

**ALASKA STATE MEDICAL BOARD
RECOMMENDED DISCIPLINARY
GUIDELINES**

*Board-issued guidelines for categories of complaint and proposed sanctions;
the Board has the discretion to depart from the guidelines, as appropriate for individual
matters.*

CATEGORY OF COMPLAINT	PROPOSED SANCTIONS
<p>Prescribing Issues:</p> <ul style="list-style-type: none"> • Inappropriate prescribing due to incompetence or negligence. AS 08.64.326 • Failure to practice pain management with sufficient knowledge, skills, and training, and in accordance with professional standards. AS 08.64.326, 12 AAC 40.975(4). 	<p>Reprimand; Civil Fine of up to \$25,000; require Proper Prescribing Course CME of at least three days' duration; license suspension for a minimum of 30 days. Discipline to be commensurate with the severity of the violation.</p>
<p>Prescribing Issues:</p> <ul style="list-style-type: none"> • Failure to maintain appropriate medical records for prescribing controlled substances. AS 08.64.326, 12 AAC 40.975(1) • Failure to review information from the PDMP before prescribing schedule II or III controlled substances. AS 08.64.326, 17.30.200, 12 AAC 40.967(35), 12 AAC 40.975(2). • Failure to comply with the maximum dosage for opioid prescriptions. AS 08.64.636, 12 AAC 40.975(3). 	<p>Reprimand; Civil Fine of up to \$25,000; require Proper Prescribing Course and Medical Record Keeping Course. Discipline to be commensurate with the severity of the violation.</p>
<p>Prescribing Issues:</p> <ul style="list-style-type: none"> • Failure of a licensee who has a DEA registration to register with the PDMP within 30 days after licensure. AS 08.64.326, 17.30.200, 12 AAC 40.967, 12 AAC 40.976 <p>See prescribing issues above for failure to register when prescriptions have been issued. See unlicensed practice issues below for unauthorized access to the PDMP.</p>	<p>Imposition of Civil Fine without censure or reprimand (technical violation not related to the delivery of health care); Discipline to be commensurate with the severity of the violation.</p> <ul style="list-style-type: none"> • Non-Disciplinary Letter of Advisement for 1 – 60 days out of compliance with registration. • \$500.00 Civil Fine for 61 – 120 days out of compliance with registration. • Fine will increase in \$500.00 increments for every additional 60 days out of compliance.

<p>Failure to Disclose Issues:</p> <ul style="list-style-type: none"> Secured a license through deceit, fraud, or intentional misrepresentation. AS 08.64.326(a)(1). <i>(when license is issued)</i> Attempted to secure a license through deceit, fraud, or intentional misrepresentation. AS 08.64.326(a)(2). <i>(application, when intent is proven)</i> 	<p>Reprimand; Civil Fine of at least \$10,000; License suspension for a minimum of 30 days. Discipline to be commensurate with the severity of the violation.</p>
<p>Failure to Disclose Issues (applications):</p> <ul style="list-style-type: none"> Failure to comply with this chapter, a regulation adopted under this chapter, or an order of the Board. AS 08.64.326(a)(7). <i>(application, when intent is not proven)</i> <p>For example: misrepresenting, concealing, or failing to disclose material information to obtain a license or permit or renew a license. 12 AAC 40.967(2)(A) or (B).</p>	<p>Imposition of civil fine without censure or reprimand (technical violation not related to the delivery of health care); Civil Fine of \$1,000 for each violation. Discipline to be commensurate with the severity of the violation.</p>
<p>Failure to Disclose Issues (applications):</p> <ul style="list-style-type: none"> Failure to disclose action taken by another state or other licensing jurisdiction. 12 AAC 40.967(2)(A) or (B). 	<p>Reprimand; Civil Fine of \$2,000 for each violation; Denial of license application. Discipline to be commensurate with the severity of the violation.</p>
<p>Failure to Report Issues:</p> <ul style="list-style-type: none"> Failure to report incompetent or negligent practitioners, or unprofessional, sexual or other illegal conduct, to the Board. 12 AAC 40.967(19). Failure to report impaired practitioners to the Board. AS 08.64.336. 	<p>Reprimand; Civil Fine of \$2,000-5,000. Discipline to be commensurate with the severity of the violation.</p>
<p>Failure to Report Issues:</p> <ul style="list-style-type: none"> Failure to report hospital privileges actions to the Board. 12 AAC 40.967 (20). Report must be made within 30 days of the date of the action. 12 AAC 40.967 (26). Failure to report to the Board within 30 days of any criminal charges, or any disciplinary action taken by another licensing jurisdiction, health care entity, or regulatory agency. 12 AAC 40.967 (26). Failure to report to the Board within 30 days of any conviction of a crime referred to in AS 08.64.326(a)(4). 12 AAC 40.967 (26). 	<p>Reprimand; Civil Fine of \$1,000. Discipline regarding the practice matter per the appropriate category of complaint to be commensurate with the severity of the violation.</p>

<p>Failure to Report Issues:</p> <ul style="list-style-type: none"> Failure to report a malpractice case settlement. AS 08.64.345, 12 AAC 40.930. 	<p>First time violation – Imposition of civil fine without censure or reprimand (technical violation not related to the delivery of health care); Civil Fine of \$1,000 for each settlement not disclosed. Additional violations - Reprimand; Civil Fine of \$1,000 for each settlement not disclosed. Discipline to be commensurate with the severity of the violation.</p>
<p>Failure to Report Issues:</p> <ul style="list-style-type: none"> Failure to notify the Board of the location of patient records within 30 days after retiring or closing a practice. 12 AAC 40.967 (30) 	<p>Imposition of civil fine without censure or reprimand (technical violation not related to the delivery of health care); Civil Fine of \$1,000 for each violation. Discipline to be commensurate with the severity of the violation.</p>
<p>Unprofessional Conduct:</p> <ul style="list-style-type: none"> Submitting or causing to be submitted the submission of testimony, statement, or document for consideration by the Board knowing it contained false, misleading or omitted material information. 12 AAC 40.967 (1). 	<p>Reprimand; Civil Fine of \$10,000; require Ethics Course; License suspension for a minimum of 30 days. Discipline to be commensurate with the severity of the violation.</p>
<p>Unprofessional Conduct:</p> <ul style="list-style-type: none"> Obtaining or attempting to obtain a license or renew a license through deceit or fraud. AS 08.64.326(a)(1). 	<p>Denial of initial application; Reprimand; Civil Fine of \$10,000; require Ethics Course; License suspension for 30 days. Discipline to be commensurate with the severity of the violation.</p>
<p>Unprofessional Conduct:</p> <ul style="list-style-type: none"> Obtaining or attempting to obtain a license or renew a license through misrepresentation or failure to disclose material information 12 AAC 40.967(2). 	<p>Reprimand; Civil Fine of \$2,000 for each violation; require Ethics Course; Denial of application; License suspension for 30 days or permanent license suspension. Discipline to be commensurate with the severity of the violation.</p>
<p>Unprofessional Conduct:</p> <ul style="list-style-type: none"> 12 AAC 40.967 (3) purchase, sale, barter, or alteration of a license or permit obtained under AS 08.64. 	<p>Denial of initial application or renewal application; License suspension for minimum of one year; Civil Fine of \$15,000; Education course on ethics.</p>
<p>Unprofessional Conduct:</p> <ul style="list-style-type: none"> Harassing, disruptive, or abusive behavior directed toward a patient, a patient’s guardian or relative, or a staff person or disruptive behavior at the workplace that interferes with the provision of patient care. 12 AAC 40.967 (14, 15). 	<p>Suspension of license pending evaluation and assessment by an expert approved by the Board; Reprimand, Civil fine of a minimum of \$5,000. Following evaluation: Agreement requiring all recommendations from the evaluation and assessment; education program that addresses physician communications/behavior. Discipline to be commensurate with the severity of the violation.</p>

<p>Unprofessional Conduct:</p> <ul style="list-style-type: none"> • Allowing an unlicensed individual to perform duties that would normally be performed by a licensed individual. 12 AAC 40.967 (7)-(8). 	<p>For violations not directly related to hands-on patient care (such as PDMP access violations):</p> <ul style="list-style-type: none"> • First time violation – Imposition of civil fine without censure or reprimand (technical violation not related to the delivery of health care); Civil Fine of \$1,000 for each violation or each unlicensed individual, unless there are migrating factors. • Additional violations, or if mitigating factors - Reprimand; Civil Fine of up to \$10,000 for each violation or each unlicensed individual. Discipline to be commensurate with the severity of the violation. <p>For other violations: Reprimand; Civil Fine of a minimum of \$10,000. Discipline to be commensurate with the severity of the violation.</p>
<p>Unlicensed Practice Issues:</p> <ul style="list-style-type: none"> • Practicing medicine without a license. AS 08.64.360. 	<p>Class A Misdemeanor; Cease and Desist Order; Reprimand; Civil Fine of \$1,000 for each week of unlicensed practice to a maximum of \$25,000 or \$1,000 for each documented patient encounter to a maximum of \$25,000. Discipline to be commensurate with the severity of the violation.</p>
<p>Unlicensed Practice Issues:</p> <ul style="list-style-type: none"> • Practicing medicine with an expired or lapsed license. AS 08.64.326 (a)(7), 12 AAC 40.967(6). 	<p>Reprimand; Civil Fine of \$1,000 for each week of unlicensed practice to a maximum of \$25,000 or \$1,000 for each documented patient encounter to a maximum of \$25,000. Discipline to be commensurate with the severity of the violation.</p>
<p>Impairment Issues:</p> <ul style="list-style-type: none"> • Addiction to, severe dependency on, or habitual overuse of alcohol or other drugs that impairs the licensee’s ability to practice medicine safely. AS 08.64.326(a)(8)(B). 	<p>Suspension of license pending evaluation and assessment by experts approved by the Board. Per evaluation and documented sobriety, license may be restored from suspension with an Agreement of at least five years’ duration, with restrictions imposed requiring monitoring to include random UAs, blood tests, or hair analysis, required attendance at impairment support group meetings (AA, NA), ongoing treatment including quarterly reports by the treatment provider to the Board, face to face meetings with the Board as requested, required employer reports, and other restrictions or conditions as dictated by the circumstances of each case.</p>
<p>Impairment Issues:</p> <ul style="list-style-type: none"> • Physician impairment due to emotional or mental health issues. AS 08.64.326(a)(8)(C). <p>Order for med/psych exam as part of investigation, AS 08.64.338.</p>	<p>Complete neuro-psychiatric evaluation and assessment conducted by a physician approved by the Board. Based on findings from evaluation, Agreement of at least five years’ duration that contains all recommendations from the evaluation including treatment requirements, quarterly reports from treatment providers to the probation monitor (Board’s investigator), notification to employers, notification to probation monitor of whereabouts, compliance with treatment recommendations, and possible practice restrictions depending upon the evaluation and assessment.</p>

<p>Impairment Issues:</p> <ul style="list-style-type: none"> • Violation of an Agreement, or Board Order, for substance abuse issues. AS 08.64.326(a)(7), 08.64.326(a)(8)(B). 	<p>Suspension of license pending additional evaluation and assessment to be no less than 30 days. License may be restored with an Agreement of at least ten years; duration that includes all original conditions and restrictions and additional limitations to include required on-site supervised practice by a physician approved by the Board; more frequent random drug and alcohol testing; monthly probation monitoring meetings (may be telephonic occasionally) with the division’s probation monitor (the Board investigator), and a provision that should this second Agreement be violated, it will result in the immediate revocation of the license.</p>
<p>Criminal Issues:</p> <ul style="list-style-type: none"> • Conviction of a felony or a crime involving moral turpitude as defined in 12 AAC 40.967(17) 	<p>Immediate automatic suspension of license; review of the matter at the next available Board meeting; subsequent action to be determined based on the nature of the conviction that may include permanent revocation of license or other sanctions as appropriate.</p>
<p>Criminal Issues:</p> <ul style="list-style-type: none"> • Conviction of a crime involving the unlawful procurement, sale, prescription, or dispensing of drugs. AS 08.64.326(a)(4)(C). 	<p>Suspension of license for a minimum of 30 days; Reprimand; Civil Fine of \$15,000; Agreement requiring an on-site physician supervised practice monitor; triplicate scripts with a copy of each prescription written delivered to the Board’s probation monitor (Board’s investigator) each week; a restriction to prescribing authority that prohibits the licensee from writing scripts for Schedule II drugs; immediate notification to the DEA; random drug screening.</p>
<p>Collaborative Relationship Issues:</p> <ul style="list-style-type: none"> • Failure to properly and appropriately supervise the practice of a physician assistant with whom is engaged in a collaborative plan. 12 AAC 40.967(22). 	<p>Reprimand; Civil Fine of \$5,000; restrict the physician from entering into more than two collaborative plans at any one time; Require monthly face to face meetings with the physician assistants with whom engaged in collaborative relationship to be documented in writing to the Board each month. Other sanctions to be included as deemed appropriate to the situation.</p>
<p>Collaborative Relationship Issues:</p> <ul style="list-style-type: none"> • Failure to maintain proper records of assessment for each physician assistant with whom engaged in a collaborative relationship. 12 AAC 40.430(k). 	<p>Reprimand; Civil Fine of \$5,000; requirement for monthly written assessments of each physician assistant with whom engaged in collaborative relationship to be sent to the Board’s representative. Other sanctions to be included as deemed appropriate to the situation.</p>
<p>Collaborative Relationship Issues:</p> <ul style="list-style-type: none"> • Practicing without a valid collaborative plan in place (means “submitted, approved, and temporary permit or license issued”). 12 AAC 40.410(a) and (b). 	<p>Reprimand; Civil Fine of minimum of \$1,000 to be increased to \$25,000 depending upon length of time of unapproved, unlicensed practice in accordance with past practice of the Board. Other sanctions to be included as deemed appropriate to the situation.</p>

<p>Sexual Misconduct Issues:</p> <ul style="list-style-type: none"> Sexual impropriety. AS 08.64.326(a)(9), 12 AAC 40.990(b)(3). 	<p>License suspension for minimum of 90 days; Reprimand; Civil Fine of \$10,000; education course on ethics, patient boundaries and patient/physician relationship; Agreement requiring a five-year probation including monthly reports to the Board's probation monitor (Board investigator), practice restrictions and patient population restrictions; employer notification; quarterly face to face meetings with Board; additional restrictions as required by the nature and severity of the case.</p>
<p>Sexual Misconduct Issues:</p> <ul style="list-style-type: none"> Sexual contact. AS 08.64.326(a)(9), 12 AAC 40.990(b)(2). 	<p>Revocation; license suspension for a minimum of 1 year; Reprimand; Civil Fine of \$25,000; education courses on patient boundaries, patient/physician relationship, and ethics; Agreement requiring a ten-year probation including permanent restrictions on license regarding type of practice and patient population, on-site supervised practice by a physician approved by the Board, monthly reports to probation monitor (Board investigator), additional restrictions as dictated by the nature and severity of the case.</p>
<p>Sexual Misconduct Issues:</p> <ul style="list-style-type: none"> Attempted sexual contact. AS 08.64.326(a)(9), 12 AAC 40.990(b)(1). 	<p>License suspension for minimum of 180 days; Civil Fine of \$20,000; Reprimand; education courses on patient boundaries, patient/physician relationship, and ethics; Agreement requiring a three-year probation including monthly reports to probation monitor (Board's investigator), weekly practice supervision meetings with a practice supervisor physician approved by the Board, education course on patient boundaries and patient/physician relationships, additional restrictions as dictated by the nature and severity of the case; may revoke license depending on nature and duration of the violation.</p>