

SHERRIE T. SEKI #2537
 Regulated Industries Complaints
 Office
 Department of Commerce and
 Consumer Affairs
 State of Hawaii
 600A James Campbell Building
 828 Fort Street Mall
 Honolulu, Hawaii 96813
 Telephone: (808) 586-2660

DEPARTMENT OF COMMERCE
 AND CONSUMER AFFAIRS

AUG 19 1 54 PM '93

HEARINGS OFFICE

Attorney for Petitioner

BOARD OF MEDICAL EXAMINERS
 DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
 STATE OF HAWAII

DEPARTMENT OF COMMERCE
 AND CONSUMER AFFAIRS
 HEARINGS OFFICE
 NOV 30 4 06 PM '93

In the Matter of the)	AD 90-1
Medical License of)	
DENNIS B. LIND,)	FIRST AMENDED SETTLEMENT
)	AGREEMENT AFTER FILING OF
)	PETITION FOR DISCIPLINARY
Respondent.)	ACTION AND BOARD'S FINAL
)	ORDER
)	

FIRST AMENDED SETTLEMENT AGREEMENT AFTER FILING OF
 PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER

DENNIS B. LIND (hereinafter "Respondent") and the
 Department of Commerce and Consumer Affairs, by and through its
 REGULATED INDUSTRIES COMPLAINTS OFFICE (hereinafter "RICO") enter
 into this first amended settlement as follows:

Whereas, on July 25, 1991, RICO filed a Petition for
 Disciplinary Action Against the Medical License of Respondent,
 License No. MD-2436;

Whereas, Respondent has been advised that he may retain
 an attorney for representation in this matter and has retained
 Edmund Burke, Esq., of the law firm Burke, Sakai, McPheeters &
 Bordner, 3100 Mauka Tower, Grosvenor Center, 737 Bishop Street,
 Honolulu, Hawaii 96813, to represent him;

Whereas, Respondent is in receipt of the Petition for Disciplinary Action filed herein, and has been apprised of the charges that will be brought against him should this matter proceed to administrative hearing;

Whereas, Respondent represents that he has been apprised and has full knowledge of this right to a hearing pursuant to the laws of the State of Hawaii, including but not limited to Chapters 91, 92 and 453, Hawaii Revised Statutes (hereinafter "HRS");

Whereas, Respondent voluntarily waives and gives up his right to a hearing in the matter stated herein;

Whereas, Respondent is, and at all times relevant herein was, licensed to practice medicine under the above-mentioned license number and has the current business address of 1441 Kapiolani Blvd., #1306, Honolulu, Hawaii, 96814;

Whereas, all relevant acts herein occurred in the State of Hawaii;

Whereas, Respondent acknowledges that Petitioner had probable cause to file the Petition for Disciplinary Action in this matter;

Whereas, Respondent admits to the allegation of a violation of § 453-8(a)(9), HRS, in the Petition for Disciplinary Action filed by the Petitioner on July 25, 1991, and desires to enter into this First Amended Settlement Agreement (hereinafter "Settlement Agreement") to avoid the risks and expenses of an administrative hearing;

Whereas, Respondent makes the following statement of
the case:

The conduct complained of took place in November - December 1988 after the patient-doctor relationship ended and the conduct was terminated without consummation.

I have complied with all the conditions imposed by the American Psychiatric Association and the Hawaii Psychiatric Society. This has included a five year suspension which began in September, 1989. I have undertaken supervision of my practice since that time with Dr. Darius Amjadi, who reports periodically to the Hawaii Psychiatric Society. The action taken by the APA in 1989 was not reported to the National Data Bank since it was not established at that time.

On December 17, 1988, I entered into personal psychotherapy with Dr. K. Y. Lum to address the issues related to this matter. Dr. Lum reported on February 22, 1989 to the Ethics Committee of the Hawaii Psychiatric Society as follows: "I believe that he is a 'safe' practitioner of psychiatry now, and I doubt very much if such a breach would occur again in the future. I would hope that your committee would be as judicious and fair as possible in whatever sanctions it imposes. I believe that Dr. Lind has suffered untoward remorse, guilt, and shame already."

On November 17, 1989, I made financial restitution to the patient involved. I also had a session with her and Dr. Lum to apologize to her directly, to allow healing to begin.

I have been actively involved in community service, as I have been for years, by being on the Board of Directors of The House, Inc. More recently, I have been consulting with the Jewish Federation of Hawaii to establish a crisis intervention service.

I believe I have been successfully rehabilitating myself and have been maintaining ethical conduct. The event which occurred was unique and will not be repeated.

The action taken by the American Psychiatric Association in 1989 was not reported to the National Data Bank, since it was not established at that time.

Whereas, Respondent is subject to penalties, including revocation or suspension of his license for said violations;

NOW, THEREFORE, RICO and Respondent agree, subject to the approval and order of the Board of Medical Examiners, as follows:

1. Jurisdiction. The Board of Medical Examiners has jurisdiction over the subject matter herein and over the parties hereto.

2. Waiver of right to hearing. Pursuant to § 91-9(d), HRS, Respondent voluntarily waives his right to a hearing and agrees to a disposition of this case pursuant to the terms and conditions of this Settlement Agreement.

3. No coercion or duress. Respondent enters into this Settlement Agreement freely and voluntarily and under no coercion or duress. Respondent acknowledges that he is fully aware that in so doing he is subject to disciplinary sanctions pursuant to the terms herein.

4. Fine. Respondent agrees to pay a fine of TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00). Said fine shall be paid within thirty (30) days of the approval of this Settlement Agreement by the Board of Medical Examiners. Payment of the fine shall be made in the form of a bank draft, certified check or money order payable to DCCA-Compliance Resolution Fund delivered to the Regulated Industries Complaints Office, P.O. Box 2399, Honolulu, Hawaii, 96804.

5. Failure to abide by terms of this Agreement.

Respondent acknowledges that should he fail to abide by the terms of this Settlement Agreement, the Board of Medical Examiners may, in its discretion, pursue further disciplinary actions as provided by law to include further fines and other sanctions as the Commission may deem appropriate;

6. No objection to failure to approve. If the Board of Medical Examiners does not approve the Settlement Agreement, does not issue an order pursuant thereto or does not approve a lesser and/or alternative remedy and instead proceeds to hear an administrative case against Respondent pursuant to HRS Chapters 91 and 92 and the rules promulgated thereunder, Respondent agrees that he will not raise any objection on any administrative and/or adjudicatory level on the basis that the Board of Medical Examiners has become disqualified to consider this case because of its review and consideration of the Settlement Agreement. In the event that the Board of Medical Examiners fails to approve the Settlement Agreement, this Settlement Agreement shall not be admissible in evidence and may not be used against Respondent in an administrative hearing on the matters covered herein.

7. Reporting to the National Data Bank. Respondent originally entered into this Settlement Agreement with the understanding that the action taken herein is not reportable to the National Data Bank. However, Respondent acknowledges that decision to report is at the discretion of the Board. In considering whether this Settlement Agreement will be reported,

Respondent respectfully requests that the Board consider all factors contained in this Settlement Agreement including the following points:

- a. The offense occurred over four years ago.
- b. Dr. K. Y. Lum rendered an opinion over four years ago that Dr. Lind had been successfully rehabilitated and doubted that such a breach would occur again.
- c. No other complaints have been made against Dr. Lind either prior to or following the events complained of.
- d. The 1988 offense, the 1989 restitution, and the 1989 discipline by the American Psychiatric Association all occurred before the inception of the National Data Bank.

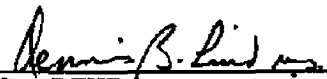
8. Ambiguities, if any, shall be construed to protect the consuming public. The language and terms of this Agreement are the product of negotiation between the parties hereto and/or their attorneys and the rule that ambiguities shall be construed against the drafter of this Agreement does not apply. The parties did not intend to use ambiguous language, but if any ambiguities exist, they should be construed against the parties in the manner which most completely protects the interest of the consuming public.

9. No reliance upon representations of RICO. Other than the matters specifically stated in this Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to respond and to induce entry into this Agreement and Respondent is not relying upon any statement, representations, opinions or promises made by RICO or any of its


agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Agreement or concerning any other matter or thing.

10. No precedent. This Agreement shall not be relevant or admissible for any purpose in any pending or future cases or for any other respondents or parties.

DATED: Honolulu, Hawaii, Aug. 14, 1993.

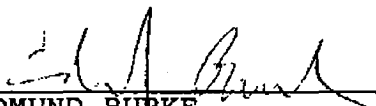


DENNIS B. LIND
Respondent



SHERRIE T. SEKI
Attorney for Petitioner

APPROVED AS TO FORM:



EDMUND BURKE
Attorney for Respondent

REVIEWED AND RECOMMENDED
FOR CONSIDERATION:



Hearings Officer

AUG 19 1993
Date

IN THE MATTER OF THE MEDICAL LICENSE OF DENNIS B. LIND;
SETTLEMENT AGREEMENT AFTER FILING OF PETITION FOR
DISCIPLINARY ACTION AND BOARD'S FINAL ORDER;
AD 90-1

APPROVED AND SO ORDERED:
Board of Medical Examiners
State of Hawaii

Ericson M. Caswell, M.D.
CHAIRMAN

November 17, 1993
DATE

Melvin M. Kaneshiro, M.D.
BOARD MEMBER

Robert Wilson MD
BOARD MEMBER

Mary Ann K... M.D.
BOARD MEMBER

Christine E. ...
BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

(c) 1993 State of Hawaii
BOARD MEMBER