

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, March 8, 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
Niraj S. Desai, M.D., Kauai Member
Palasi Puleyasi, Public Member
Shari Wong, Deputy Attorney General ("DAG")
Constance I. Cabral, Executive Officer
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

Excused: Peter C. Chin, M.D., Maui Member
Thomas S. Kosasa, M.D., Oahu Member
Karen E. Sept, D.O., Oahu Member
Carl K. Yorita, M.D., Oahu Member

Guests: Lei Fukumura, Special Deputy Attorney General
Robert Martin, Esq., Counsel for Peter Schneider, M.D.
Marian E. Melish, M.D., Kapiolani Medical Center,
John A. Burns School of Medicine
Fielding Mercer, Hawaii Academy of Physician Assistants
Vincent Tenorio, PA-C

Call to Order: The meeting was called to order at 1:18 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 1:19 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

- a. In the Matter of License to Practice Medicine of
Timothy C. Ahu, M.D.: MED 2011-143-L

After discussion, it was moved by Dr. Barrickman, seconded by Mr. Cody 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, Chair Takanishi announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 1:22 p.m.

It was moved by Dr. Desai, seconded by Mr. Puleasi, and unanimously carried to enter into executive session at 1:22 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
February 9, 2012

Executive Minutes: The Board discussed the minutes.

Applications for
License/
Certification:

- c. Request for Reconsideration:

(i) Peter N. Schneider, M.D.

It was moved by Dr. Akaka, seconded by Dr. Desai and unanimously carried to return to the open meeting at 1:43 p.m.

Applications for
License/
Certification:

- c. Request for Reconsideration:

(i) Peter N. Schneider, M.D.

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

It was moved by Mr. Cody, seconded by Dr. Barrickman and unanimously carried to accept the additional information that Dr. Schneider presented which included six (6) letters of support.

Robert Martin, Esq., and Marian Melish, M.D. were invited into the meeting room at 1:45 p.m. Chair Takanishi explained to Mr. Martin that they may choose to have Dr. Schneider's request discussed in either open session or executive session. Mr. Martin indicated that he preferred the proceedings be held in open session.

Mr. Martin asked members to allow Dr. Schneider to call into the meeting so that he may listen to the Board's discussion and answer any questions members may have.

Chair Takanishi agreed to Mr. Martin's request to allow Dr. Schneider to call into the meeting.

Dr. Schneider called into the meeting at 1:47 p.m. in order to listen to the Board's discussion and to answer any questions the Board may have.

Chair Takanishi thanked Dr. Schneider for calling into the meeting and informed him that Mr. Martin chose to hold the proceedings in open session.

Chair Takanishi informed Mr. Martin that he would be given an opportunity to make a brief statement regarding Dr. Schneider's request.

Mr. Martin thanked the Board for allowing him the opportunity to present Dr. Schneider's request. He went on to explain to members that Dr. Schneider is a very talented physician who one day hopes to complete his residency training in pediatrics. However, due to the Board's denial of his temporary medical license and the report filed with National Practitioner Data Bank ("NPDB"), Dr. Schneider may encounter some difficulties in continuing his training and practicing medicine.

Mr. Martin reiterated Dr. Schneider's request as outlined in Dianne Winter Brookins, Esq. letter dated February 24, 2012. Specifically, Dr. Schneider is requesting that the Board agree to reconsider its denial, rescind that action, and allow him to withdraw his application.

Chair Takanishi invited Dr. Melish to proceed with her presentation and limit that presentation to the matter at hand.

Dr. Melish thanked the Board for allowing her the opportunity to present oral testimony in support of Dr. Schneider's request.

Dr. Melish informed members that throughout her career she has supervised numerous trainees. She went on to say that she personally recruited and worked directly with Dr. Schneider during his affiliation with the University of Hawaii, Pediatric Residency Program ("Program").

Dr. Melish indicated that Dr. Schneider is a competent physician who was well supervised during his training.

Dr. Melish stated that Dr. Schneider grew considerably during his time with the Program, was always receptive to feedback, frequently attended knowledge enhancement classes, and had a 75% chance of passing the pediatric boards.

Dr. Melish explained that Dr. Schneider's medical education did not appropriately prepare him for residency training. However, he consistently tried to improve those deficiencies.

Dr. Melish stated that the denial of Dr. Schneider's temporary license, as well as the denial of another resident's temporary license has had a profound impact on the Program, its faculty members, and residents.

Dr. Melish indicated that the Program and its faculty feel that they have been judged by the Board to be deficient. She went on to say that she feels personally responsible, and often questions whether she should resign from her position.

DAG Wong reminded the guests to keep the discussion focused on Dr. Schneider's actual request.

Dr. Melish apologized for straying from Dr. Schneider's request and indicated that Dr. Schneider no longer wishes to continue his training with the Program, but would like to continue his training elsewhere.

Dr. Bintliff indicated that there appears to be conflicting information in the letters of support and the statement previously made by Dr. Melish, specifically regarding Dr. Schneider's desire to continue training with the Program.

Mr. Martin explained that due to Dr. Schneider's current economic status, he no longer can afford, nor plans to return to Hawaii for training.

Chair Takanishi asked Dr. Schneider if it is his intention to continue residency training in the State.

Dr. Schneider explained that when he first applied for an extension of his license in August 2011, it was his intention to remain in Hawaii. However, when his application was denied, he was forced to return to New Jersey.

Dr. Akaka asked Dr. Schneider if he will be disqualified from participating in a residency program if the Board chooses not to rescind its denial.

Dr. Melish responded that any license denial is very serious and may cause problems.

Dr. Desai inquired of Dr. Melish as to whether the Board should grant all training licenses and what the specific criteria would be used to deny a license.

Dr. Desai indicated that, in general, every resident should realize that their residency contract may not be renewed by the residency program. As such, he asked Dr. Melish what the difference is between a license denial and a contract non-renewal.

Dr. Melish indicated that a resident may/may not be required to repeat a rotation. Dr. Melish assured members that the Program is very serious about having trainees remediate if they are deficient in a particular area. She went on to say that just because a resident may have deficiencies in a particular area does not necessarily imply that they will never be able to overcome those deficiencies.

Dr. Desai asked Dr. Melish if she is implying that the Board should not concern itself with denying licenses as long as the Program makes the appropriate decisions regarding its residents.

DAG Wong reminded those present that the discussion should be focused on Dr. Schneider's request.

Dr. Melish restated her support of Dr. Schneider's request and indicated that he has the potential to become an excellent physician.

Chair Takanishi informed the guests that a decision will be made at a later time.

It was moved by Dr. Akaka, seconded by Dr. Desai, and unanimously carried to enter into executive session at 2:07 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.

Request for Reconsideration:

- (i) Peter N. Schneider, M.D.

It was moved by Dr. Akaka, seconded by Mr. Cody and unanimously carried to return to the open meeting at 2:28 p.m.

Applications for
License/
Certification:

a. Ratifications:

- (i) List

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

c. Request for Reconsideration:

- (i) Peter N. Schneider, M.D.

After due consideration of the information presented to the Board and the presentations made by Robert Martin, Jr., Esq. and Marian Melish, M.D., as well as Dr. Schneider's oral testimony, it was moved by Chair Takanishi, seconded by Dr. Desai and unanimously carried to defer Dr. Schneider's request for reconsideration pending the appearance before the Board of Dan T. Murai, M.D., Program Director, University of Hawaii, Pediatrics Residency Program.

Approval of the
February 9, 2012
Minutes:

It was moved by Dr. Desai, seconded by Dr. Barrickman and unanimously carried to approve the minutes of the regular session and the minutes of the executive session of the February 9, 2012 meeting as circulated.

Additions/
Revisions to
Agenda:

None.

It was moved by Mr. Cody, seconded by Dr. Bintliff, and unanimously carried to enter into executive session at 2:31 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.

b. Applications:

Mark A. Barry, M.D.
Edwin L. Boren, Jr., M.D.
Jennifer C. Choi, M.D.
Arthur H. Conley, M.D.
Shirley R.R. Domingo, M.D.
Charles G. Dundas, M.D.
Phyllis C. Gilmore, M.D.
Margaret L. Meyer, M.D.
Darcene M. Munir, M.D.
Bobby J. Simpson, D.O.
Arlene Sussman, M.D.
Melissa L. Thompson, M.D.
Simong S. Youmans, M.D.
Barry Stone, EMT-P
Brexson Walburn-Engle, EMT-B
Neil Clevenger, EMT-P

New Business:

d. Jason Dylk, M.D.: Request to Terminate Conditions of Licensure.

It was moved by Mr. Cody, seconded by Mr. Puletasi and unanimously carried to return to the open meeting at 3:46 p.m.

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

Mark A. Barry, M.D.
Edwin L. Boren, Jr., M.D.
Arthur H. Conley, M.D.
Charles G. Dundas, M.D.
Phyllis C. Gilmore, M.D.
Darcene M. Munir, M.D.
Bobby J. Simpson, D.O.
Arlene Sussman, M.D.
Melissa L. Thompson, M.D.

Simong S. Youmans, M.D.
Barry Stone, EMT-P
Brexson Walburn-Engle, EMT-B

Jennifer C. Choi, M.D.

The Board reviewed and considered all of the records and files of Dr. Choi's application, including her brief note on page 2 of the Board's application which states that she "retired in 2005." Given this information, it was moved by Chair Takanishi, seconded by Dr. Akaka, and unanimously carried to defer Dr. Choi's application for licensure pending a written explanation regarding her medical activities from 2005-present.

Shirley R.R. Domingo, M.D.

The Board reviewed and considered all of the records and files of Dr. Domingo as well as from other organizations. After due consideration of the information received, it was moved by Dr. Desai, seconded by Dr. Barrickman and unanimously carried (with the Chair recusing himself) to approve Dr. Domingo's application for medical licensure

Margaret L. Meyer, M.D.

After due consideration of the records and files of Dr. Meyer's application and information received from her as well as other organizations, it was moved by Chair Takanishi, seconded by Dr. Bintliff and unanimously carried to approve Dr. Meyer's application for licensure and issue her a Non -Disciplinary Letter Of Education.

Dr. Meyer's application file demonstrates that she incorrectly answered "no" to question 8.a. on the Board's application dated April 15, 2011. While the Board recognizes that Dr. Meyer subsequently submitted an explanation dated July 26, 2011, explaining her error, the Board would still like to express its concern with her failure to appropriately answer the question posed on its application.

Neil Clevenger, EMT-P

After due consideration of the information presented to the Board, it was moved by Chair Takanishi, seconded by Dr. Barrickman and unanimously carried to affirm the Board's earlier requirement that he obtain an evaluation and assessment by a psychiatrist with a specialty in addiction psychiatry.

The following agenda items were taken out of order.

New Business: d. Jason Dylík, M.D.: Request to Terminate Conditions of Licensure

Dr. Dylík appeared before the Board to answer any questions on his request to terminate the conditions imposed to his conditional license.

Chair Takanishi informed Dr. Dylík that he would be given an opportunity to make a brief statement regarding his request.

Dr. Dylík thanked the Board for allowing him to appear before the Board. Dr. Dylík informed the Board that he worked at the Wai'anae Coast Comprehensive Health Center for 9 months and also worked part-time at the Hawaii Medical Center, subsequently working full-time hours. Dr. Dylík explained that in December 2011, the Hawaii Medical Center closed its doors and ceased operations. This left him without a job and no opportunities in Hawaii. Dr. Dylík went on to say that he signed a memorandum of understanding for a position jointly in New York and Pennsylvania and no longer wished to live in Hawaii.

Dr. Dylík indicated that since he will not be living in Hawaii, he asked the Board to remove the conditions placed on his Hawaii license. Dr. Dylík indicated that he does not want to let his license lapse. Dr. Dylík further indicated that he would like to leave Hawaii with his license intact.

Dr. Akaka indicated that there is a chance that New York and Pennsylvania might continue the conditions placed on his Hawaii license if he does not surrender his Hawaii license.

Dr. Dylík indicated that he is willing to comply with what New York and Pennsylvania require.

Chair Takanishi thanked Dr. Dylík for appearing and informed him that a decision will be made at a later time.

Unfinished Business: a. Rules Revisions

Fielding Mercer, President of Hawaii Academy of Physician Assistants and Vincent Tenorio, PA-C appeared before the Board.

Chair Takanishi informed Mr. Tenorio that the Board would like to get the PA Advisory Committee's advice on the proposed .

Mr. Tenorio advised the Board that the Committee preferred a 6-to-1 ration of PAs to supervising physicians, although they could compromise with a ration of 4-to-1.

With regard to schedule 2, Mr. Tenorio advised the Board that the DEA's position is that PAs and their supervising physicians should work together on this issue and that the Committee believes that the supervising physician should be able to make this determination.

Dr. Desai thought that a 4-to-1 ration was reasonable. However, he questioned whether allowing PAs to prescribe schedule 2 would be better for the public. He was also concerned with the proposal regarding chart review and thought that only a tiny sample of charts would be reviewed.

Mr. Mercer related that he did not believe that chart review was the best form of communication and believed that PAs should talk with their supervising physicians and suggested meeting for half an hour every month to discuss issues. He went on to say that the supervising physician is never out of the loop.

Mr. Mercer advised the Board that 36 states and D.C. allow PAs to prescribe schedule 2. He thought that those prescribing schedule 2 in Hawaii would be limited to PAs working with chronic pain patients.

Chair Takanishi advised Mr. Mercer and Mr. Tenorio that he will get feedback when he attends the FSMB meeting this coming April.

New Business:

- d. Jason Dylak, M.D.: Request to Terminate Conditions of Licensure

It was moved by Dr. Barrickman, seconded by Dr. Bintliff, and unanimously carried to enter into executive session at 4:19 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 Mr. Puleyasi, seconded by Dr. Akaka and unanimously carried to return to the open meeting at 4:25 p.m.

After due consideration of the information presented to the Board as well as Dr. Dylík's oral testimony, it was moved by Dr. Desai, seconded by Dr. Barrickman and unanimously carried to:

1. allow Dr. Dylík to retain his Hawaii license
2. before leaving Hawaii, obtain a comparable contract with another state and present it to the Board for approval;
3. after receiving the Board's approval, implement the comparable contract within a week of his departure from Hawaii;
4. notify the Board when he returns to Hawaii; and
5. ensure that the monitoring agency submits quarterly reports to the Board.

Unfinished Business: b. Possible Legislation: Mental/Physical Examination

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

- New Business:
- a. Legislation
 - b. Foreign Medical Graduates
 - c. Visiting Physicians

Due to lack of time, the Board deferred discussion on the above matters.

- 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. Cody, seconded by Mr. Puleasi, and unanimously carried to adjourn the meeting at 4:30 p.m.

Next Meeting: Thursday, April 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:

/s/ Constance I. Cabral

/s/ Wilma Balon

(Ms.) Constance I. Cabral
Executive Officer

Wilma Balon
Secretary

CC:wb
4/02/12

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

HAWAII MEDICAL BOARD (3/08/2012-RATIFICATION LIST)

VLI_LICENSE_VIEW Thursday February 23, 2012 10:06 AM Page 1
LTYPE LIC NUM BP NAME PART 1

MD 16419 GEORGIOS <PAPASTERGIOU<
MD 16420 JEFFREY J <RUTGARD<
MD 16421 ESTELLE <PARIS<
MD 16422 EMMALEIGH M <SMITH<
MD 16423 GILLIAN S <SHAW<
MD 16424 PETER M H <CHAM<
MD 16425 LAURA M H <ANDERSON<
MD 16426 ARABELLA I C <LEET<
MD 16427 PRIYADARSHAN <GUPTA<
MD 16428 CHRISTOPHER M T <TANG<
MD 16429 KEILLA A <SCHMIDT<
MD 16430 GREGGORY S <SHUBERT<
MD 16431 VIPUL <KAPOOR<
MD 16432 JOSEPH <KOHN<
MD 16433 ERIN F <CAPPS<
MD 16434 JEFFREY D <DIEBNER<
MD 16435 RICHARD E <HARR<
MD 16436 HARVEY P <SEGALOVE<
MD 16437 SWAROOP <RANI<
MD 16438 NALANI E <GAUEN<
MD 16439 BERTHA A <KAO<
MD 16440 MALIK O <WHITE<
MD 16441 MEIUTTUN C M <BROWN<
MD 16442 AIDIN <SABET<
MD 16443 TARIQ S <AL-MUTAWA<
MD 16444 NESTOR C <HERANA< JR
MD 16445 GARY R <WOODWORTH<
MD 16446 CHUONG MINH <LE<
MD 16447 TONY S <CLINTON<
MD 16448 JOSHUA B <HVIDDING<
MD 16449 LORI D <KUNZELMAN<
MD 16450 ADITI J <SULE<
MD 16451 LORRIN S K <LEE<
MD 16452 JOSEPH P <AOKI<
MD 16453 MASAHIKO <KOBAYASHI<
MD 16454 LEO I <WOLANSKY<
MD 16455 ERIN S <BERK<
MD 16456 JONATHAN <ST. GEORGE<
MD 16457 SUMODH C <KALATHIL<
MD 16458 LINDA K <CARNEY<
MD 16459 LAURA C <COOKMAN<
MD 16460 ROBERT S <HOWE<

MD 16461 MARI A <SHIRAISHI<
MD 16462 ELIZABETH G <D'ANGELO<
MD 16463 JASON T A <LEE<
MD 16464 JONATHAN R <OPPENHEIMER<
MD 16465 TERESA S <RAMERTH<
MD 16466 BENJAMIN A <HAGENDORF<
MD 16467 PETER K H <GO<
MD 16468 JAY Y <GADGIL<
MD 16469 ALEXANDER S <BERK<
MD 16470 SHANE Y <INOUE<
MD 16471 NIKKI K <VASCONCELLOS<
MD 16472 JEFFREY A <GOLDEN<
MD 16473 VINAY K <PARAMESWARA<

DOS 1430 SCOTT R <OSTRANDER<
DOS 1431 JUNE C <LEE<
DOS 1432 DANIEL C <DEROSA<

MDR 6254 TAMI <ROWEN<
MDR 6255 JAMES M <HILDEBRAND<
MDR 6256 ROBERT-LIMJOCO <ALUNDAY<
MDR 6257 THERESA J <BIESIADA<
MDR 6258 JAMES <CHAN<
MDR 6259 JONATHAN R <BALLARD<
MDR 6260 ASHWINI <GADE<

AMD 452 DIANE H <STURGILL<
AMD 453 KRYSTALEE A <KREY<
AMD 454 BARRY R <STONE<

EMTB 2352 MARK DOMINIC S <PALTING<
EMTB 2353 CODY K <TELLES<
EMTB 2354 MIKEN K <SOUZA<
EMTB 2355 WILLIAM R <COUTURE<
EMTB 2356 LOREN M <YAZAWA<
EMTB 2357 KITMING <HO<
EMTB 2358 MATTHEW Y H <YAP<
EMTB 2359 DAVID Y C <YAP<
EMTB 2360 ERIC N <WATANABE<
EMTB 2361 BRANDON L <TANAKA<
EMTB 2362 DANIEL <MONTGOMERY<
EMTB 2363 CALEB M <NIBECKER<

EMTB 2364 CANDICE K <BELL<
EMTB 2365 JEREMY J <BUTTZ<
EMTB 2366 MICHAEL R <JUDD<
EMTB 2367 MATHEW G <KANEMITSU<
EMTB 2368 KEVIN H <KANESHIRO<
EMTB 2369 RYAN Y <KIHARA<
EMTB 2370 LONO K <LINDSEY<
EMTB 2371 ELIJAH K <PUNG<
EMTB 2372 SHAWN J <WATSON<
EMTB 2373 JOSE A K <LIZARDI<
EMTB 2374 JOSHUA A <GOTO<
EMTB 2375 EUGENE <TAKAHASHI<
EMTB 2376 JONATHAN P <BAPTISTE<
EMTB 2377 SHAUNA A <EDMUNDS<
EMTB 2378 KALIKO'OKALA'I T <TRUSDELL<
EMTB 2379 TREVOR C <HALVERSON<

EMTP 1977 PAULA A <FISCHL<
EMTP 1978 PETER C K <BEEMER<

PO 194 RYAN T <MACKEY<
PO 195 ROBERT <PAOLETTI<
PO 196 LIANE J <LIN-WATANABE<
PO 197 BRET J <HINTZE<