1 STATE OF ALASKA 2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT 3 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING 4 5 STATE MEDICAL BOARD 6 7 MINUTES OF THE MEETING 8 February 6-7, 2020 9 10 These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional 11 Licensing. They have not been reviewed or approved by the Board. 12 13 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting 14 of the Alaska State Medical Board was held on Thursday, February 6 and Friday, February 7, 2020 in Anchorage, 15 Alaska. 16 17 February 6-7, 2020 18 19 1. Call to Order 20 21 The meeting was called to order by Catherine Hyndman, MD, Chair, at 9:02 a.m. 22 23 Roll Call 24 Board members present, constituting a quorum: 25 26 Cam Carlson, Public Member 27 Brück A. Clift, MD (arrived at 9:17 a.m.) 28 Doug Mertz, Public Member 29 Joy M. Neyhart, DO 30 Catherine Hyndman, MD 31 Timothy Olson, PA-C 32 33 Board member Christopher Gay, MD was unable to attend, excused by the Chair. 34 35 **Board Staff:** 36 Alysia Jones, Executive Administrator 37 Jason Kaeser, Licensing Examiner 38 Steven Alvarado, Licensing Examiner (attended remotely) 39 40 **Division Investigative Staff:** 41 Sonia Lipker, Senior Investigator 42 Michele Wall-Rood, Investigator 43 Autumn Roark, Investigator 44 Billy Homestead, Investigator 45 46 The following visitors attended portions of the meeting: 47 Jamil Matthews, M.D. 48 Megyn Weigand, Department of Law 49 Sondra LeClair, Department of Health and Social Services (DHSS) 50 Brian Richie, DHSS 51 Terry Kadel, DHSS 52 Todd McDowell, DHSS (attended remotely) 53 Kari Bernard, Alaska Academy of Physician Assistants (AKAPA)/ Medex

Phil Sanders, Board of Pharmacy (BOP)
Richard Holt, BOP
Lana Bell, BOP
Tammy Lindemuth, BOP
Leif Holm, BOP
James Henderson, BOP

Ms. Jones noted appropriate emergency exits and gathering location.

#### 2. Review/ Approve Agenda

The Board reviewed the agenda.

On a Motion duly made by Dr. Neyhart, seconded by Mrs. Carlson and approved unanimously, it was RESOLVED to approve the agenda as presented.

#### Agenda Item 3. Review November 7-8, 2019 Meeting Minutes

The board reviewed the minutes. Mrs. Carlson requested a note be added regarding the rescheduling of a probation interview. Dr. Neyhart provided minor corrections to courtesy titles and the February 2020 meeting dates.

#### 3. Review/ Approve November 7-8, 2019 Meeting Minutes

On a Motion duly made by Mrs. Carlson, seconded by Mr. Olson and approved unanimously, it was RESOLVED to approve the November 7-8, 2019 minutes with corrections as noted.

The official minutes were signed by the Chair.

## 4. Review/ Approve December 27, 2019 Teleconference Minutes

The board reviewed the minutes.

On a Motion duly made by Mrs. Carlson, seconded by Mr. Olson and approved unanimously, it was RESOLVED to approve the minutes as presented.

The official minutes were signed by the Chair.

Additionally, the board re-reviewed the corrected minutes of the August 2019 meeting to show Dr. Liu attended in person and corrected the typo on page 14 to reflect Dr. Lui seconded the motion.

On a motion duly made by Mrs. Carlson, seconded by Mr. Olson and approved unanimously, it was RESOLVED to approve the minutes as presented.

#### 5. Ethics Reporting

There were no ethics conflicts reported.

#### **6. Executive Session**

On a motion duly made by Mrs. Carlson, seconded by Dr. Neyhart, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the

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purpose of discussing Case No. 3AN-19-11710 CI with the Board executive administrator and Assistant Attorney General Megyn Weigand remaining during the session.

The Board entered executive session at 9:14 a.m. The Board went back on the record at 10:03 a.m.

On a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, and approved unanimously, the Board tabled the discussion of Case No. 3AN-19-11710 CI given the upcoming change in members of the board.

#### 7. Board Actions

Investigators Sonia Lipker, Autumn Roark, and Michelle Wall-Rood joined the meeting.

On a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2019-000039, Case No. 2018-001334, and Case No. 2019-001285; with the executive administrator and investigative staff remaining during the session.

The Board entered executive session at 10:11 a.m. The Board went back on the record at 10:25 a.m.

#### In the Matter of Case No. 2019-000039

The board reviewed a proposed consent agreement from an investigation of a paramedic who self-disclosed past substance use. The consent agreement included recommendations consistent with Board disciplinary history and guidelines, including a five-year probation.

On a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board adopted the consent agreement, Case No. 2019-000039, signed by Lorraine D. Richmond.

The adoption order was signed by the Chair.

# In the Matter of Case No. 2018-001334

The board reviewed a proposed imposition of civil fine agreement for a licensee who had failed to disclose required information on a new license application.

On a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board adopted the Imposition of Civil Fine Agreement, Case No. 2018-001334, signed by Jamil Matthews, M.D.

The adoption order was signed by the Chair.

#### In the Matter of Case No. 2019-001285

The board reviewed a proposed imposition of civil fine agreement for a licensee who had failed to disclose required information on a new license application.

On a motion duly made by Dr. Clift seconded Mr. Olson, and approved unanimously, the Board adopted the Imposition of Civil Fine Agreement, Case No. 2019-001285, signed by Sanjiv Lakhanpal, M.D.

The adoption order was signed by the Chair.

#### 8. Investigative Unit

Investigators Sonia Lipker, Michelle Wall-Rood, and Autumn Roark, were in attendance.

Investigator Wall-Rood presented the Investigative Report. Investigators closed 44 cases and opened 36 cases; 66 matters remain on-going and under active investigation or are pending litigation.

Senior Investigator Lipker presented the Probationary Report noting 4 licensees are non-compliant with probations. Investigator Homestead will attend the meeting on Friday to present Case Nos. 2017-000878 and 2018-000178.

Mr. Olson asked about the timeframe for testing and reporting of results related to probations. Investigator Lipker reported a lag time of 7-14 days after the day of the test, and noted that the investigative unit is working on addressing the issue. The board and investigative staff discussed potential elements of the process that delays receipt of the results. Investigator Lipker reported that the Division is interested in a new company that would allow a licensee access to more testing facilities and would provide additional information at a future meeting. Investigator Lipker thanked the board for their service.

The Chair requested the board move on to Agenda Item 22.

#### 22. Readdress VA issue with Physician Assistants (PAs).

Mr. Olson requested confirmation that a physician assistant (PA) only needs a collaborative plan through their current place of practice and that a separate collaborative plan is required if the PA wishes to practice off of a military or tribal health. Licensing Examiner Jason Kaeser confirmed that a licensed PA is required to have a collaborative plan and noted the federal exemption in 12 AAC 40.981:

# 12 AAC 40.981. Federal licensure exemptions for persons who practice in an Alaska Tribal Health program.

(a) A person who practices medicine, podiatry, or osteopathy, or who practices as a physician assistant or mobile intensive care paramedic, in a tribal health program in this state must be licensed by the board unless they notify the board that they are practicing under another license in accordance with 25 U.S.C. 1621t (sec. 221, Indian Health Care Improvement Act). Notice required under this section must be received no later than 14 days after employment at a tribal health program in this state, and must include

(1) proof of a current active license in another state;

 (2) proof of employment by a tribal health program that is operating under an agreement with the federal Indian Health Service under 25 U.S.C. 450 – 458ddd-2 (Indian Self-Determination and Education Assistance Act).

(b) A person practicing under the exemption may not practice beyond the scope of the other state license.

 The board requested staff conduct further review of the statutes and regulations to confirm exemption for military bases as it was not specifically noted in 12 AAC 40.981.

The Chair requested the board move to Agenda Item 18.

#### 18. Review of Application Forms

**A. Professional Fitness Questions** - Dr. Neyhart expressed her concern with current professional fitness questions on the initial application form, stating that they are invasive. Dr. Neyhart reported that Alaska had been specifically called out at Federation of State Medical Boards (FSMB) meetings for the inappropriateness of these questions.

The board reviewed a sampling of professional fitness questions from initial medical applications from Alabama, Delaware, Kansas, Oregon, Washington, and Wisconsin.

The Chair asked the members of the board to deliberate on the questions overnight and be prepared to readdress the topic on Friday.

#### 9. DHSS Topics

Sondra LeClair, Brian Richie, Terry Kadel, and Todd McDowell of the Department of Health and Social Services (DHSS) joined the meeting.

**A. POLST Regulations** - Ms. LeClair, Chief for the State of Alaska Section of Rural and Community Health System presented the Physician Orders for Life Sustaining Treatment (POLST) Program information and proposed form to the board. Ms. LeClair explained the need to provide patients with more choices and improve communication of their needs. The group reviewed the program information and walked through the proposed form. Ms. LeClair explained the intent of the program is a patient driven, voluntary process and that the onus is on the physician to explain options and communicate choices.

Mr. Mertz asked about altering other legal information. Ms. LeClair confirmed that the POLST form is not intended to change other legal documentation, but that EMTs and paramedic would use for it immediate care.

It was noted that protocol for do not resuscitate orders are subject to approval of the State Medical Board, per AS 13.52.065(b). In following, LeClair requested the board's support of the POLST program.

Upon a motion duly made by Dr. Clift, seconded by Mr. Olson, and approved unanimously, the Board approved the POLST program and form as presented.

**B. Paramedic Licensure -** Ms. LeClair explained DHSS currently oversees all parts of the emergency medical system, except paramedic licensure. Referencing her presentation to the board at their previous meeting, LeClair reiterated the focus is to modernize and transform the EMS system, utilizing best practices in Alaska and nationwide.

Ms. LeClair and Mrs. Jones confirmed both agencies intend for the transfer, if approved, to be a collaborative process and a smooth transition for licensees is a high priority. EMS Data Manager Mr. Richey and Terry Kadel, EMS Officer addressed the board's questions regarding DHSS/ EMS' application process and noted that a lot of the processes are automated.

Ms. LeClair asked the board to support the concept of moving the paramedics into the EMS office. The Chair recalled Mr. Mertz' request for an independent study to determine if the transfer of paramedic licensure from the State Medical Board to DHSS was advisable.

The board recessed for lunch at 12:18 p.m. The board went back on the record at 1:24 p.m.

Board members present, constituting a quorum:

Cam Carlson, Public Member

Brück A. Clift, MD

Doug Mertz, Public Member (arrived at 1:35 p.m.)

49 Joy M. Neyhart, DO

50 Catherine Hyndman, MD

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 Timothy Olson, PA-C

Board staff present:

Alysia Jones, Executive Administrator Jason Kaeser, Licensing Examiner

#### 11. Full Board Interviews

On a motion duly made by Mr. Olson, seconded by Dr. Clift, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the scheduled Board interviews; with the Board executive administrator remaining during the session.

The Board entered executive session at 1:24 p.m., and went back on the record at 1:40 p.m.

#### Sandra Speerstra, P.A.

Ms. Speerstra was present to discuss her license application with the board.

Board member Christopher Gay, MD was unable to attend, excused by the Chair.

On a motion duly made by Mr. Olson, seconded by Dr. Clift, and approved unanimously, the board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Ms. Speerstra; with the Board executive administrator and Ms. Speerstra remaining during the session.

The board entered executive session at 1:42 p.m., and went back on the record at 1:52 p.m.

On a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the board granted a full, unrestricted physician assistant license to Sandra Speerstra, PA.

#### Keith Allen Henry, M.D.

 Dr. Henry was present to discuss his license application with the board.

On a motion duly made by Mrs. Carlson, seconded by Dr. Neyhart, and approved unanimously, the board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Dr. Henry; with the Board executive administrator and Dr. Henry remaining during the session.

The board entered executive session at 1:54 p.m., and went back on the record at 2:01 p.m.

On a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the board granted a full, unrestricted license to Dr. Keith Allen Henry, M.D.

#### David Patrick Kappenman, M.D.

 Dr. Kappenman was present via videoconference to discuss his license application with the board.

On a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved unanimously, the board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Dr. Kappenman; with the Executive Administrator and Dr. Kappenman remaining during the session.

The board entered executive session at 2:05 p.m., and went back on the record at 2:17p.m.

On a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the board granted a full, unrestricted license to David Patrick Kappenman, M.D.

The board took a short break at 2:18 p.m. The board was back on the record at 2:23 p.m.

#### 18. Review of Application Forms

**B. Periodic Record of Assessment PA-C Form** - Mr. Olson explained that collaborative physicians are required to complete periodic assessments for each physician assistant. The board reviewed the form. Mr. Olson requested confirmation as to whether there was a periodic audit of these assessments and asked if it can be requested when there is a violation involving a physician assistant. It was noted that the Board would revisit this topic at the May 2020 meeting to discuss appropriate process and procedures, using the current continuing medical education audit process as an example. The Board requested Ms. Jones confirm review of assessments during investigative matters.

#### 23. New Business

**A. Overtaxing of medical providers in urgent care settings -** Mr. Olson reported hearing from PAs in Colorado that were seeing 60 patients in a 10-12 hour shift. It was noted that the patient ratio for that timeframe was high. Mr. Olson reported that the Alaska Academy of Physician Assistants is conducting research to determine the appropriate number of patients to see in a particular timeframe. The board discussed factors including complexity of issues and frequency of high ratios. Mr. Olson encouraged the board to keep this topic on their radar as a potential future regulation or policy update.

**B. Conversion Therapy** - Mr. Olson explained the intent of conversion therapy is to try to change an individual's sexual orientation. It was noted that the current Board encouraged the future members of the board approach this topic from medical/ scientific, evidence-based assessments of potential problems and solutions.

Mr. Olson proposed the Board draft a letter to raise awareness. Dr. Clift appreciated Mr. Olson bringing the topic to the board for discussion. The board determined a letter may be premature and recommended incoming board members monitor the issue.

Dr. Neyhart read the following excerpt of *The Lies and Dangers of Efforts to Change Sexual Orientation or Gender Identity* from the Human Rights Campaign website (https://www.hrc.org/resources/the-lies-and-dangers-of-reparative-therapy)

To date CA, CO, CT, DE, HI, IL, ME, MD, MA, NV, NH, NJ, NM, NY, OR, RI, VT, WA, D.C. an P.R. all have laws or regulations protecting youth from this harmful practice. Several of the laws were enacted under Republican governors. A growing number of municipalities have enacted similar protections including at least 60 cities and counties in AZ, FL, GA, MI, MS, NY, OH, PA, WA and WI.

So called conversion therapy, sometimes known as reparative therapy is a range of dangerous and discredited practices that falsely claim to change a person's sexual orientation or gender identity, or expression. Such practices have been rejected by every mainstream medical and mental health organization for decades, but due to continuing discrimination and the societal bias against LGBTQ people, some practitioners continue to conduct conversion therapy. Minors are especially vulnerable and conversion therapy can lead to depression, anxiety, drug use, homelessness and suicide.

Mr. Mertz recommended that the topic be broached if and when it comes up, but advised the board not take any action on the topic at this time. Mr. Olson reiterated that his intent was to simply raise awareness.

#### 24. FSMB Updates

The board discussed attendance at the FSMB 2020 Annual Meeting scheduled for April 30 – May 2, 2020. Dr. Neyhart encouraged remaining board members and the new executive administrator attend. Mr. Olson and Ms. Jones planned to attend pending confirmation of delegate eligibility requirements. Mr. Mertz declined the invitation to attend as a public member.

ADDENDUM: The FSMB's 2020 Annual Meeting was cancelled on March 12, 2020 due to the evolving concerns surrounding COVID-19.

 Ms. Jones and Mr. Kaeser reported that they had attended a recent webinar offered by FSMB regarding potential updates how historical information can be retrieved and verified. Dr. Neyhart asked if it was related to the interstate medical licensure compact. Mr. Kaeser explained it is related to accessing primary course documentation from programs that had closed and likened it to the Board's acceptance of documentation from Federation Credentials Verification Service (FCVS).

#### 25. Correspondence

The Chair asked if there was any correspondence for the board to consider. Ms. Jones indicated there were no items requiring the board's consideration at this time.

#### 12. PDMP Update

Laura Carrillo, Executive Administrator for the Board of Pharmacy (BOP) and members of the BOP joined the meeting. Ms. Carrillo presented the Prescription Drug Monitoring Program (PDMP) Summary Update (1/28/2020). She reported registration compliance is fifty-eight percent for physicians and ninety-five percent for physician assistants, making total registration compliance for professions regulated by the medical board sixty-two percent.

Ms. Carrillo clarified that the compliance percentages does not include federal providers or Indian Health Service providers that are licensed, but have a different user role. Ms. Carrillo stated that she did not have that information in the current summary, but indicated that she could pull that information for the next meeting if the board was interested. The board indicated their interest in the additional data.

The report also showed registration counts from 2016 through 2019 for physicians and physician assistants. The Chair asked for clarification regarding the information presented for the registration counts. Ms. Carrillo explained the report shows total number of queries and registered users.

Mr. Olson asked if there were any issues, such as delays in registration, with the increased number of registered users. Ms. Carrillo responded that she is seeing slight delays in registration and noted that the majority of the delays are related to the fact that registration is a multi-step process involving multiple databases.

Ms. Carrillo also reported that applications are processed in the order received and that there was a significant backlog due to shortage of resources and a high volume of renewals.

Dr. Neyhart asked if there was any opportunity to streamline the system so it is not a two-step process.

Ms. Carrillo reported that the Division is working on integrating the APPRIS system with the professional licensing database and explained clean up requirements that need to occur prior to the integration.

<sup>&</sup>lt;sup>1</sup> Includes MD, DO, Podiatrist and Medical Resident with prescriptive authority

Dr. Clift asked about the possibility of seeing prescription pick up information and noted her concerns with information not being real time. Ms. Carrillo responded that the reporting is daily. The board discussed their concerns with the gap in reporting.

Mr. Mertz asked for an update about integrating veterinarians. Ms. Carrillo responded that currently veterinarians are required to register. Richard Holt of the BOP stated that there is currently a bill to exempt veterinarians from the requirements of the controlled substance prescription database and explained some of the challenges of using the PDMP for veterinary practice. It was noted that the BOP is neutral on the House Bill 184.

Ms. Carrillo asked the board to review guidance on registration and timeframes for registering. Dr. Neyhart asked about combining the applications. The group discussed potential ways to make the process more fluid. Ms. Jones stated that she will follow up with Ms. Carrillo and other Division staff to explore ways to streamline the PDMP registration process.

Ms. Carrillo requested confirmation of the 30 day grace period for registration. Ms. Jones confirmed that per the Alaska State Medical Board Policies and Procedures:

If a licensee has not registered with the PDMP as required, the executive administrator will notify the licensee of the PDMP registration and use requirements, including information about violations and disciplinary sanctions. The licensee will be given 30 days to register with the PDMP, and confirm that no prescriptions have been issued that required review of the PDMP. Compliance within 30 days of receipt of notice from the executive administrator will be accepted with no further action by the board.

The Chair thanked Ms. Carrillo and the BOP for attending the meeting.

The board took a brief break at 3:24 p.m. The board came back on the record at 3:30 p.m.

#### 13. Public Comment

 There were no visitors for public comment.

between drug testing and reporting times.

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### 14. Physician Health Committee

DO), and physician assistants.

 Dr. Mary Ann Foland of Physician Health Committee (PHC) joined the meeting. Dr. Foland provided an an overview of PHC and its services.

Dr. Foland and the members of the board discussed the monitoring process, including the standard monitoring timeframe and mandated vs. voluntary monitoring. The group also discussed the concerns with lag times

The PHC has a memorandum with the Alaska State Medical Board and provides services to physicians (MD and

Dr. Foland provided information on how to identify impairment in the workplace. Mr. Olson asked about consent agreements and how best to handle potential relapses. Dr. Foland recommended encouraging

productivity and getting physicians back to work sooner rather than later, taking into account patient safety.

The Chair encouraged Dr. Foland to present at the May board meeting to provide an overview of PHC to the incoming board members.

1 The board recessed for the day at 4:28 p.m. 2 3 Friday, February 7, 2020 4 5 6 16. Call to Order 7 8 The meeting was called to order by Catherine Hyndman, MD, Chair, at 9:03 a.m. 9 10 Roll Call 11 Board members present, constituting a quorum: 12 Cam Carlson, Public Member 13 Brück A. Clift, MD 14 Doug Mertz, Public Member 15 Joy M. Neyhart, DO 16 Catherine Hyndman, MD 17 18 Board member Christopher Gay, MD was unable to attend, excused by the Chair. 19 20 Board staff present: 21 Alysia Jones, Executive Administrator 22 Jason Kaeser, Licensing Examiner 23 Steven Alvarado, Licensing Examiner (attended remotely) 24 25 Division Investigative Staff: 26 Greg Francois, Chief Investigator 27 Sonia Lipker, Senior Investigator 28 Billy Homestead, Investigator 29 30 Visitors Present: 31 Shannon Laree St. Clair, M.D. 32 Megyn Weigand 33 Howard A. Lazar (attended remotely) 34 Brian J. lutzi, M.D. 35 Christopher Jonathan Jensen, M.D. 36 David Newman, Department of Administration 37 Rob Roys, DCCED (attended remotely) 38 Sher Zinn, DCCED (attended remotely) 39 17. Full Board Interviews 40 41 On a motion duly made by Mrs. Carlson, seconded by Dr. Neyhart and approved unanimously, 42 the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of 43 discussing applicant interviews; with the Board executive administrator remaining during the session. 44 The board entered executive session at 9:03 a.m. The board came back on the record at 9:09 a.m. 45 46 47 Shannon Laree St. Clair, M.D.

Dr. St. Clair was present to discuss her license application with the board.

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On a motion duly made by Dr. Neyhart, seconded by Dr. Clift and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing applicant interviews; with the Board executive administrator remaining during the session.

The board entered executive session at 9:10 a.m. The board came back on the record at 9:18 a.m.

Upon a motion duly made by Dr. Clift, seconded by Mr. Olson and approved unanimously, the board granted a full unrestricted physician assistant license to Dr. Shannon Laree St. Clair, M.D.

Due to an unanticipated gap in the agenda, Ms. Jones asked the Chair for permission to circle back on yesterday's discussion regarding the transfer of paramedics to DHSS. The Chair approved Ms. Jones' request.

#### 9. DHSS Topics

Ms. Jones reported that she had received additional information from DHSS related to Mr. Mertz' request for an independent study to help determine whether transfer of paramedic oversight from DCCED/ Medical Board to DHSS was advisable.

Ms. Jones directed the members of the board to the State of Alaska Reassessment of Emergency Medical Services, a comprehensive review completed by the National Highway Traffic Safety Administration Technical Assistance Team in May 2014.

Ms. Jones explained the study involved two parts: (1) interviews with state staff members and (2) interviews with medical system stakeholders. Ms. Jones confirmed that no State of Alaska staff members authored the report. Ms. Jones read the following excerpts of the report to the board:

Page 11: "The Alaska State Medical Board has the responsibility for licensing Paramedics while the Unit handles certification of all other levels of EMTs and other regulatory functions in the EMS system. This split in the state oversight of EMS personnel represents an inconsistency in the State's protection of the public served by EMS."

Page 12, recommendation 4: "The Alaska Legislature should transfer the licensing of paramedics from the State Medical Board to the Department of Health and Social Services."

Upon a motion duly made by Mr. Olson, seconded by Dr. Clift and approved unanimously, the Board approved the licensing and supervision of paramedics shall be transferred to DHSS EMS services.

The board returned to Agenda Item 17.

17. Full Board Interviews

In the Matter of Case Nos. 2017-000878 & 2018-000178

Chief Investigator Greg Francois introduced himself to the Board. Investigators Sonia Lipker and Billy Homestead also joined the meeting.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Neyhart and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Case Nos. 2017-000878 and 2018-000178; with the Board executive administrator and investigators remaining during the session.

The board entered into executive session at 9:28. The board came back on the record at 9:55 a.m.

Dr. Iutzi, Mr. Lazar and Mrs. Weigand were present to discuss Case Nos. 2017-000878 & 2018-000178.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Case Nos. 2017-000878 and 2018-000178; with Dr. Iutzi, Mr. Lazar, Ms. Weigand, the Board executive administrator, and investigative staff remaining during the session.

The board entered into executive session at 9:57 a.m. The board came back on the record at 10:35 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by a majority vote, the board adopted the current amendment to the consent agreement for Case No. 2017-000878 and 2018-000178 with the exception that half the amount (\$5,000) will be paid in the next 90 days and half (\$5,000) will be suspended.

The motion passed with Dr. Clift, Dr. Hyndman, Mr. Mertz, Dr. Neyhart, and Mr. Olson voting in favor. and Mrs. Carlson voting against. Dr. Gay was not present for vote.

The Chair signed the adoption order.

The board took a brief break at 10:43 a.m. The board came back on the record at 10:48 a.m.

#### In the Matter of OAH No. 20-0088

Dr. Jensen and Mrs. Weigand were present to discuss OAH No. 20-0088.

Upon a motion duly made by Mr. Olson, seconded by Dr. Clift and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing OAH No. 20-0088; with Dr. Jensen, Ms. Weigand, the Board executive administrator, and investigative staff remaining during the session.

The board entered into executive session at 10:48 a.m. The board came back on the record at 11:43 a.m.

Upon a motion duly made by Mr. Olson, seconded by Dr. Clift, and approved by a majority vote, the board adopted the current amendment to the consent agreement for OAH No. 20-0088 with the following amendment, in keeping with past case precedence, (\$5,000) will be suspended and (\$5,000) will be paid in the next 90 days.

The original motion was amended by Mr. Mertz to include the following cautionary statement:

The board notes that it has reached the limits of its flexibility when confronted by repeated violations of this consent agreement. If there are future violations the board will respond vigorously and firmly and the respondent is hereby further put on notice that revocation of his license is on the table should there be any further violations.

The amended motion passed with Dr. Clift, Dr. Hyndman, Mr. Mertz, Dr. Neyhart, and Mr. Olson voting in favor. and Mrs. Carlson voting against. Dr. Gay was not present for vote.

The Chair signed the adoption order.

The Chair asked the board to circle back on Agenda Item 18. A. Professional Fitness Questions.

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### 18. Review of Application Forms

4 5 David Newman and Sher Zinn joined the meeting.

6 7 8 A. Professional Fitness Questions - The board reviewed the current professional fitness questions listed under the Personal History section of the License to Practice Medicine or Osteopathy Application (Form 08-4105).

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15. Has your ability to practice medicine in a competent and safe manner ever been impaired or limited by any condition, behavior, impairment, or limitation of a physical, mental, or emotional nature?

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16. Are you currently experiencing any medical condition or disorder that impairs your judgment or that otherwise affects your ability to practice medicine in a safe and competent manner?

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17. Since completing your postgraduate training, have you ever been physically or mentally unable to practice medicine for a period of sixty (60) or longer?

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18. Are you currently the subject of any civil investigation or court process relating to your ability to practice in a safe and competent manner?

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19. Have you ever been diagnosed with, been treated for, or do you currently have voyeurism, pedophilia, exhibitionism, or any other sexual behavior disorder? (Please note that "sexual behavior disorder" does not include sexual preference)

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20. Are you currently engaged in the illegal use of any drug, whether by ingestion, injection, inhalation, or any other method?

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21. Have you used or are you currently using any chemical substance(s), legal or illegal, that in any way impaired or limited, or is currently impairing or limiting, your ability to practice medicine in a safe and competent manner?

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22. Have you ever been voluntarily or involuntarily committed or confined to any facility for mental health care?

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23. Have you ever been diagnosed with, treated for, or do you currently have: Check each condition you have ever been diagnosed with, treated for, or currently have:

36 37

Bipolar Disorder

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 Depressive Neurosis Kleptomania

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Hypomania

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Any Dissociative Disorder

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o Pyromania

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Schizophrenia

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Any Psychotic Disorder

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o Delirium

Depression

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Any Organic Mental Disorder

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o Paranoia Seasonal Affective

49 50 Any condition requiring chronic medical or behavioral treatment

- 24. Have you ever taken, or are you currently taking, any controlled substance for any of these disorders?
- 25. Have you ever been adjudicated, or declared incompetent, or been the subject of an incompetency proceeding?

Dr. Neyhart recommended removing #23, noting that it requires applicants to disclose information that has no bearing on their ability to safely practice medicine, it violates privacy and impedes the licensure process. She also reiterated that Alaska had been repeatedly called out for the inappropriateness of these questions at national meetings. Mr. Kaeser confirmed applicant concerns with #23.

- Dr. Clift noted that question 16 addresses the issue and provided additional revisions to 24 and 19.
- Dr. Neyhart recommended incorporating language similar to that of Oregon's regarding licensees who are participating in a physician health committee program. Mr. Olson requested all initial medical applications be updated to mirror the changes to 08-4105. All members of the board agreed. The board also discussed updating language in Form 08-4105 to clarify that responses to "yes" answers will be considered confidential.

The Chair requested Ms. Jones compile the proposed changes and submit to the board to review via OnBoard.

ADDENDUM: A preliminary draft of the updates was submitted to the board for review on February 13, 2020. All feedback received was incorporated into a revised draft that the board voted on via mail ballot on February 28, 2020. A vote to table the discussion until the May 2020 meeting was received on March 2, 2020. The proposed changes were submitted to the Department of Law for review, with a request to provide comments prior to the board's May meeting.

#### 20. Regulatory Review

**B.** Clarification on proposed changes to 12 AAC 40.016 - At the November 7-8, 2019 meeting, the board adopted proposed regulation changes relating to licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth practice for physician assistants, and unprofessional conduct in the regulations of the State Medical Board, as written and publicly noticed.

Assistant Attorney General Megyn Weigand remained in the meeting to assist the board in reviewing Department of Law's request for clarification on the adopted proposed regulation changes.

Ms. Jones explained Department of Law had questions regarding the proposed changes to 12 AAC 40.015, 12 AAC 40.016, and 12 AAC 40.040, and advised the board to consider:

- Repealing 12 AAC 36.40.015(b)(2)(E) as a repeal of 12 AAC 40.015(b)(2)(E) would pare out redundancy.
- Removing references to the International Medical Education Directory within 12 AAC 40.016 and replacing with World Directory of Medical Schools.
- Delete reference to 12 AAC 40.040 as it is unnecessary: the regulation addresses a "recognized hospital," a matter not AS 08.64.200 but, for purposes of AS 08.64.225(a)(2)(A), already addressed in AS 08.64.225(c).
- Clarifying the intent and applicability of the statement "Training periods of less than 12 months will not be accepted," in 12 AAC 40.016(a)(3)(A)(ii), and whether it is applicable to 12 AAC 40.016(b)(3)(A)(i).
- Dr. Neyhart left the meeting at 1:30 p.m.

On a motion duly made by Dr. Clift, seconded by Mr. Olson and approved unanimously, the Board accepted the revisions to the proposed regulation changes provided by Mr. Weaver and Ms. Milks of the Department of Law.

**A. DEA Registration** - The Chair noted that there is confusion regarding DEA registration and PDMP registration and requested the board consider ways to help clarify the requirements. Staff indicated applicants frequently misunderstand that they are required to list a DEA registration in any state/ jurisdiction not just a DEA in Alaska. The board reviewed the current language in the application:

5. DEA REGISTRATION AND PRESCRIPTION DRUG MONITORING PROGRAM (PDMP):
I have a valid DEA registration and have registered with the Alaska PDMP:
DEA Registration Number:
PDMP Registration Number:
I do not have a DEA registration. I understand that if I obtain a DEA registration, I must register with the Alaska PDMP and use it to review a patient's prescription history, as required by Alaska law.

The Chair proposed updating the DEA Registration and PDMP language in the paper application form to mirror the language in the online application. Dr. Clift recommended clarifying any state or jurisdiction. The board also discussed adding a timeframe and ways of improving tracking of DEA registrations.

Ms. Jones stated that the deadline noted in the *Alaska State Medical Board Policies and Procedures* is 30 days. The board proposed adding language to specify "within 30 days" and "must notify the Board." There was also discussion of expanding the options to 3, however Mr. Kaeser explained that an applicant is not issued a PDMP Registration Number until they are licensed, so they typically indicate "pending" in that field.

The Chair asked Ms. Jones to put together a draft of the revisions for the board to consider via mail ballot.

Assistant Attorney General Megyn Weigand left the meeting.

ADDENDUM: The Division is working to develop a DEA/PDMP Acknowledgement section for the initial applications associated with license types required to register with the PDMP. The intention is to standardize language and ensure the required information is being reported by individuals/applicants in accordance with statutes and regulations.

#### 27. License Application Review

Information about the license application process and Board approval process was included in board packets for further review. The board reviewed 119 applications for licensure, including 74 physicians, 11 osteopathic physicians, 24 physician assistants, and 10 paramedics.

#### 10. Malpractice Report Review

The board reviewed the malpractice reports.

On a motion duly made by Dr. Clift, seconded by Mrs. Carlson and approved unanimously, the Board accepted the malpractice reports as presented, with no further action at this time.

#### 19. Division Update

**A. FY2020** 2<sup>nd</sup> **Quarter Report** - Ms. Jones presented the FY2020 2<sup>nd</sup> quarterly report to the board and noted that a fee analysis would be conducted at the May meeting to determine whether an adjustment of fees was necessary for the upcoming renewal cycle. Ms. Jones noted two factors that will affect the board's revenue and expenditures:

- 1) Potential loss of revenue of application and licensing fees for mobile intensive care paramedics if SB 173 passes.
- 2) Reduction in expenditures due to restructuring of staff resources. The duty station for the executive administrator position has been changed from Anchorage to Juneau. The records and licensing supervisor and office assistant positions have been reassigned to other professional licensing programs.

The Board expressed their concern with the loss of the two positions and the effect it would have on staff's work. Mr. Olson asked if staff anticipated a reduction in the volume of emails and phone calls with some of the board's work to clarify and streamline aspects of the application process. Ms. Jones and Mr. Kaeser indicated that they are hopeful that the board's efforts along with the creation of a dedicated publications team within the Division would help alleviate some of the volume of questions.

Mrs. Carlson asked about travel costs associated with quarterly board meetings. Ms. Jones directed the board to the appropriate line item of the financial report and stated that the Governor's mandate included one in person meeting per fiscal year with all other meetings behind held via videoconference. Ms. Jones explained the process for submitting a travel waiver request and justification requirements for additional in person meetings.

On a motion duly made by Dr. Clift, seconded by Mrs. Carlson and approved unanimously, the Board ordered all quarterly meetings be held in person at the most convenient location for the majority of the board members.

**B. Professional Licensing Reform Bills (SB157/HB216)** - Ms. Jones reported that the Alaska State Legislature introduced SB 157 and HB 216, referred to as "Professional Licensing Reform". The intent of this legislation is to strengthen reciprocity provisions, aligning Alaska licensure policy with national best practices and "clean-up" outdated and/or unnecessary licensure requirements.

The major policy reforms in this legislation that affect most professional licensing programs include:

- Universal Temporary Licensure, outlined in sections 2 and 3 of the bills as introduced:
  - Provides each profession with a pathway to temporary licensure.
  - o Ensures candidates are qualified and discipline-free prior to practicing in Alaska.
  - Expedites temporary licenses for military spouses and others who are critically needed by their employers.
  - Places the accountability with the department to establish temporary licenses for each program, in collaboration with boards, licensees, and stakeholders.
  - This concept has been widely endorsed by Alaska's military and healthcare communities.
  - Marine pilots and big game commercial services providers are not included in this proposal due to the foundational requirement to know Alaska's unique terrain.
- Reasonable Basis Review, outlined in section 6 as introduced:
  - Provides clarity to applicants with criminal histories.
  - o Provides guidance to boards and the department on how to evaluate conviction
  - o relevance, seriousness, time since conviction, and rehabilitation.

**C. Licensing Examiners' Report -** Ms. Jones presented a breakdown of applications reviewed at this meeting, and statistics of licenses and reinstatements issued since November 2019. Ms. Jones offered to provide statistical

reports for the board going forward and asked what other information the board was interested in seeing. Mrs. Carlson requested information regarding in state vs. out of state licensees be provided. The board members recommended including data regarding telehealth.

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#### 21. Follow up on Sunset Audit Report & Response

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Senate Bill (SB) 172 - Extending the State Medical Board was introduced on February 3, 2020. Ms. Jones explained that the sunset date for the Medical Board is June 30, 2020 and the bill would extend the board through June 30, 2025. It was noted that the maximum extension is eight years, but that due to findings, Legislative Audit recommends an extension of five years. The Chair offered to call in to the hearing. Mr. Olson agreed to serve as an alternate.

ADDENDUM: Senate Labor and Commerce amended the bill by reducing the extension to June 30, 2023 and

adding a compliance check for 2021. As of March 11, 2020, CSSB172 was heard and held in Senate Finance.

#### **26. Administrative Business**

The Chair requested the board elect a new chair given that her term was scheduled to end on 3/1/2020. It was noted that the Governor may designate a chair for professional licensing boards, per AS 08.01.020

A. Elections - By acclamation, Mr. Olson was named Chair of the Alaska State Medical Board, effective March 1, 2020.

ADDENDUM: Mr. Olson was removed from the Board effective March 2, 2020. Dr. Richard Wein was elected Chair on Friday, March 13, 2020.

B. Confirm meeting schedule - The Board confirmed the next regular meeting would be held on May 7-8, 2020 at the Atwood Building in Anchorage.

ADDENDUM: Due to scheduling conflicts and lack of resources (technical equipment and support staff), the dates of the meeting were changed to May 21-22, 2020.

#### 27. License Application Review

Information about the license application process and Board approval process was included in board packets for further review. The board reviewed 116 applications for licensure, including 71 physicians, 11 osteopathic physicians, 23 physician assistants, and 11 paramedics.

#### 28. Read Applications into the Record

On a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following MOBILE INTENSIVE CARE PARAMEDICS for licensure in Alaska, pending completion of their application files.

Jessica	Ann	Barrett
Kenneth	R.	Berndt
Austen	W.	Burgh
Richard	Allen	Elkins
Herbert	Dylan	Нау
Zachary	Adam	Pettit
Kaleb	Austin	Self

Gabriel	Michael	Smith
Joseph	Hamilton	Starbuck
Jenni	Lee	Villarreal

On a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following PHYSICIAN ASSISTANTS for licensure in Alaska, pending completion of their application files

Devon	Nicole	Anderson
Jonathan	Edward	Brown
Danielle	Rae	Collins
Shane	Edison	Cramer
Mallory		Driscoll
Alana	Marie	Firese
Nathan	Allen	Friederichs
Lauren	Bandi	Grant
Brian	Edward	Granvall
Christi	Wales	Jones
Katherine	Ann	Kennedy
Christopher	Michael	Leccese
Leslie	Ann	Moog
John	Allen	Rexroth Jr.
Amber	Jean	Ross
Kaitlyn	Mary	Rowan
Monica	Sulema	Sanchez
Kimberly	Dawn	Shriner
Myron		Skoski
Sandra		Speerstra
Kylie	Nicole	Street
Sierra	Frances	Tietge
Roy	Kenji	Uyeno

On a motion duly made by Dr. Clift, seconded by Mrs. Carlson and approved unanimously, the Board approved the following OSTEOPATHIC PHYSICIANS for licensure in Alaska, pending completion of their application files.

Donna	Margaret	Baldwin
Caleb	Spencer	Baxter
Craig	Aaron	Kaiser
Kate	Lyndis	Kimes
Emilo	J	Marzan
Niraj	Chandrakant	Patel

Natasha	Jai	Pyzocha
Veronica	Yumo	Ruvo
Dustin	Jon	Schuett
Louise	Nicole	Wade
Kyle	Ruben	Walker

On a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following PHYSICIANS for licensure in Alaska, pending completion of their application files.

Jeffrey	Scott	Anderson
Siva	Svp	Avula
Jonathan	Aaron	Barnes
Mary	Kay	Barton
Abdelrahman	Fouad Ahmed	Beltagy
Pratik	Dipakeshwar	Bhattacharya
Micahel	Richard	Bibighaus
William	Adrian	Blackwell
Roxana	Erin	Cham
Vincent	Thomas	Chan
Joon	Kyu	Chang
Gregory	Michael	Cheeney
Ilia	Juliana Lilly	Christy
Robert	Kenneth	Danish
Paul	Bartolomeo	DiDomenico
Anjali	L.	D'Souza
John	Anthony	Escobedo
Joshua	Edward	Freedman
Joseph	Scott	Gabrielsen
Suan	Lynne	Gonnella
Jon	Robert	Grace
Ibrahim	Jamil	Haddad
Hila		Handler
Michael	Riley	Heaphy
Keith	Allen	Henry
Jason	Michael	Hogan
Rex	Monroe	Holliday
Aaron	Gray	Humphreys
Jennifer	Barbara	Jacobs
Skylar	Hughes	Johnson
David	Patrick	Kappenman
Annette		Kasprzak
Benjamin	Charles	Katz

Colin	Daniel	Kennedy
Barbara	Lou	Knox
Carrie	Lynn	Langstraat
Joann	Marie	Leahy
Marcialee		Ledbetter
Amy		Lee
Kristofferson	Mondina	Lee
Michael	Nicola	Longo
David	Nicholas	Lortscher
Teresa		Lowery
Brandon		Lynch
Jonathan	Vinh Quang	Mai
Ivan		Medvedev
Jennifer	Bupp	Meko
Andrew	B.	Mendenhall
Wayne	Stuart	Moss
Mahija		Mungara
Tyler	Michelle	Neitlich
Stephanie		Oberfoell
Scott	Heitaka	Okuno
Steve	Robert	Ommen
Obinna	Ogechukwu	Orji
Jay	Balvant	Patel
Jamie	Michele	Phifer
George	Herman	Roepke
Eric	Jay	Sax
Melody	M.	Shepherd
Michelle	Johanna	Siegele
Alyson	Leigh	Smith
Sheila	D.	Smith
Komal	Singh	Soin
Shannon	Laree	St. Clair
Karman	Luke	Tandon
Kristin	Thuy-Anh	Tang
Donald	Robert	Teater
John	Bacon	Whitaker
Jamie	Rose	Wiseman

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1 2 3 4 5	There being no further business, the meeting was adjourned at 4:07 p.m.		
6	Respectfully submitted:	Approved:	
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9 10	/s/	/s/	
11	Alysia Jones, Executive Administrator	Richard Wein, MD, President	
12	Alaska State Medical Board	Alaska State Medical Board	
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16 17	Date	Date	