

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, October 11, 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
Thomas S. Kosasa, M.D., Oahu Member
Palasi Puleyasi, Public Member
Shari Wong, Deputy Attorney General ("DAG")
Ahlani K. Quiogue, Executive Officer
Wilma Balon, Secretary

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

Guests: Lei Fukumura, Special Deputy Attorney General
Vince Tenorio, PA-C

Call to Order: There being a quorum present, the meeting was called to order by Chairperson pro tem Cody at 1:10 p.m.

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 1:11 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 Neal S. Mazer, M.D.: MED 2010-152-L

After discussion, it was moved by Dr. Akaka, seconded by Dr. Barrickman, 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 1:14 p.m.

Applications for
License/
Certification:

- b. Applications:

It was moved by Dr. Bintliff, seconded by Dr. Kosasa, and unanimously carried to enter into executive session at 1:14 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.

James Panetta, D.O.

Chair Takanishi entered the meeting room at 1:23 p.m.

Gordon Beh, M.D.
Donald E. Maurer, M.D.
David W. Shoemaker, M.D.
Luther B. Adair, II, M.D.
Donald L. Allyn, M.D.
Cornelius J. Bos, M.D.
Harold A. Bradfield, M.D.
William K. Domarad, D.O.
Jeffrey C.K. Ho, M.D.
Linda M. Hostalek, D.O.
Louis J. LeBlanc, M.D.
Ryan C. Rao, M.D.
Randy A. Sag, M.D.
Eugene Y.S. Shih, M.D.
Trish N. Stephens, M.D.

Russell D. Yang, M.D.

New Business: a. Jason Dylik, M.D.: Request to Terminate Conditions of Licensure

Discussion of the September 13, 2012

Executive Minutes: The Board discussed the minutes.

It was moved by Dr. Bintliff, seconded by Dr. Akaka and unanimously carried to return to the open meeting at 2:36 p.m.

Approval of the September 13, 2012 Minutes:

It was moved by Dr. Barrickman, seconded by Dr. Kosasa, and unanimously carried to approve both the meeting minutes and executive session minutes of the September 13, 2012 meeting as circulated.

Applications for License/ Certification:

a. Ratifications:
(i) List

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

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

Luther B. Adair, II, M.D.
Cornelius J. Bos, M.D.
Harold A. Bradfield, M.D.
William K. Domarad, D.O.
Jeffrey C.K. Ho, M.D.
Louis J. LeBlanc, M.D.
Ryan C. Rao, M.D.
Randy A. Sag, M.D.
Eugene Y.S. Shih, M.D.
Trish N. Stephens, M.D.

Gordon Beh, M.D.

After due consideration of the information received, the Board voted to approve Dr. Beh's 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. Beh's application:

- HRS § 453-8(a)(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;
- 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)(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 436B-19(17): Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

Based on the foregoing, the Board hereby imposes the following conditions to Dr. Beh's conditional license:

1. Dr. Beh shall remain under a monitoring contract with Pu`ulu Lapa`au, Hawaii Program for Healthcare Professionals ("Pu`ulu Lapa`au"). The length of the monitoring contract shall be determined by Pu`ulu Lapa`au. During the period of the contract, Dr. Beh shall refrain from using drugs, except as provided by his treating physician, or alcohol. Dr. Beh shall provide a copy of the conditional letter to the Program Director of Pu`ulu Lapa`au for its records. In turn, Pu`ulu Lapa`au shall send regular reports to the Board regarding Dr. Beh's compliance.
2. If at any time Pu`ulu Lapa`au determines that Dr. Beh is not in compliance with the monitoring contract, Dr. Beh shall immediately notify the Board and immediately cease

practicing medicine until Pu`ulu Lapa`au specifies to the Board what conditions, if any, it recommends for Dr. Beh to safely resume 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. Beh to practice medicine and impose such conditions on his license. If Dr. Beh fails to refrain from using drugs or alcohol, the Board also will consider whether to suspend, revoke, or otherwise discipline his license.

3. Should Dr. Beh wish to have any condition removed from his license he shall make a request in writing to the Board, at which time the Board would consider his request. When doing so, Dr. Beh shall provide evidence of full compliance with his monitoring contract with Pu`ulu Lapa`au.

Donald E. Maurer, M.D.

After due consideration of the information received, it was moved by Chair Takanishi, seconded by Mr. Cody and unanimously carried to defer Dr. Maurer's application pending receipt of additional information and further review.

David W. Shoemaker, M.D.

After due consideration of the information received, it was moved by Dr. Akaka, seconded by Dr. Kosasa and unanimously carried to defer Dr. Shoemaker's application for medical licensure.

In deferring Dr. Shoemaker's application, the Board requests that he provide an explanation of what he has been doing professionally since March 2012 to remain clinically competent. The Board also requests that Dr. Shoemaker call into its next scheduled meeting on November 8, 2012.

Donald L. Allyn, M.D.

After due consideration of the information received, it was moved by Chair Takanishi, seconded by Dr. Desai and unanimously carried to approve Dr. Allyn's application for medical licensure and issue him a non-disciplinary Letter of Education regarding his explanations for the three NPDB reports.

Linda M. Hostalek, D.O.

After due consideration of the information received, it was moved by Dr. Barrickman, seconded by Mr. Puleasi, and unanimously carried to approve Dr. Hostalek's application 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. Hostalek'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 American 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 § 436B-19(17): Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

Based on the foregoing, the Board hereby imposes the following conditions to Dr. Hostalek's conditional license:

1. Dr. Hostalek's conditional license shall remain conditioned at least as long as her Illinois license to practice medicine remains on probation.
2. Dr. Hostalek shall notify the Board in writing at least ten (10) days prior to the start of practicing osteopathic medicine in the State of Hawaii and provide proof of compliance with the Illinois Consent Order.
3. At the time Dr. Hostalek begins practicing osteopathic medicine in Hawaii, the conditions, as set forth in the Illinois Consent Order shall apply to her conditional license. If she

fails to adhere to the conditions placed on her conditional license, the Board will consider whether to suspend, revoke, or otherwise discipline her license.

4. Should Dr. Hostalek wish to have any condition removed from her conditional license, she shall provide the Board with a written request and justification. When doing so, she shall provide evidence of full compliance with the Illinois Consent Order.

James Panetta, D.O.

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

- HRS § 453-8(a)(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;
- 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)(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 436B-19(17): Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

Based on the foregoing, the Board hereby imposes the following conditions to Dr. Panetta's conditional license:

1. Dr. Panetta shall enter into a monitoring contract with Pu`ulu Lapa`au, Hawaii Program for Healthcare Professionals ("Pu`ulu Lapa`au"). The length of the monitoring contract shall be determined by Pu`ulu Lapa`au. During the period of the contract Dr. Panetta shall refrain from using drugs, except as prescribed by his treating physician, or alcohol. Dr. Panetta shall provide a copy of this letter to the Program Director of Pu`ulu Lapa`au for its records. In turn, Pu`ulu Lapa`au shall send regular reports to the Board regarding Dr. Panetta's compliance.
2. If at any time Pu`ulu Lapa`au determines that Dr. Panetta is not in compliance with the monitoring contract, Dr. Panetta shall immediately notify the Board and immediately cease practicing medicine until Pu`ulu Lapa`au specifies to the Board what conditions, if any, it recommends for Dr. Panetta to safely resume 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 him to practice medicine and impose such conditions on his license. If Dr. Panetta fails to refrain from using drugs or alcohol, the Board also will consider whether to suspend, revoke, or otherwise discipline his license.
3. Should Dr. Panetta wish to have any condition removed from his license he shall make a request in writing to the Board, at which time the Board would consider his request. When doing so, Dr. Panetta shall provide evidence of full compliance with his monitoring contract with Pu`ulu Lapa`au.

Russell D. Yang, M.D.

After due consideration of the information received, it was moved by Chair Takanishi, seconded by Dr. Barrickman and unanimously carried to defer Dr. Yang's application for additional information.

Unfinished Business: a. Visiting Physicians

The Board reviewed an inquiry from the Hawaii Medical Association regarding whether the Board would allow physicians from Japan to perform physical examinations on atomic bomb survivors from

Hiroshima and Nagasaki (who are currently residents of Hawaii) without first obtaining a Hawaii medical license.

After due consideration of this matter, the Board determined that a medical license is not needed to perform physical examinations on these patients. However, the Board advises that a referral be made to the patients' primary care physician if further medical care or a diagnosis is required.

b. Rules Revisions: PA Provisions

Vincent Tenorio, PA-C, Physician Assistant Advisory Committee appeared before the Board.

Chair Takanishi advised Mr. Tenorio that he is still waiting for information to be provided by the FSMB Advocacy Office regarding other states requirements pertaining to ratio, chart review, and PA members on state boards.

Mr. Tenorio advised the Board that he will be meeting with the Committee later this month to brief them on the Board's progress regarding its rule revisions.

New Business:

a. RICO Medical Advisory Committee

(i) Eric Howard Klemmer, M.D.

(ii) Daniel C. Smith, M.D.

It was moved by Mr. Cody, seconded by Dr. Barrickman and unanimously carried to approve Eric Howard Klemmer, M.D. and Daniel C. Smith, M.D. to serve as members of RICO's Medical Advisory Committee for the current term 2012.

b. Temporary License: Locum Tenens

Executive Officer Quiogue asked members to provide comments and/or suggestions regarding the concept of creating a temporary license for locum tenens licensure.

By way of background, Executive Officer Quiogue informed members that prior to the September 2012 Board meeting, Chair Takanishi, Mr. Cody, Dr. Akaka, the Board's Executive Officers, and Celia Suzuki, Licensing Administrator met with Keali'i Lopez, Director and Jo Ann Takeuchi, Deputy Director of the Department of Commerce and Consumer Affairs ("DCCA"). Executive Officer

Quiogue indicated that one of the many topics discussed was the possible creation of a new temporary license for locum tenens purposes.

Executive Officer Quiogue informed members that there are currently sixteen (16) state and one (1) territory medical/osteopathic boards (out of seventy-one (71) possible medical/osteopathic boards) that issue this type of license.

Members questioned why it would be necessary to create this type of license.

Executive Officer Quiogue indicated that one of the many reasons for this concept would be to address physician shortage issues.

Chair Takanishi indicated that the concept of license portability was discussed at the FSMB's 2012 Annual Meeting. He went on to say that this concept is tied to the concept of a temporary locum tenens license. More specifically, this concept provides for a more streamlined process. Chair Takanishi assured members that license portability does not create uniformed license requirements for each state, but would allow for consistent standards amongst states.

Dr. Desai made the following comments regarding a temporary locum tenens license: 1) this type of license is not necessary since a permanent license can be easily obtained; 2) will the Board be lowering its standards; and 3) efforts should be cultivated and/or promoted to recruit physicians to work in Hawaii on a long term versus short term basis.

Chair Takanishi and several members expressed their support for this type of license. However, members indicated that their support would strictly be contingent on the assurance that licensing standards for a temporary locum tenens would remain the same as the standards for a permanent license.

Dr. Desai questioned the role of the Board. He went on to inquire whether the Board's role is to address physician shortage issues or to regulate the practice of medicine.

Mr. Cody expressed similar concerns as Dr. Desai and indicated that the Board runs the risk of having further revisions made to its statutes by the Legislature if it were to go forward with this concept. He went on to say that the problem is not with obtaining medical licenses, but with keeping the physicians from leaving the State.

Chair Takanishi asked the Board to put access issues and politics aside, and to consider supporting this concept as long as the standards of licensure for this temporary license remain the same as that of the standards for a permanent license.

c. Jason Dylík, M.D.: Request to Terminate Conditions of License

After due consideration of Dr. Dylík's request to terminate the conditions of his license, it was moved by Mr. Puleasi, seconded by Dr. Barrickman and unanimously carried to deny Dr. Dylík's request.

Advisory
Committees:

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

Chairperson's
Report:

None.

Correspondence: FSMB report on Assuring the Ongoing Competence of Licensed Physicians

The FSMB report on Assuring the Ongoing Competence of Licensed Physicians was distributed to the Board for their information.

Adjournment: It was moved by Dr. Akaka, seconded by Mr. Puleasi, and unanimously carried to adjourn the meeting at 3:17 p.m.

Next Meeting: Thursday, November 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/Ms. Ahlani K. Quiogue

/s/Wilma Balon

(Ms.) Ahlani K. Quiogue
Executive Officer

Wilma Balon
Secretary

AKQ:wb
10/19/12

() Minutes approved as is.

(X) Minutes approved with changes; see minutes of November 8, 2012.

HAWAII MEDICAL BOARD (10/11/2012-RATIFICATION LIST)

LTYPE LIC NUM BP NAME PART 1

MD 16750 KELLY E <SHAFFER<
MD 16751 KARLA M <VANA<
MD 16752 ROBERT J <VAN GEMERT<
MD 16753 CHRISTOPHER A <WEISSMAN<
MD 16754 JEAN S <VERHEYDEN<
MD 16755 DAVID T <ACKLEY<
MD 16756 THOMAS L <MAGLINAO<
MD 16757 JOHNATHAN L <STREETER<
MD 16758 MATTHEW J <CAFFREY<
MD 16759 SWATI J <SHAH<
MD 16760 BLAKE H <VAN METER<
MD 16761 HARINDER S <BRAR<
MD 16762 DAVID A <TOWNES<
MD 16763 JOHN M <TURNER<
MD 16764 SCOTT E <LENTZ<
MD 16765 JAY M <JARMAKANI<
MD 16766 RAYMOND B <HENTHORN<
MD 16767 CLAYTON W <CHEN<
MD 16768 MOSES A <ALBERT<
MD 16769 CRISTINA L <MOGOS<
MD 16770 CORNELL J <OVERBEEKE<
MD 16771 CHRISTOPHER W <FLYE<
MD 16772 IRENE R <MIRKIN<
MD 16773 CHRISTINE M <BURNS<
MD 16774 KELLY A <SIANO<
MD 16775 JAMES R <WRIGHT< JR
MD 16776 NEIL J <ELLIS<
MD 16777 TURGUT <BERKMEN<
MD 16778 CHAD C <WASDEN<
MD 16779 SARA W <DILL<

MDR 6419 JOHN F <BONNES<
MDR 6420 IAN M <LOPER<
MDR 6421 SUKRANT <MEHTA<
MDR 6422 JEAN M <YU<
MDR 6423 JONATHAN <STEVENS<
MDR 6424 KATHERINE <BOYLE<
MDR 6425 ZACHARY A <KASPEREK<
MDR 6426 KATIE L <GRUND<
MDR 6427 DARREN <HUFFMAN<
MDR 6428 SCOTT S <GLAZIER<
MDR 6429 CANDICE S <DANESHVAR<
MDR 6430 DEBORAH <FADOWOLE<

MDT 4075 RANDALL J <LEE<

DOS 1478 LISA M <ASHE<
DOS 1479 RINAH I <SHOPNICK<
DOS 1480 CATHERINE <CROWE<
DOS 1481 ROBERT J <BLOK<

DOSR 248 THOMAS J <MIKULSKI<
DOSR 249 SAMUEL M <TIGLAO<
DOSR 250 ELIZABETH K <MCLEOD<

AMD 479 DANIEL C <REY<
AMD 480 TAIKYO <KANEDA<
AMD 481 CHELSEA M E <NICHOLS<
AMD 482 CHARINA K O <SUMMER<
AMD 483 LEIGHTON K <KAONOHI< JR
AMD 484 CLIFFORD M <SYNER<

EMTB 2410 BRANDON K <NERPIO<
EMTB 2411 ROBERT H <BARRY<

EMTP 2001 DANIEL H <SALVATORI<
EMTP 2002 JONATHAN L <ABUAN<
EMTP 2003 KURRY T <ARAKI<
EMTP 2004 MOLLY E <MCGUIRE<