. Physician Assistants
No report was made
b. Emergency Medical Service Personnel
No report was made
c. Podiatrists
No report was made.


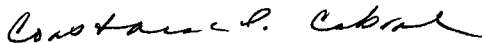
Chairperson's
Report None.

Adjournment: It was moved by Mr. Puletasi, seconded by Dr. Akaka, and unanimously carried to adjourn the meeting at 4:30 p.m.

Next Meeting: Thursday, January 12, 2012
1:00 p.m.
King Kalakaua Conference Room, First Floor
335 Merchant Street
Honolulu, HI 96813

Reviewed and approved by:

Taken and recorded by:



(Ms.) Constance I. Cabral
Executive Officer

Wilma Balon
Secretary

CIC:wb
1/5/12

() Minutes approved as is.
(X) Minutes approved with changes; see minutes of January 12, 2012.

HAWAII MEDICAL BOARD (12/08/2011-RATIFICATION LIST)

VLI_LICENSE_VIEW Monday November 28, 2011 10:28 AM Page 1
LTYPE LIC NUM BP NAME PART 1

MD 16363 RICHARD <CARVOLTH<
MD 16364 ELOY <FRANCO<
MD 16365 MELANIE G <HOLLIDGE<
MD 16366 JOSHUA T <SILVA<
MD 16367 SHUICHI <KOBAYASHI<
MD 16368 VASILIOS <LAMBRINOS<
MD 16369 JAMES H <CALDWELL<
MD 16370 SANDI M <UCHIDA<
MD 16371 RAFAEL <RODRIGUEZ<
MD 16372 STEPHEN E <DARLING<
MD 16373 ERIC D <MOSKOW<
MD 16374 VICTOIRE E <KELLEY<
MD 16375 JAMES <FITCH<
MD 16376 CHERRY R R <ROSALES<
MD 16377 CARMEN R <BARNES<
MD 16378 COSMIN <GUTA<
MD 16379 JAY K <RADHAKRISHNAN<
MD 16380 ARAM N <SALEM<
MD 16381 SHERYL L <ASPLUND<
MD 16382 FARHAD <KHORASHADI<
MD 16383 GREGORY C <CARR<
MD 16384 SHIREEN O <HEIDARI<
MD 16385 GREGG A <VALENZUELA<
MD 16386 ERIC <TREVINO<

DOS 1414 ENRIQUE A <ABREU<
DOS 1415 MARCY L <DELLINGER<
DOS 1416 G DENNIS <HORVATH<
DOS 1417 BRIAN P <WINSTON<
DOS 1418 LAILAH M <ABAWI<
DOS 1419 JOHN S <CAMPBELL<
DOS 1420 GRAYSON W <HOOPER<
DOS 1421 ALLISON M <FLAIM<

MDR 6243 DAVID C <JONES<
MDR 6244 IRENA V <VITKOVITSKY<

AMD 448 MELISSA V C <BALOGH<
AMD 449 MICHAEL S <OLSON<
AMD 450 MICHELLE L <SCOTT<

EMTP 1974 EDWARD W <SEARFOSS< III
EMTP 1975 MATTHEW C <LINDEN<
EMTP 1976 NICOLAUS S <HOGGAN<