

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, February 9, 2012

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
Shari Wong, Deputy Attorney General ("DAG")
Constance I. Cabral, Executive Officer
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Carl K. Yorita, M.D., Oahu Member

Guests: Lei Fukumura, Special Deputy Attorney General
Christopher Flanders, HMA

Call to Order: The meeting was called to order at 1:08 p.m. at which time quorum was established.

The following agenda items were taken out of order.

Adjudicatory Matters: Chair Takanishi called for a recess from the meeting at 1:08 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

- a. In the Matter of the Emergency Medical Technician Certificate of Andrew L. Chong, MED 2010-94-L

After discussion, it was moved by Dr. Barrickman, 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.

- b. In the Matter of the Emergency Medical Technician Certificate of Jason N. Hanagami; MED 2011-132-L

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

- c. In the Matter of the License to Practice Medicine of Eric K. Lizerbram, M.D.; MED 2011-65-L

Dr. Bintliff entered the meeting room at 1:12 p.m.

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.

- d. In the Matter of the License to Practice Medicine of Jeffrey G. Meilman, M.D.; MED 2011-76-L

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

- e. In the Matter of the License to Practice Medicine of Gina M.G.A. Salcedo, M.D.; MED 2008-166-L

After discussion, it was moved by Dr. Sept, seconded by Dr. Chin and unanimously carried to adopt the Hearing Officer's Finding of Fact, Conclusions of Law and Recommended 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 1:46 p.m.

It was moved by Dr. Bintliff, seconded by Mr. Cody, and unanimously carried to enter into executive session at 1:46 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.

Applications for
License/
Certification:

Mark B. Lew, M.D.
David M. Baron, M.D.
Gordon Beh, M.D.
Stephen C. Caughron, M.D.
Peter K.H. Go, M.D.
Benjamin A. Hagendorf, M.D.
John H. Hicks III, M.D.
Tariq A. Quraishi, M.D.
Teresa S. Ramerth, M.D.
Aksoy Saime, M.D.
Kevin D. Schroeder, M.D.
Barry R. Stone, PA-C
Peter Beemer, EMT-P
Paula Fischl, EMT-P

Discussion of the
January 12, 2012
Executive Minutes:

The Board discussed the minutes.

It was moved by Mr. Cody, seconded by Dr. Bintliff and unanimously carried to return to the open meeting at 3:00 p.m.

Approval of the
January 12, 2012
Minutes:

It was moved by Dr. Barrickman, seconded by Dr. Kosasa and unanimously carried to approve the minutes of the regular session and the minutes of the executive session of January 12, 2012 as circulated.

Additions/
Revisions to
Agenda:

It was moved by Dr. Desai, seconded by Dr. Kosasa and unanimously carried to add "under Applications: Aaron Troy DeMoor, EMT-B" to the agenda.

Applications for
License/
Certification:

- a. Ratifications:
 - (i) List

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

b. Applications:

Mark B. Lew, M.D.

Dr. Lew's application was deferred at the January 12, 2012 meeting.

After due consideration of the information received, it was moved by Mr. Cody, seconded by Dr. Barrickman and unanimously carried to approve Dr. Lew's application.

David M. Baron, M.D.

The Board reviewed and considered all of the records and files of Dr. Baron's application and the information received from him as well as from other organizations. These records and files reflect: 1) Dr. Baron's felony convictions in Florida, Pennsylvania, and Iowa, including pleading guilty to conspiracy to distribute Schedule III and Schedule IV pharmaceutical controlled substances, in violation of Title 21, United States Code §846, which were substantially related to the qualifications, functions, or duties of a physician; 2) the disciplinary action taken against Dr. Baron's Florida medical license, including the voluntary relinquishment of that license; 3) the numerous disciplinary actions taken against Dr. Baron's Colorado medical license, including a Final Board Order revoking his Colorado medical license; 4) Dr. Baron's exclusion from Medicare/Medicaid and all other Federal health care programs; 5) Dr. Baron's exclusion from participating in the Pennsylvania Assistance Program; and 6) the voluntary surrender of his DEA license.

After due consideration of the information received, it was moved by Chair Takanishi, seconded by Dr. Barrickman and unanimously carried to deny Dr. Baron'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. Baron's application:

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 Hawaii Association of Osteopathic Physicians and Surgeons, or the American Osteopathic Association;
- HRS §453-8(a)(11): Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege for reasons as provided in this section; and
- 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.

Gordon Beh, M.D.

The Board reviewed and considered all of the records and files of Dr. Beh's application and information received from him as well as from other organizations. After due consideration of the information received, it was moved by Dr. Sept, seconded by Dr. Barrickman and unanimously carried to defer Dr. Beh's application. Before the Board makes any substantive decision on Dr. Beh's application to practice medicine in Hawaii, and in order to assist the Board in reaching such a substantive decision, the Board determined that:

1. Dr. Beh shall arrange, at his sole expense, to have Pu'ulu Lapa'au, The Hawaii Program for Healthcare Professionals ("Pu'ulu Lapa'au"), conduct and complete a comprehensive evaluation and assessment. Such evaluation shall include an assessment as to whether Dr. Beh is able to safely resume an unconditional practice of medicine as well as recommendations regarding whether any follow-up or treatment plans are necessary.
2. If Pu'ulu Lapa'au determines that Dr. Beh is not able to resume an unconditioned practice of medicine, he shall arrange for Pu'ulu Lapa'au to specify what condition(s) would be recommended for him to safely resume the practice of medicine.

3. Prior to the Board's next review of Dr. Beh's application, he shall arrange for Pu'ulu Lapa'au to directly send the Board a written report including an assessment, determinations, and recommendations.
4. Depending upon the written report and recommendations, the Board may deny or approve Dr. Beh's application for a license to practice medicine in Hawaii. Also depending upon the written report and recommendations, the Board may evaluate what, if any, conditions are warranted for Dr. Beh to practice medicine in Hawaii and impose such conditions. The Board will inform Dr. Beh, through written correspondence, of its substantive decision.

Stephen C. Caughron, M.D.

The Board reviewed and considered all information from Dr. Caughron as well as from other organizations. After due consideration of the information received, it was moved by Chair Takanishi, seconded by Dr. Kosasa and unanimously carried to approve Dr. Caughron's application for medical licensure and issue him a letter of education. The Board would like to express its concern over Dr. Caughron's failure to appropriately answer the question posed on its application.

Peter K.H. Go, M.D.

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

Benjamin A. Hagendorf, M.D.

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

John H. Hicks III, M.D.

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

HRS §453-8(a)(11): Revocation, suspension, or other disciplinary action by another state or federal agency of a license, certificate, or medical privilege for reasons as provided in this section.

The Board hereby imposes the following conditions to Dr. Hicks' conditional license:

1. Dr. Hicks shall provide the following notice, in writing, to all patients and their parents or guardians prior to any appointment and prior to the patient or parent/guardian incurring any financial obligation or travel costs relating to the appointment:

Notice to Patients: John H. Hicks III, M.D., routinely utilizes the services of a "medical intuitive" when assessing patients. There is no scientific research to support the validity of the medical intuitive's contribution to your care. If you would prefer that the medical intuitive not be involved in your care, you have a right to inform Dr. Hicks and he will treat you without the involvement of the medical intuitive.

2. A copy of the Notice to Patients described in condition 1 must be signed by all patients and kept in all patients' records.
3. If, at any time after Dr. Hicks receives his conditional license and wishes to have any condition removed from his conditional license, he shall make a request in writing to the Board. The Board shall have the sole discretion whether to grant his request.

Tariq A. Quraishi, M.D.

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

Teresa S. Ramerth, M.D.

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

Aksoy Saime, M.D.

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

Kevin D. Schroeder, M.D.

After due consideration of the information received, it was moved by Dr. Desai, seconded by Dr. Chin, and carried by a majority, with Chair Takanishi abstaining, to defer Dr. Schroeder's application for licensure.

The Board requests Dr. Schroeder's personal appearance at its March 8, 2012 meeting and asks that he submit a detailed explanation regarding the discrepancies of his "no" answers.

Additionally, the Board requests an explanation of Dr. Schroeder's clinical/medical experience since 2005.

Barry R. Stone, PA-C

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

Peter Beemer, EMT-P

It was moved by Dr. Barrickman, seconded by Mr. Cody, and unanimously carried to approve Mr. Beemer's application.

Paula Fischl, EMT-P

It was moved by Dr. Chin, seconded by Dr. Bintliff, and unanimously carried to approve Mr. Fischl's application.

Aaron Troy deMoor, EMT-B

It was moved by Dr. Chin, seconded by Mr. Cody, and unanimously carried to approve Mr. DeMoor's application.

Unfinished Business: a. Rules Revisions

Christopher Flanders, Executive Director of HMA appeared before the Board.

Mr. Flanders advised the Board that the general consensus of the HMA membership is that physicians who employ PAs are

comfortable with the PA's skill level. He stated that PAs can help alleviate certain functions for physicians.

He likened PAs to upper level medical students/junior residents and expressed that HMA does not have any issues as long as PAs are supervised. HMA believes that a 4 to 1 ratio of PAs to a supervising physician is acceptable.

When asked about chart review, Mr. Flanders responded that supervision needs to be maintained.

New Business:

a. Legislation

H.B. No. 2232, Relating to Health

The Board supports the intent of this bill.

H.B. No. 2257 and H.B. No. 2258, Relating to Professional and Vocational Licensing

The Board expressed its opposition to this bill.

b. Possible Legislation: Summary Suspension and Mental/Physical Examination

The Board reviewed proposals put forth by RICO in response to the Board's concerns relating to the 20 day deadline by which to hold a hearing for summary suspension.

After discussion, the Board decided to support RICO's proposed legislation.

Due to lack of time, the Board deferred discussion on mental/physical examination.

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

Next Meeting: Thursday, March 8, 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/Constance I. Cabral

/s/Wilma Balon

(Ms.) Constance I. Cabral
Executive Officer

Wilma Balon
Secretary

CC:wb
2/29/12

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

HAWAII MEDICAL BOARD (2/09/2012-RATIFICATION LIST)

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LTYPE LIC NUM BP NAME PART 1

MD 16408 RONALD J <BRAUN<
MD 16409 ANNA <VARGHESE<
MD 16410 AMY <SCHNEIDER<
MD 16411 JON C <MICHEL<
MD 16412 WENDY W <LEE<
MD 16413 REX G <BICKERS<
MD 16414 CARMEN A <PULIAFITO<
MD 16415 GARY A <BUFFINGTON<
MD 16416 KAREN W <SIMMONS<
MD 16417 DAN C <WILCOX<
MD 16418 ANDREW J <WYNN<

DOSR 218 NEHA <SHANGARI<

MDR 6249 MARK R <QUALE<
MDR 6250 JENNIFER L <PUGH<
MDR 6251 JOHN <GALLIEN<
MDR 6252 KRISTIN <DAUGHERTY<
MDR 6253 BENJAMIN <CHIN<

AMD 451 DANA L <OSIPOWER<

EMTB 2350 SHAUN K <TERUYA<
EMTB 2351 MATTHEW J <BISE<