

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING  
4 STATE MEDICAL BOARD

5  
6 April 3 – 4, 2008

7  
8 MINUTES OF MEETING  
9

10 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a scheduled meeting  
11 of the Alaska State Medical Board was held on Thursday and Friday, April 3 - 4, 2008, in Training Room 1,  
12 Tenth Floor, State Office Building, 333 Willoughby Street, Juneau, Alaska.

13  
14 **Thursday, April 3, 2008**

15  
16 **Call to Order**

17  
18 The meeting was called to order at 9:04 am.

19  
20 **Roll Call**

21  
22 Present were: David M. Head, MD, Chair William Resinger, MD  
23 John S. Cullen, MD Lawrence W. Stinson, Jr., MD  
24 Edward A Hall, PA-C Jean M. Tsigonis, MD  
25 Nancy Puckett  
26

27 Mr. Tauriainen was not able to be present at this meeting.

28  
29 Staff Members present were Leslie Gallant, the board's executive administrator and Lee Strout,  
30 investigator. Licensing Examiner Linda Sherwood was absent due to a family emergency. Substituting  
31 for Ms. Sherwood was Sher Zinn, former licensing examiner for the board. The board appreciated her  
32 assistance.  
33

34 **Announcements**

35  
36 Additional late items for the board's consideration were distributed to be included in the meeting  
37 agenda as possible.  
38  
39

40 **AGENDA ITEMS**

41  
42 **Section 1 In the Matter of Kevin M. Tomera, MD**

43  
44 The board was presented with the acceptance of responsibility documents provided by Dr. Tomera for  
45 his supervising and treating physicians. These physicians are required, under the terms of the  
46 memorandum of agreement with Dr. Tomera, to be approved by the board. The only concern of the  
47 staff was that it took three months to receive all the documents from Dr. Tomera.  
48

49 **MOTION HALL moved to approve and accept the following treatment providers and**  
50 **supervising physicians submitted by Dr. Kevin Tomera: Richard Lazur, Ph.D.,**  
51 **Burton Janus, MD, Marijeanne Moore, MD, and Jacqueline Brecht, MD.**  
52 **2<sup>nd</sup> PUCKETT**  
53 **VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
54 **0 Nay votes**  
55 **0 Abstentions**  
56

57 \* \* \* \* \*

1  
2 **Section 2** **In the Matter of Case No. 2800-08-005**  
3

4 Investigator Lee Strout reviewed with the board members how he received information regarding the  
5 suspension of privileges for Dr. Kevin Creelman at Kodiak Island Medical Center. Dr. Creelman agreed  
6 to a consent agreement that restricts and limits his practice to exclude all emergency medicine  
7 attending responsibilities with certain exceptions. Mr. Strout explained to the board the events that  
8 transpired at the hospital that resulted in the suspension.  
9

10 **MOTION** **RESINGER moved to approve the consent agreement with Dr. Kevin Creelman to**  
11 **limit his practice to exclude all emergency medicine attending responsibilities**  
12 **with specified exceptions.**  
13 **2<sup>nd</sup>** **CULLEN**  
14 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
15 **0 Nay votes**  
16 **0 Abstentions**

17  
18 \* \* \* \* \*

19  
20 **Section 3** **Malpractice Case Review**  
21

22 Case No. 1  
23

24 **MOTION** **CULLEN moved to take no further action regarding Case No. 1.**  
25 **2<sup>nd</sup>** **STINSON**  
26 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
27 **0 Nay votes**  
28 **0 Abstentions**  
29

30 Case No. 2  
31

32 **MOTION** **HALL moved to take no further action regarding Case No. 2.**  
33 **2<sup>nd</sup>** **CULLEN**  
34 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
35 **0 Nay votes**  
36 **0 Abstentions**  
37

38 Case No. 3  
39

40 **MOTION** **TSIGONIS moved to take no further action regarding Case No. 3.**  
41 **2<sup>nd</sup>** **STINSON**  
42 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
43 **0 Nay votes**  
44 **0 Abstentions**  
45

46 Case No. 4  
47

48 The board reviewed the previous cases reported by this physician.  
49

50 **MOTION** **HALL moved to refer this malpractice report to the Investigations Unit for further**  
51 **inquiry.**  
52 **2<sup>nd</sup>** **STINSON**  
53 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
54 **0 Nay votes**  
55 **0 Abstentions**  
56  
57

1 Case No. 5

2  
3 **MOTION** **TSIGONIS moved to take no further action regarding Case No. 5.**  
4 **2<sup>nd</sup>** **RESINGER**  
5 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
6 **0 Nay votes**  
7 **0 Abstentions**

8  
9 Case No. 6

10  
11 **MOTION** **HALL moved to take no further action regarding Case No. 6.**  
12 **2<sup>nd</sup>** **CULLEN**  
13 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
14 **0 Nay votes**  
15 **0 Abstentions**

16  
17 Case No. 7

18  
19 **MOTION** **TSIGONIS moved to take no further action regarding Case No. 7**  
20 **2<sup>nd</sup>** **RESINGER**  
21 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
22 **0 Nay votes**  
23 **0 Abstentions**

24 \* \* \* \* \*

25  
26  
27 **Section 4 In the Matter of Hana Teissler, MD**

28  
29 Ms. Gallant reviewed with the board the background of Dr. Teissler’s previous surrender of her Alaska  
30 license and her subsequent reapplication. Dr. Teissler surrendered her license in 1999 rather than  
31 accept disciplinary sanctions for her failure to comply with continuing medical education laws. Dr.  
32 Teissler’s application is otherwise clean and there have been no actions or concerns identified in her  
33 application.

34  
35 Dr. Head discussed the board’s policy on handling CME violations.

36  
37 **MOTION** **CULLEN moved to grant a license to Dr. Hana Teissler with disciplinary sanctions**  
38 **for her violation of the CME requirements for licensure that occurred in 1999.**  
39 **2<sup>nd</sup>** **HALL**  
40 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
41 **0 Nay votes**  
42 **0 Abstentions**

43  
44 The board discussed the sanctions that would be included in the consent agreement. There will be a  
45 civil fine of \$3,500 and a reprimand. There will also be a mandatory CME audit for the next two licensing  
46 periods. This is consistent with the board’s policy for handling CME violations.

47 \* \* \* \* \*

48  
49  
50  
51 **Section 9 In the Matter of Henry A. Sellner, MD**

52  
53 Dr. Head advised that the surrender of a license may appear to be the easy way out of a problem but  
54 ultimately results in other problems because of the surrender. All those in such a position are fully  
55 informed of the ramifications of the surrender of their license.

1 Investigator Lee Strout informed the board of the case involving Dr. Sellner. Dr. Sellner felt that since he  
2 had no intention of returning to Alaska, his best option was to surrender his license. Mr. Strout confirmed  
3 that he explained in detail to Dr. Sellner all the consequences of a surrender. In fact, Dr. Sellner  
4 proposed the surrender and suggested it would solve the problem. He confirmed that Dr. Sellner was  
5 aware of the consequences of the surrender.  
6

7 Dr. Head confirmed that should Dr. Sellner ever seek licensure in Alaska again, the case would be  
8 reopened and relevant information collected and reviewed.  
9

10 Ms. Gallant explained the status categories of licenses: surrendered, lapsed, etc.

11  
12 **MOTION** **HALL moved to accept the surrender of license signed by Dr. Henry Sellner.**  
13 **2<sup>nd</sup>** **PUCKETT**  
14 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
15 **0 Nay votes**  
16 **0 Abstentions**

17  
18 \* \* \* \* \*

19  
20 **Section 10 In the Matter of Timothy A. Gleason, MD**

21  
22 Ms. Gallant explained to the board the background behind the amendment to the memorandum of  
23 agreement.  
24

25 **MOTION** **TSIGONIS moved to approve the amended memorandum of agreement with**  
26 **Timothy A. Gleason.**  
27 **2<sup>ND</sup>** **HALL**  
28 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
29 **0 Nay votes**  
30 **0 Abstentions**

31  
32 \* \* \* \* \*

33  
34 **Section 11 Trauma Registry Review Nomination**

35  
36 Dr. Head explained the background regarding the medical board's involvement in reviewing and  
37 approving the members of the trauma registry review committee.  
38

39 **MOTION** **TSIGONIS moved to approve Richard L. Davis to the Trauma System Review**  
40 **Committee.**  
41 **2<sup>nd</sup>** **CULLEN**  
42 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
43 **0 Nay votes**  
44 **0 Abstentions**

45  
46 \* \* \* \* \*

47  
48 **Section 12 Reports, Minutes, Budget, Ethics**

49  
50 The board first reviewed the probation report provided by Investigator Joanna Williamson.

51  
52 The situation involving Dr. Brian Tansky's case where one of his reporting physicians has failed to  
53 produce the report required for him. Dr. Tansky will be encouraged by the investigator to get in  
54 compliance immediately. Ms. Gallant will follow up with probation monitor JoAnna Williamson.  
55

56 Dr. Head reviewed for the new board members the board's interview policy for those individuals who  
57 are under probation with the board.

1  
2 Board members expressed their appreciation for the probation report provided by Ms. Williamson.

3  
4 The board next reviewed the report from Linda Sherwood, licensing examiner. Ms. Gallant explained to  
5 the board that with a vacancy in the licensing examiner position, processing of applications will be a  
6 little longer than usual. The board discussed this vacancy and requested that a letter be written to the  
7 division director urging him to fill the position as quickly as possible.

8  
9 **MOTION** **CULLEN** moved to draft a letter to Division Director Mark Davis urging that the  
10 **division fill the vacant licensing examiner position as quickly as possible.**  
11 **2<sup>nd</sup>** **TSIGONIS**  
12 **VOTE** **7 Yea votes** (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
13 **0 Nay votes**  
14 **0 Abstentions**

15  
16 The board members were impressed with the amount of work produced by the licensing examiner.

17  
18 **MOTION** **TSIGONIS** moved to approve the minutes of the January 24-25, 2008 board  
19 **meeting.**  
20 **2<sup>nd</sup>** **RESINGER**  
21 **VOTE** **7 Yea votes** (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
22 **0 Nay votes**  
23 **0 Abstentions**

24  
25 There was no budget report. Ms. Gallant briefly explained to the board members the budget system  
26 and how it works.

27  
28 Board chair Dr. Head asked if any board members or staff had any ethics or conflicts of interest issues to  
29 disclose. No one reported any issues. The board also discussed the question of ex parte  
30 communications and why it is so important to avoid any attempts at ex parte communications.

31  
32 \* \* \* \* \*

33  
34 **Section 13 License Application Review**

35  
36 The board members reviewed applications.

37  
38 [A lively discussion of OB anesthesia took place between Drs. Cullen and Stinson during this time.]

39  
40 \* \* \* \* \*

41  
42 **Section 17 In the Matter of Case No. 2808-08-001 - Roger L. Daggett, MICP**

43  
44 Dr. Head recused himself from this matter and left the room. Dr. Tsigonis disclosed that she was  
45 consulted on this case but after discussion with Dr. Head, it was determined that she would not have to  
46 recuse herself because she did not have any information that was not available to the rest of the  
47 board. Dr. Head left the room at 11:18 am.

48  
49 **MOTION** **RESINGER** moved that in accordance with provisions of AS 44.62.310(c)(2), the  
50 **board go into executive session for the purpose of discussing the matter of Roger**  
51 **L. Daggett.**  
52 **2<sup>nd</sup>** **HALL**  
53 **VOTE** **6 Yea votes** (Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
54 **0 Nay votes**  
55 **0 Abstentions**

56  
57 Off the record at 11:21 am; on the record at 11:34 am.

1  
2           **MOTION**           **PUCKETT moved to reject the consent agreement with Roger L. Daggett and to**  
3                                   **direct the investigator to pursue revocation of Mr. Daggett's license.**  
4           **2<sup>nd</sup>**                   **HALL**  
5           **VOTE**               **6 Yea votes (Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
6                                   **0 Nay votes**  
7                                   **0 Abstentions**

8  
9 Board members discussed how the situation with Mr. Daggett could have been avoided had a criminal  
10 background check been done.

11  
12 Dr. Head returned to the meeting at 11:36 am.

13  
14 The board discussed how it would pursue this regulation and determined that it would require additional  
15 discussion to decide the details of the process of obtaining fingerprints and running the checks.

16  
17           **MOTION**           **HALL moved that the board seek a regulation that, as part of the license**  
18                                   **application process, the board require fingerprints for the purpose of obtaining**  
19                                   **criminal background checks.**  
20           **2<sup>nd</sup>**                   **PUCKETT**  
21           **VOTE**               **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
22                                   **0 Nay votes**  
23                                   **0 Abstentions**

24  
25                                   \* \* \* \* \*

26  
27 **Public Comment Forum**

28  
29  
30 While awaiting any members of the public to call in, the board moved on with its agenda.

31  
32 The board called into the conference call for public comment. George Bryson, *Anchorage Daily News*  
33 reporter, was present via telephone.

34  
35                                   \* \* \* \* \*

36  
37 **Section 7**                   **In the Matter of William M. Sykes, MD**

38  
39 Ms. Gallant briefly summarized for the board the issue with Dr. Sykes' application. He failed to list seven  
40 states of licensure in his application. The board first considered the application at the meeting in  
41 October 2007 when they voted to grant a license with disciplinary sanctions for the failure to disclose  
42 the additional states of licensure. Dr. Sykes has declined to enter into such an agreement for sanctions  
43 so the file is being returned to the board for final consideration. She directed the board's attention to  
44 the minutes from the October meeting. The minutes reflect clearly that Dr. Sykes was fully informed of  
45 what would occur if he did not voluntarily agree to a consent agreement and sanctions.

46  
47 The board discussed the effect the license denial will have on Dr. Sykes and regretted the action. Board  
48 members felt that he should have taken the memorandum of agreement that was offered.

49  
50 Dr. Head agreed with Dr. Tsigonis' observation that Dr. Sykes had already received a "wake up call"  
51 from the state of Wyoming when he did a similar thing there in not disclosing all states of licensure. That  
52 state also warned him to report all states of licensure but did not take the extra step of sanctioning him.  
53 Dr. Sykes acknowledged this when he stated that Wyoming didn't sanction him so why should Alaska.  
54 So he knew that he should report all states.

55  
56 Dr. Tsigonis stated that if Mr. Tauriainen were present, he would say that this has nothing to do with  
57 quality of care.

1  
2 Dr. Cullen disagreed in that you don't know if there was a case in the past that he has not disclosed.  
3

4 Ms. Gallant agreed that the board must base its decisions to license on the information provided by the  
5 applicant. When the applicant does not provide complete and accurate information, the board is  
6 basing its licensing decision on false or inaccurate information.  
7

8 **MOTION** **HALL moved that since the board has already voted to approve a license for Dr.**  
9 **William Sykes with an agreement that would include disciplinary sanctions, and**  
10 **since Dr. Sykes has declined to agree to such settlement, that the board deny his**  
11 **application for a license based on AS 08.64.240(b), AS 08.64.326(a)(7), 12 AAC**  
12 **967(2)(A), and 12 AAC 40.010(b)(2)(B).**

13 **2<sup>nd</sup>** **STINSON**  
14 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
15 **0 Nay votes**  
16 **0 Abstentions**  
17

18 The board recessed for lunch at 12:07 pm; returned on the record at [not noted].  
19

20 \* \* \* \* \*

21  
22 **Section 16 Full Board Interview – Diane Hill, PA-C**  
23

24 Mr. Hall summarized briefly why he requested that Ms. Hill appear for an interview with the board.  
25

26 Ms. Hill advised the board that she is a recovering alcoholic since 1981. She started diverting Tylenol  
27 with codeine from the emergency room in 1991. She was truthful with the hospital and the Board of  
28 Nursing and was grateful to get help before the problem became worse. She went through treatment  
29 and monitoring with the Board of Nursing. She remains active with AA. She advised she does not yet  
30 have a job. She has not yet worked as a physician assistant but has continued to work as a nurse.  
31

32 Ms. Hill originally applied in 2004 and interviewed with the board then. She was granted a license at  
33 that time with the request to have a new collaborative plan submitted. Her work history in the  
34 application ends with 2004.  
35

36 Ms. Hill was not working as a physician assistant after she left her job at Guardian after a couple of  
37 months. Then her temporary permit expired. She just returned to her work as a nurse. Since the law  
38 changed and she does not have to have a collaborative plan in order to be licensed, she decided to  
39 pursue the license again.  
40

41 Dr. Tsigonis felt that if the board felt comfortable granting her a license in 2004, they should do so again  
42 at this time; however, she recommended to Ms. Hill that she listen to her own hesitation and seek a job  
43 close to her collaborative physician.  
44

45 Dr. Head noted that there is a requirement for supervised hours and that would be valuable for Ms. Hill.  
46

47 Mr. Hall also felt that Ms. Hill work in a practice where she can be supervised until she becomes more  
48 comfortable with her work as a PA.  
49

50 Board members discussed if it should license Ms. Hill with a memorandum of agreement or trust her own  
51 self-limitations. The memorandum of agreement would simply require that she practice in locations  
52 where her collaborative physician, or other supervising mid-levels were readily available.  
53

54 Mr. Hall recommended she agree to a memorandum of agreement that would provide for supervision  
55 for at least a short time.  
56

57 Dr. Tsigonis wanted to recognize that Ms. Hill is more experienced, and has the education to be a

1 physician assistant. She is confident that Ms. Hill will be a very competent physician assistant.

2  
3 **MOTION** **HALL moved to grant Diane Hill a license as a physician assistant under the terms**  
4 **of a consent agreement that she only pursue employment in a clinic where there**  
5 **would be other supervising mid-levels or her collaborative physician on-site for**  
6 **one year of employment, whenever that starts.**

7 **2<sup>nd</sup>** **CULLEN**  
8 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
9 **0 Nay votes**  
10 **0 Abstentions**

11 \* \* \* \* \*

12  
13  
14 **Section 15 Board Discussion – Reporting Requirements**

15  
16 Dr. Colleen Murphy joined the meeting via teleconference to discuss a proposed regulation for  
17 reporting requirements.

18  
19 Ms. Gallant reviewed the issue for the board that Dr. Murphy submitted in her letter to the board for  
20 consideration. The suggestion is that a regulation be drafted that would require licensees to report to  
21 the board any action that has been taken against them by other licensing jurisdictions, hospitals, or  
22 other organizations within 30 days from the date of the action. Currently licensees are only required to  
23 report on their two-year renewals.

24  
25 Dr. Head indicated that he is surprised there is not already such a requirement. He asked Dr. Murphy  
26 why she became involved in this issue.

27  
28 Dr. Murphy replied that her past experience with disciplinary actions and other physicians drove her to  
29 offer this recommendation to the board. She was especially concerned when she learned that a  
30 previous employer was not making such reports.

31  
32 Dr. Head felt that all actions taken by another board should be required to be reported.

33  
34 Ms. Gallant advised that the existing statute that requires hospitals to report action has been widely  
35 ignored since there are no consequences in the statute. The duty to report is a burden that should be  
36 placed on the licensees whom the board regulates. It is reasonable to expect a licensee to report  
37 within 30 days any action taken against him or her.

38  
39 **MOTION** **RESINGER moved to pursue regulatory language that provides for disciplinary**  
40 **sanctions for the failure to report to the board within 30 days any licensing or**  
41 **credentialing action taken against a licensee.**

42 **2<sup>ND</sup>** **CULLEN**  
43 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)**  
44 **0 Nay votes**  
45 **0 Abstentions**

46  
47 The board thanked Dr. Murphy for her participation and interest.

48 \* \* \* \* \*

49  
50  
51 **SECTION 5 Full Board Interview - Stephanie Barney, PA – C**

52  
53 Ms. Barney was present to discuss her application with the board.

54  
55 **MOTION** **TSIGONIS moved that in accordance with provisions of AS 44.62.310(c)(2), the**  
56 **board go into executive session for the purpose of discussing the application of**  
57 **Stephanie Barney, PA-C.**



1           2<sup>nd</sup>           PUCKETT  
2           VOTE           7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
3                   0 Nay votes  
4                   0 Abstentions  
5

6 Off the record at 1:17 pm; on the record at 1:22 pm.

7  
8           MOTION       HALL moved to grant an unrestricted license to Stephanie Barney, PA-C.  
9           2<sup>nd</sup>           PUCKETT  
10          VOTE           7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
11                   0 Nay votes  
12                   0 Abstentions  
13

14                                   \* \* \* \* \*

15  
16 **Section 6                   Full Board Interview – Severine Basham, PA-C**

17  
18 Ms. Basham was present to meet with the board to discuss her application.

19  
20          MOTION       TSIGONIS moved that in accordance with provisions of AS 44.62.310(c)(2), the  
21                   board go into executive session for the purpose of discussing the application of  
22                   Severine Basham, PA-C.  
23          2<sup>nd</sup>           RESINGER  
24          VOTE           7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
25                   0 Nay votes  
26                   0 Abstentions  
27

28 Off the record at 1:24 pm; on the record at 1:30 pm.

29  
30          MOTION       HALL moved to grant an unrestricted license to Severine Basham, PA-C  
31          2<sup>nd</sup>           PUCKETT  
32          VOTE           7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
33                   0 Nay votes  
34                   0 Abstentions  
35

36                                   \* \* \* \* \*

37  
38 **Section 8                   In the Matter of John A. J. Winczura, PA-C**

39  
40 Mr. Winczura joined the meeting via telephone. Dr. Head offered to Mr. Winczura to go into executive  
41 session but Mr. Winczura declined.

42  
43 Mr. Winczura advised that he has been unsuccessful in getting a job in the Anchorage bowl area. For  
44 that reason, he has started a new business but he needs a revision to his memorandum of agreement in  
45 order to pursue this new enterprise. Both physicians he has identified who are willing to work with him  
46 are outside the Anchorage area. Since he has already been monitored by either the nursing board or  
47 the medical board for 7-1/2 years, he would prefer that the MOA be terminated. He has about two  
48 years left on this current MOA with the medical board.

49  
50 Dr. Tsignois asked if things have gone better [with the probation monitors reaching him by telephone].

51  
52 John reported that he has not had any difficulty but there was apparently some confusion with the  
53 investigators.

54  
55 Ms. Gallant reported that she has not been advised of any difficulties from the probation monitor. He is  
56 reported to be current and up to date in his compliance.

1 Ms. Winczura is currently working about 10 days each month in Delta Junction with Dr. Ray Andreassen.

2  
3 Dr. Head asked what provisions Mr. Winczura is requesting to be modified.

4  
5 Mr. Winczura decided to make his own job by starting his own business but the requirement that he  
6 have a physician in the same location where he will practice is problematic. His business will be in the  
7 Anchorage area but his two physicians are not. His new practice would be considered remote  
8 because the collaborating physician is in Delta. His practice would be primarily in the Anchorage area.  
9 He has been unsuccessful in identifying a doctor in Anchorage to work with him.

10  
11 Dr. Head noted that the current memorandum of agreement requires that there be supervision but  
12 does not require constant on-site supervision.

13  
14 Mr. Hall reviewed the MOA language on pages 10 and 11. According to the MOA, he cannot be a solo  
15 practitioner.

16  
17 Mr. Winczura advised that the physician would be an indirect partner in the business. Dr. Tsignois asked  
18 what the business is that he is starting.

19  
20 Mr. Winczura advised that this would be a home health care business where he would go to the  
21 patients' home to see them. Mr. Hall pointed out that the physician would not be available to supervise  
22 unless the physician was present at visits.

23  
24 Dr. Head noted that such a business would be in direct violation of the agreement as it is written. The  
25 board would have to consider this if it wishes to modify the agreement.

26  
27 Mr. Winczura pointed out that he has been constantly monitored since 2000 and has given the board  
28 no reason for the board to believe he is doing something he is not supposed to do. He has tried to be  
29 compliant and has produced all required reports from employers and supervisors.

30  
31 Mr. Hall stated that his supervision with the medical board was since 2005; prior supervision by the  
32 nursing board was separate. The medical board decided in 2005 that it would require their own  
33 agreement.

34  
35 Dr. Tsignois advised that she appreciated Mr. Winczura's presentation to the board at this meeting and  
36 that he seems to be sincere in his approach. When a decision is made to have an MOA when there is a  
37 drug or alcohol problem, usually these issues are life-long. Historically, this observation over a longer  
38 period of time results in better recovery, better chances for long-term success. She felt that the reason  
39 for the decision in 2005 for the five year probation is that the board recognized the seriousness of his  
40 case and wanted him to be successful.

41  
42 Mr. Hall agreed with Dr. Tsignois' comments but at this time, he would not be in favor of modifying the  
43 MOA.

44  
45 **MOTION** **HALL moved to leave the memorandum of agreement with John Winczura in tact.**  
46 **2<sup>nd</sup>** **CULLEN**  
47 **VOTE** **7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsignois)**  
48 **0 Nay votes**  
49 **0 Abstentions**

50  
51 Dr. Head agreed that Mr. Winczura has come a long way in his efforts with the board but he is not there  
52 yet.

53  
54 Mr. Winczura advised the board that they are compelled to provide him with reasonable  
55 accommodations that include his MOA. He is not a direct threat to the public. A direct threat is  
56 defined as if reasonable modifications to the public entity's policies, practices, or procedures will not  
57 eliminate that risk. The determination that a person poses a direct threat to the health and safety of

1 others may not be based on generalizations or stereotypes about the effects of a particular disability  
2 but must be based on individualized assessment based on reasonable judgment that relies on current  
3 medical evidence or on the best available objective evidence to determine the nature, duration and  
4 severity of the risk. The probability that the potential injury will actually occur and the reasonable  
5 modification of policies, practices, or procedures will mitigate the risk. He stated he has 7-1/2 years of  
6 sobriety and he has proved it to the board. He stated that the board cannot do this to him and he will  
7 find a way to compel this board to do the job that it is supposed to be doing now. The board is not just  
8 a punishing entity; they are supposed to be helping him work this out. He is not asking for anything that  
9 cannot be mitigated somehow. He strongly urged the board to reconsider because they are not doing  
10 the right thing.

11  
12 Dr. Head stated that everything the board has done in the past is on the record; his actions as well as  
13 the actions of the board have been very well documented. They have been reviewed by legal counsel  
14 and the board is doing everything they can to protect the public and at the same time work with him to  
15 help him go on with his life. The only difference is the interpretation of that process. He recommended  
16 Mr. Winczura hang in there.

17  
18 Mr. Winczura stated that no, he does not accept that. He stated that the board is 'messaging' with not  
19 only his life but his family's life. The board is not allowing him to practice in his chosen profession. He is  
20 not asking for anything unreasonable. The board is being unreasonable and he wants that on the  
21 record that the board is being unreasonable, that is has no protocols in place. The board is  
22 discriminatory and biased. There are people who have had two months' suspension of license for  
23 similar things that are in his past. He had a one year suspension. He stated that the board would not  
24 even look at him for three and a half years, that the board would not renew his license for three and a  
25 half years. Yet, others are able to practice through their whole time. He said, "And don't tell me  
26 because my situation is different. They are recovering alcoholics just like I am. I am not accepting this."  
27

28 Dr. Head advised that his objections were noted for the record. Mr. Winczura disconnected from the  
29 call.

30  
31 Ms. Gallant advised that Mr. Winczura has, in the past, "pushed the envelope" with his compliance with  
32 the medical board. For the record, he stated that he has had a completely clean record since 2000; he  
33 was terminated from Alaska Regional Hospital in December 2001. So it is not entirely accurate to  
34 represent that he has had no difficulties since 2000.

35  
36 Dr. Cullen pointed out that Mr. Winczura agreed to the MOA when he signed it.

37  
38 Ms. Gallant advised that he knew that was the only way he could get his license back.

39  
40 Dr. Stinson commented that under the circumstances, the board has been very benevolent.

41  
42 Dr. Head stated that if you read his letter, what he says was said in the board meeting did happen – the  
43 board chair did make those comments in the meeting.

44  
45 \* \* \* \* \*

46  
47 **Section 13 License Application Review**

48  
49 **MOTION HALL moved to approve the following physicians for licensure in Alaska:**

|                                 |                                 |
|---------------------------------|---------------------------------|
| <b>Borders, Guy Thompson</b>    | <b>Lucas, Sylvia Maria</b>      |
| <b>Burton, Bradford Stewart</b> | <b>Ma, Marcus</b>               |
| <b>Davis, Robert Lee</b>        | <b>Malan, Jedidiah Jonah</b>    |
| <b>Fedack, Kathleen Ann</b>     | <b>Mondesir, Cynthia Carmel</b> |
| <b>Foss, Erik William</b>       | <b>Morrisette, Karen Lee</b>    |
| <b>Francis, Robert Dean</b>     | <b>Novotny, Clarence George</b> |

Goff, Mitchell Jeremy  
Granada, Steve Anthony  
Gudiksen, Karen Stout  
Halligan, John Brendan  
Hunter, Dana Brad  
Johnson, Steven Paul  
Jones, Thomas Patrick  
Kepler, Margaret Erskine Spencer  
Kozma, George  
Lee, James Russell  
Liu, Jasper Estein

Parkinson, Robert Keller  
Parrot, Carol Antoinette  
Plasil, Brian Joseph  
Portnoy, Reuben Amos  
Ray, Mukunda Bihary  
Shelton, Benjamin Thomas  
Stevens, Jack Owen  
Valinovic, Irmina  
Visner, Cynthia Iris  
Wenger, Jay David  
Wenzell, Daniel Mark  
Wilson, Donald Leon  
Yoshino, Anne Aiko

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2<sup>nd</sup> TSIGONIS  
VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
0 Nay votes  
0 Abstentions

MOTION HALL moved to approve the following physicians for licensure in Alaska pending completion of their application files:

Abbate, Samuel Lee Pennington, Paul  
Frable, Faith Holden Tarantino, Michael Jude  
Horan, Mitchell Fredrick Thurman, Andrea Ries

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2<sup>nd</sup> TSIGONIS  
VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
0 Nay votes  
0 Abstentions

MOTION HALL moved to approve the following doctors of osteopathy for licensure in Alaska:

Lasher, Maria Lucille  
Posson, Steven Charles

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2<sup>nd</sup> PUCKETT  
VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
0 Nay votes  
0 Abstentions

MOTION HALL moved to approve the following doctor of podiatry for licensure in Alaska:  
Briggs, Patrick Kevin

2<sup>nd</sup> PUCKETT  
VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
0 Nay votes  
0 Abstentions

1 MOTION HALL moved to approve the following mobile intensive care paramedics for  
2 licensure in Alaska:  
3  
4 Doss, Levi J. Sauve, Ryan J.  
5 Kuber, Daniel Stephen Sedlacek, Jacob Ross  
6 Ritter, Zachary Michael Stokes, Gordon Brett  
7 Sams, Woodrow James Taber, Joseph M.  
8  
9

10 2<sup>nd</sup> PUCKETT  
11 VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
12 0 Nay votes  
13 0 Abstentions  
14  
15

16 MOTION HALL moved to approve the following physician assistants for licensure in Alaska:  
Fisher, Brenda Sue Maerki, Leslie Jo  
Fisher, Gregory Lee Matiaco, Lisa Michelle  
Hood, Brian Randolph McCrary, Michael Patrick  
Jenkins, David Lloyd Olsen, Ingrid Lee  
Kolojejchick-Coslett, Denise Ann Smith, Julian David

17 2<sup>nd</sup> PUCKETT  
18 VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
19 0 Nay votes  
20 0 Abstentions  
21

22 The board recessed at 3:40 pm.

23  
24  
25 **FRIDAY, April 4, 2008**

26 The board reconvened at 9:02 am.

27  
28 **ROLL CALL**

29  
30 Present were: David M. Head, MD, Chair William Resinger, MD  
31 John S. Cullen, MD Lawrence W. Stinson, Jr., MD  
32 Edward A Hall, PA-C Jean M. Tsigonis, MD  
33 Nancy Puckett  
34

35 Staff Members present were Leslie Gallant, the board's executive administrator and Lee Strout,  
36 investigator. Licensing Examiner Linda Sherwood was absent due to a family emergency. Substituting  
37 for Ms. Sherwood was Sher Zinn, former licensing examiner for the board.  
38

39 \* \* \* \* \*

40  
41 **Section 14 Full Board Interview – Richard Reed, MD**

42  
43 Dr. Head advised that he was the board member who reviewed Dr. Reed's file and he requested the  
44 full board interview.  
45

46 MOTION RESINGER moved that in accordance with provisions of AS 44.62.310(c)(2), the  
47 board go into executive session for the purpose of discussing the application of  
48 Richard H. Reed, MD.

49 2<sup>nd</sup> HALL  
50 VOTE 7 Yea votes (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
51 0 Nay votes  
52 0 Abstentions

1  
2 Off the record at 9:06 am; on the record at 9:17 am.  
3  
4

5 **MOTION** **HALL moved to grant Dr. Richard H. Reed an unrestricted license.**  
6 **2<sup>nd</sup>** **PUCKETT**  
7 **VOTE** **7 Yea votes** (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
8 **0 Nay votes**  
9 **0 Abstentions**

10  
11 \* \* \* \* \*

12  
13 **AGENDA ITEM** **Election of Officers**  
14

15 The board members discussed the duties of the officers.

16  
17 Dr. Head advised the board that Ms. Gallant's salary range classification is improperly classified too low  
18 and needs to be raised. Board members want to pursue getting the position reclassified higher to be  
19 more in keeping with the responsibilities of the job. They will contact the division director on this matter.  
20

21 **MOTION** **RESINGER moved to nominate Dr. Jean Tsigonis as chair of the board.**  
22 **2<sup>nd</sup>** **PUCKETT**  
23 **VOTE** **7 Yea votes** (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
24 **0 Nay votes**  
25 **0 Abstentions**

26  
27 **MOTION** **STINSON moved to elect Ed Hall to be secretary for the board.**  
28 **2<sup>nd</sup>** **PUCKETT**  
29 **VOTE** **7 Yea votes** (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
30 **0 Nay votes**  
31 **0 Abstentions**

32  
33 Dr. Head asked if the board or the state could arrange for plaques to be awarded to board members  
34 when they go off the board thanking them for their service. Ms. Gallant advised that the board had  
35 issued its own certificate one time.  
36

37 Dr. Stinson would like to see board meeting materials on a CD that could be viewed on laptop  
38 computers. The board discussed this option and would like to pursue further.  
39

40 **MOTION** **HALL moved to adjourn the meeting.**  
41 **2<sup>nd</sup>** **PUCKETT**  
42 **VOTE** **7 Yea votes** (Head, Cullen, Hall, Puckett, Resinger, Stinson, Tsigonis)  
43 **0 Nay votes**  
44 **0 Abstentions**  
45

46 The meeting adjourned at 9:50 am.  
47  
48

49 Respectfully submitted:

Approved:

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52  
53  
54 \_\_\_\_\_  
55 Leslie A. Gallant  
56 Executive Administrator  
57 Alaska State Medical Board  
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54 \_\_\_\_\_  
55 Jean M. Tsigonis, MD  
56 Chair  
57 Alaska State Medical Board