

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, January 12, 2012

Time: 1:00 p.m.

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

Present: 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 Puletasi, 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. Quogue, Executive Officer
Wilma Balon, Secretary

Excused: Danny M. Takanishi, M.D., Chairperson, Oahu Member

Guests: Lei Fukumura, Special Deputy Attorney General
Fielding Mercer, Hawaii Academy of Physician Assistants
Sumana Nanjundachar, M.D., Applicant
Prakash Kabbur, M.D.
Marian E. Melish, M.D., Kapiolani Medical Center,
John A. Burns School of Medicine
Eric Seitz, Esq., Counsel for Sumana Nanjundachar, M.D.
Christopher Tortora, M.D., Hawaiian Eye Center
Bob Grossman, Hawaiian Eye Foundation
Jeffrey Rutgard M.D., Applicant
Jeffrey H.K. Sia, Esq., Counsel for Michele J. Lea-Stokes, M.D.

Daniel T. Murai, M.D. University of Hawaii Pediatric Residency Program,
Hawaii Residency Programs, Inc.
Christopher Yeh, Esq., Counsel for the Hawaii Residency Programs, Inc.
Jillian Yasutake, Workforce Development Council-DLIR
Ruth Caldwell, Workforce Development Council-DLIR
Christopher Flanders, HMA
Vincent Tenorio, PA-C

Call to
Order:

The meeting was called to order at 1:03 p.m. at which time quorum was established.

Additions/
Revisions to
Agenda:

None.

The following agenda items were taken out of order.

Adjudicatory
Matters:

Mr. Cody called for a recess from the meeting at 1:04 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

- a. In the Matter of the License to Practice Medicine of Robert C. Ley, D.O. MED 2011-145-L

After discussion, it was moved by Dr. Barrickman, seconded by Dr. Desai and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- b. In the Matter of the Emergency Medical Technician Certificate of David H. Mower; MED 2010-149-L

Dr. Akaka entered the meeting room at 1:13 p.m.

After discussion, it was moved by Dr. Desai, seconded by Dr. Chin and unanimously carried to accept the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Mr. Cody announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:18 p.m.

It was moved by Dr. Bintliff, seconded by Dr. Chin, and unanimously carried to enter into executive session at 1:18 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.

Discussion of the
December 8, 2011
Executive Minutes:

The Board discussed the minutes.

Applications for
License/
Certification:

b. Applications:

Jeffrey J. Rutgard, M.D.

c. Request for Reconsideration

Dr. Yorita entered the meeting room at 1:23 p.m.

Michele J. Lea-Stokes, M.D.

It was moved by Dr. Akaka, seconded by Dr. Sept and unanimously carried to return to the open meeting at 2:03 p.m.

Michele J. Lea-Stokes, M.D.

It was moved by Dr. Barrickman, seconded by Dr. Kosasa and carried by a majority, with Dr. Sept opposing to accept the request for reconsideration of Dr. Lea-Stokes' denial of application for licensure.

It was moved by Dr. Desai, seconded by Dr. Barrickman and unanimously carried to accept the additional information that Dr. Lea-Stokes presented.

It was moved by Dr. Sept, seconded by Mr. Puletasi, and unanimously carried to enter into executive session at 2:05 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.

c. Request for Reconsideration

Sumana Nanjundachar, M.D.

It was moved by Dr. Akaka, seconded by Dr. Bintliff and unanimously carried to return to the open meeting at 2:31 p.m.

Sumana Nanjundachar, M.D.

It was moved by Dr. Chin, seconded by Dr. Barrickman and unanimously carried to accept the request for reconsideration of Dr. Nanjundachar's denial of application for licensure.

It was moved by Dr. Desai, seconded by Dr. Barrickman and unanimously carried to accept the additional information that Dr. Nanjundachar presented.

It was moved by Dr. Sept, seconded by Mr. Puleyasi, and unanimously carried to enter into executive session at 2:32 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.

The Board resumed the order of the agenda.

David J.S. Acierto, D.O.
Hermilo O. Jazmines, M.D.
Joseph Kohn, M.D.
Mark B. Lew, M.D.:
Greggory S. Shubert, M.D.
Karen W. Simmons, M.D.

It was moved by Dr. Barrickman, seconded by Dr. Akaka and unanimously carried to return to the open meeting at 3:47 p.m.

Approval of the
December 8, 2011
Minutes:

It was moved by Dr. Bintliff, seconded by Dr. Kosasa and unanimously carried to approve the regular session minutes of the December 8, 2011 meeting with the following corrections, and to approve the minutes of the executive session of the December 8, 2011 as corrected.

On page 6, under Douglas M. Sides, M.D., should read as follows:

"It was moved by Dr. Akaka, seconded by Dr. Desai, and unanimously carried to approve Dr. **Sides'** application for licensure"

On page 7, under Gary R. Woodworth, M.D., should read as follows:

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

Applications for
License/
Certification:

a. Ratifications:

(i) List

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

Jeffrey J. Rutgard, M.D.

Dr. Rutgard's application was deferred at the December 8, 2011 meeting.

After due consideration of Dr. Rutgard's testimony as well as presentations from Dr. Tortora and Mr. Grossman, it was moved by Dr. Yorita and seconded by Mr. Puleyasi and carried by a majority, with Drs. Sept, Desai, and Bintliff opposing, to approve Dr. Rutgard's application.

David J.S. Acierto, D.O.

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

Hermilo O. Jazmines, M.D.

It was moved by Dr. Kosasa, seconded by Dr. Barrickman, and unanimously carried to approve Dr. Jazmines' application with conditions similar to the conditions placed on his South Carolina medical license. However, if Dr. Jazmines is not agreeable to those conditions, the Board requires that Dr. Jazmines participate in a PACE or a comparable program before it makes a substantive decision regarding his application.

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

Joseph Kohn, M.D.
Greggory S. Shubert, M.D.
Karen W. Simmons, M.D.

Mark B. Lew, M.D.

It was moved by Dr. Desai, seconded by Dr. Yorita, and unanimously carried to defer Dr. Lew's application for licensure pending submittal of additional information.

Michele J. Lea-Stokes, M.D.

The Board reviewed and considered a letter dated November 10, 2011 from Dr. Lea-Stokes' attorney, Jeffrey H.K. Sia, Esq. and Patricia T. Fujii, Esq., regarding Dr. Lea-Stokes' request for reconsideration which included new information.

After due consideration of the new information and Mr. Sia's presentation, it was moved by Dr. Barrickman, seconded by Dr. Sept and unanimously carried to affirm its decision of September 8, 2011, denying Dr. Lea-Stokes' application for licensure.

Sumana Nanjundachar, M.D.

The Board reviewed and considered a letter dated December 3, 2011, from Dr. Nanjundachar's attorney, Eric A. Seitz, Esq. regarding Dr. Nanjundachar's request for reconsideration which included new information.

After due consideration of the new information, Mr. Seitz' presentation, Dr. Nanjundachar's testimony and the representations from Drs. Murai and Melish, it was moved by Dr. Bintliff, seconded by Dr. Barrickman and carried by a majority, with Dr. Desai and Dr. Yorita opposing, to grant a three (3) month extension of Dr. Nanjundachar's temporary license for residency/specialty training. However, if Dr. Nanjundachar does not at any time perform satisfactorily during this three-month extension, the University of Hawaii Pediatric Residency Program shall immediately provide the Board with written notification of such performance.

New Business: a. FSMB Annual Meeting: Delegate and Board Staff

Executive Officer Cabral informed the Board that FSMB's 2012 Annual Meeting will be held on April 26-28, 2012 in Fort Worth, Texas.

It was moved by Dr. Desai, seconded by Dr. Kosasa and unanimously carried to elect Chair Takanishi as the Board's delegate. In addition to the Chair, Executive Officer Ahlani Quogue will be attending this year's meeting.

b. National Registry AEMT certification for EMT-B license

The Board is being asked to accept the National Registry AEMT certificate for licensure at the EMT-B level as the AEMT certification is much higher.

Discussion followed. It was moved Dr. Barrickman, seconded by Dr. Akaka and unanimously carried to accept the AEMT certification for EMT-B licensure.

Unfinished Business: a. Rules Revisions

The Board reviewed and considered written testimonies as well as presentations from Vince Tenerio, PA-C, Fielding Mercer, Hawaii Academy of Physician Assistants, and Christopher Flanders, HMA in support of amending the rules for Physician Assistants to remove current barriers to their practice.

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. Puleasi, seconded by Dr. Akaka, and unanimously carried to adjourn the meeting at 4:30 p.m.

Next Meeting: Thursday, February 9, 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:

/s/Ahlani K. Quiogue

/s/Wilma Balon

(Ms.) Ahlani K. Quiogue
Executive Officer

Wilma Balon
Secretary

AKQ:wb
2/6/12

- Minutes approved as is.
 Minutes approved with changes; see minutes of _____.

HAWAII MEDICAL BOARD (1/12/2012-RATIFICATION LIST)

VLI_LICENSE_VIEW Friday December 30, 2011 11:00 AM Page 1
LTYPE LIC NUM BP NAME PART 1

MD 16387 GREGORY H T <KURIO<
MD 16389 TIGIST <MAMMO<
MD 16390 ALEXIS B <TRONCOSO<
MD 16391 SUSAN M <ELRICH<
MD 16392 NICHOLAS S <RANNO<
MD 16393 KRISTINE I <MCCOY<
MD 16394 REBECCA J <O'ROURKE<
MD 16395 HOANG <PHAN<
MD 16396 DOUGLAS M <SIDES<
MD 16397 MICHAEL C <WU<
MD 16398 BRADFORD C <ASHLEY<
MD 16399 KIMBERLY A <MADSEN<
MD 16400 THOMAS G <DI SESSA<
MD 16401 RONALD L <MOY<
MD 16402 JEFFREY T <GERTON<
MD 16403 JULIA L <BRUCE<
MD 16404 TRISSY M <CHUN<
MD 16405 NICHOLAS L <WALLE<
MD 16406 RICHARD W <TERRY<
MD 16407 DANIEL B <DRISCOLL<

DOS 1422 CHRISTIAN J <SETZER<

MDR 6245 STEPHANIE L <VALDERRAMOS<
MDR 6246 HEATHER A <PRUNTY<
MDR 6247 STEPHEN <RANCOUR<
MDR 6248 KELLY A <SMITH<
MDR 6582 MARINA J W <LIU<

MDA 4054 AMY <SCHNEIDER<

EMTB 2349 JOHN <EHARIS< III