

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 MEETING
8 Friday, November 20, 2020
9

10 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a video-conference
11 meeting of the Alaska State Medical Board was held on Friday, November 20, 2020.
12

13 **Friday, November 20, 2020**
14

15 **1. Call to Order/ Roll Call**

16 The Chair called the meeting to order at 9:03 a.m.
17

18 **Roll Call**

19 Board members present, constituting a quorum:
20 David Boswell, Public Member (Secretary)
21 Larry Daugherty, MD
22 Maria Freeman, MD
23 Christopher Gay, MD
24 Lydia Mielke, Public Member
25 Steve Parker, MD
26 Richard Wein, MD (Chair)
27

28 Ms. Bigelow Hood was unable to attend. Dr. Parker arrived at 9:22 a.m., Mr. Boswell arrived 10:28 a.m.
29

30 Board staff:

31 Sher Zinn, Acting Executive Administrator
32 Sara Chambers, Director
33

34 Investigative staff:

35 Sonia Lipker, Investigator
36 Michele Wall-Rood, Investigator
37 Billy Homestead, Investigator
38 Autumn Miller, Investigator
39 Karina Medina, Investigator
40 Greg Francois, Chief Investigator
41

42 Visitors present for portions of the meeting:

43 Harriet Milks, Assistant Attorney General
44 Kari Bernard, PA
45 Dr. Arom Evans
46 Mercedes Dodge, PA
47

1 Dr. Wein noted that there was no break on the agenda, but the board can take a break during the
2 morning when the board wishes.

3

4 **2. Review Agenda**

5 The board reviewed the agenda and approved by affirmation.

6

7 **On a motion duly made by Dr. Daugherty, seconded by Ms. Mielke, and approved by**
8 **affirmation, the board approved the agenda as presented.**

9

10 **3. Review/Approve the October 15, 2020, November 5, 2020 Minutes**

11

12 The board reviewed the minutes from the October 15, 2020 meeting. Ms. Mielke noted her name was
13 misspelled and asked for correction.

14

15 **On a motion duly made by Dr. Daugherty, seconded by Ms. Mielke, and approved by**
16 **roll call vote, the board accepted the minutes of the October 15, 2020, meeting with the**
17 **above noted corrections.**

18

19 Roll Call: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein

20 Absent for vote: Mr. Boswell, Dr. Parker

21

22 The board reviewed the minutes from the November 5, 2020 meeting. Ms. Mielke noted her name was
23 misspelled and asked for correction.

24

25 **On a motion duly made by Dr. Freeman, seconded by Dr. Gay, and approved by roll**
26 **call vote, the board accepted the minutes of the November 5, 2020, meeting with the above**
27 **noted corrections.**

28

29 Roll Call: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein

30 Absent for vote: Mr. Boswell, Dr. Parker

31

32 **4. Ethics Reporting**

33

34 There were not ethics disclosures to report.

35

36 **5. Investigative Unit**

37

38 Division investigators, Sonia Lipker, Michele Wall-Rood, Billy Homestead, Autumn Miller, and Karina
39 Medina, were present for a presentation, and the investigative report.

40

41 Michele Wall-Rood outlined the investigative report for the period of August 3, 2020 thru November 5,
42 2020. The report included cases, complaints, and intake matters since the last report. There were 82
43 open cases and 20 closed cases.

44

45 Karina Medina, investigator, was present to give the probation report.

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47 Billy Homestead was present to give the investigation presentation and asked that the board go into
48 executive session for the presentation.

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6. Board Actions

The board combined agenda items 5 and 6 into the executive session.

The board went into executive session to discuss the probation report, the presentation on the investigation process, and consideration of board action.

On a motion duly made by Dr. Wein, seconded by Dr. Gay, and approved by roll call vote, pursuant to AS 44.64.310(c)(3), matters which by law, municipal charter, or ordinance are required to be confidential, the Board moved to enter into executive session for the purpose of discussing investigative matters.

Roll Call: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein
Absent for vote: Mr. Boswell, Dr. Parker

Board staff to remain during executive session to provide technical support.

Off the record at 9:17
On the record at 10:31

Out of executive session.

Dr. Parker joined the meeting at 9:22 a.m. during executive session.

Mr. Boswell joined the meeting during executive session at 10:28 a.m.

Dr. Wein asked for a motion.

On a motion duly made by Dr. Parker, seconded by Dr. Daugherty, and approved by roll call vote, the board rejected the Imposition of Civil Fine in the matter of Case #2019-000146.

Roll Call: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
Abstain: Mr. Boswell

Mr. Boswell abstained as he joined the meeting too late in executive session.

7. Harriet Milks, AAG

Harriet Milks, AAG, joined the meeting for training regarding executive session and AS 44.62.310. Ms. Milks discussed the valid reasons for going into executive session including when an applicant may request the discussion to be on the record if the board is considering an application for licensure. The board thanked Ms. Milks for her time.

8. Public Comment

1 Several members of the public joined for public comment. Kari Bernard, PA, spoke regarding the main
2 issue of comment which was asking the board to allow physician assistants to hold the required in-
3 person supervision quarterly assessment with the collaborating physicians by electronic means. It was
4 noted that it was a difficult time to travel during the pandemic with the possibility of being exposed to
5 the COVID-19 virus.

6
7 Dr. Arom Evans spoke to the same issue and is Kari Bernard's collaborating physician. He currently lives
8 in Florida and feels it is safe to hold the physician/PA assessments by video and other electronic means.
9 He also does not feel that people should not be travelling at this time if it is not necessary.

10
11 Mercedes Dodge and Ulyana Nepokulchyt, PAs, who also have a collaborative agreements with Dr.
12 Evans, reiterated the comments of Ms. Bernard and Dr. Evans.

13
14 Dr. Wein noted Agenda Item 19 topic concerns the subject and noted they were welcome to listen to
15 the discussion.

16
17 Break- off the record at 10:58 a.m.

18 On the record at 11:05

19
20 **9. PDMP Report**

21
22 Lisa Sherrell, PDMP Coordinator, joined the meeting to present the current PDMP report.

23
24 Registration-

25
26 Physician Assistants

27 Number of licensed physician assistants: 742

28 Number of PDMP physician assistant registrations: 458

29
30 Physicians (includes Podiatrists and Medical Residents)

31 Number of license physicians: 4,929

32 Number of PDMP Physicians registrations: 2,380

33
34 Dr. Wein discussed the MME percentages and suggested there should be a "push system" that would
35 notify the provider when the numbers reach 60 or 90, instead of making the provider check the PDMP
36 for every patient. He further stated it was a technical issue and he wanted the PDMP to work and take
37 the onus off the pharmacist and the physician and get the system into the 21st century.

38
39 Ms. Sherrell stated there are some components of the system that will notify a provider and that
40 improvements may be coming. She also noted that many people believe the pharmacy board is policing
41 through the PDMP but that is not the case.

42
43 Dr. Daugherty responded that the board spends a lot of time talking about the PDMP or investigating
44 PDMP violations and that there is a feeling of a "gotcha game", that is what he is seeing as a medical
45 board member, and that the pharmacy colleagues and the board need to be partners in this rather than
46 it being policing. He has reviewed many cases and it always seemed as though the provider had a valid
47 explanation for prescribing the combination of drugs.

1 **10. Division Update**

2
3 Sara Chambers, Director, joined the meeting to discuss the financial records for the medical board. Due
4 to time constraints Director Chambers briefly went through the Medical program revenue and
5 expenditures for the first quarters of FY 2021. The full FY 2020 financial report would be reviewed at the
6 next meeting when the board had more time for the item on the agenda.

7
8 **11. Application Review- Full Board review and follow up**

9
10 The board discussed going into executive session to discuss the applicant files for full board review due
11 to the confidential nature of the files.

12
13 **On a motion duly made by Dr. Wein, seconded by Dr. Parker, and approved by roll call**
14 **vote, pursuant to AS 44.64.310(c)(2), subjects that tend to prejudice the reputation and**
15 **character of any person provided the person may request a public discussion, the Board**
16 **moved to enter into executive session to review application files.**

17
18 Roll Call: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
19 No nays.

20
21 Off the record at 12:07 p.m.

22 On the record at 12:41 p.m.

23
24 After the board came out of executive session it was decided to take the lunch break.

25
26 **Lunch Break-**

27 Off the record at: 12:41 p.m.

28 On the record at: 1:10 p.m.

29
30 In attendance;

31 Roll call: Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein

32
33 **6. Board Actions**

34
35 The board revisited agenda item 6 regarding the previous motion regarding the Imposition of Civil Fine
36 for Case #2019-000146. The investigative staff joined the meeting to ask the board to reconsider the
37 motion and amend in accordance with proper wording.

38
39 Sonia Lipker relayed to the board she received guidance regarding the motion made earlier in the
40 meeting and the departure from similar board decisions. According to AS 08.64.331, a significant
41 departure from earlier decisions of the board involving similar situations must be explained in findings of
42 fact or orders made by the board.

43
44 Dr. Parker commented the disciplinary action did not fit the crime. The action in question concerned a
45 provider giving unauthorized access to the PDMP, constituting unprofessional conduct under 12 AAC
46 40.967(8) and (12). Alaska Statute 17.30.200(d)(3) requires a delegate of a licensed practitioner to hold a
47 license or registration under AS 08 to access the PDMP.

1 **On a motion duly made by Dr. Parker, seconded by Dr. Daugherty, and approved by**
2 **roll call vote, the board rescinded the previous motion in the matter of Case #2019-000146.**

3
4 Roll call: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
5 Abstain: Mr. Boswell

6
7 **On a motion duly made by Dr. Parker, seconded by Dr. Daugherty, and approved by**
8 **roll call vote, the board rejected the Imposition of Civil fine in the matter of Case #2019-**
9 **000146, after careful review, changing the precedent is justified as the punishment is not**
10 **commensurate with the action, no ramifications should be entertained.**

11
12 Roll call: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
13 Abstain: Mr. Boswell

14
15 **12. Application Review**

16
17 The board discussed going into executive session to review applicant files for permanent licensure that
18 may include confidential information.

19
20 **On a motion duly made by Mr. Boswell, seconded by Ms. Mielke, and approved by roll**
21 **call vote, pursuant to AS 44.64.310(c)(3), matters which by law, municipal charter, or**
22 **ordinance are required to be confidential, the Board moved to enter into executive session to**
23 **review application files.**

24
25 Board staff to remain during executive session to provide technical support.

26
27 Roll call: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
28 No nays.

29
30 Off the record at 1:34 p.m.
31 On the record at 1:50 p.m.

32
33 **14. Applications Read into the Record**

34
35 The board deviated to agenda item 14 due to being ahead of schedule. After review of the applications
36 presented to the board, the following motions were made.

37
38 **On a motion duly made by Dr. Wein, seconded by Dr. Parker, and approved by roll call**
39 **vote, the board approved the following physicians for licensure in Alaska, pending completion**
40 **of their application files.**

41
42 Roll call: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
43 No nays.

44

Omar	Ashraf
Matthew	Ashton
Amber	Benton

Traci	Barthel
Adam	Blatt
Samantha	Buchika
Jonathan	Cotliar
Martin	Cristanelli
Samantha	Deliere
Irisa	Devine
Catherine	Doil
Crystal	Dyer
David	Ehrenberger
Eric	Fiedler
Peter	Fotinos
Baruch	Friedman
Helen	Fountain
Iljana	Gaffar
Bruce	Geryk
Monjari	Gillian
William	Guerin
Monica	Hajdena-Dawson
Daniel	Harwood
Ming	He
Thomas	Herndon
Daniel	Hess
Thomas	Hysler Jr.
Adam	Iwanski
Hari	Iyengar
Nathaniel	Jimenez
Christopher	Johnson
Angene	Johnson
David	Karch
Karl	Kelson
Michael	Khalil
Gulam	Khan
Anil	Khosla
Anna	Knisely
Jessica	Lazar
Andrew	Le
Vincent	Leon
Ronni	Levy
Kyleen	Luhrs
Maryam	Mahmood
Michael	Malandra
Scott	Mayfield

Eliana	McKee
Kenneth	Meckler
Ian	Merrill
Sheila	Miller
Jonah	Mink
Alexander	Murphey
Lisa	Murry
Kyle	Ogami
Elishia	Oliva
Karen	Phillips
Jaisal	Pragani
Consuelo	Reddick
Daniel	Reidman
Mackenzie	Reminger- Carpenter
Haven	Ritchie
Jeffrey	Roger
Daniel	Rohlf
Frankie	Roman
Alfred	Roschman
William	Schenk
Jamila	Schwartz
John	Sealander
Ranjana	Sinha
Kathryn	Sowerwine
Doris	Stair
Jeremy	Strohmayer
Lane	Thaut
Drew	Thompson
Ralph	Tilbury
Daniel	Vitantonio
Jake	Vrdoljak
Jayson	Weir
Stephanie	Willet
David	Zielke
John	Zimmerman
Darius	Zoroufy

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On a motion duly made by Dr. Wein, seconded by Dr. Freeman, and approved by roll call vote, the board approved the following osteopaths for licensure in Alaska, pending completion of their application files.

Roll call: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein

1 No nays.

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Ryan	Argyle
Jason	DiVito
April	Foster
Heidi	Morris
Dempsie	Morrison
Andrew	Sakla
Nathan	Uebelhoer
Heather	Zeznock
Saughar	Samali

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On a motion duly made by Mr. Boswell, seconded by Dr. Gay, and approved by roll call vote, the board approved the following physician assistants for licensure in Alaska, pending completion of their application files.

Roll call: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
No nays.

Hannah	Abner
Erin	Abston
Elizabeth	Bueler
Brooke	Cordova
Christina	Curtner
Sarah	Delenikos
Ryan	Hall
Ryan	Jones
Heather	Nattkemper
Torri	Predmore
Eryn	Rotello

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On a motion duly made by Mr. Boswell, seconded by Dr. Gay, and approved by roll call vote, the board approved the following mobile intensive care paramedics for licensure in Alaska, pending completion of their application files.

Roll call: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
No nays.

Colton	Fankhauser
Glennis	Henderson
Kelly	Niedens

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13. Board Interviews

The board welcomed Dr. Michael Zielinski who was present to respond to the Board’s questions regarding his application. Dr. Zielinski decided he would not need to pursue licensure as his plans had changed and he would not be coming to Alaska. The board thanked Dr. Zielinski for his time and noted his application would be abandoned in one year and would be eligible for a refund of the license fees.

The Board welcomed Dr. Jones who was present to respond to the Board’s questions regarding his application. After the interview, the board voted on his application.

On a motion duly made by Dr. Parker, seconded by Mr. Boswell, and approved unanimously by roll call vote, the board granted a full unrestricted physician license to Dr. Jason Jones pending completion of his application.

Roll call vote: Yeas, Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
No nay votes.

The board thanked Dr. Jones for his time.

On a motion duly made by Dr. Parker, seconded by Dr. Gay, and approved by roll call vote, the board granted a full unrestricted osteopath license to Dr. Karen Gina Williams.

Roll call vote: Yeas; Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker
Nays; Mr. Boswell
Abstain; Dr. Wein

The Board considered the license application of Alejandro Munoz, MD, and initially made a motion to approve the application without a vote, but subsequently amended the motion to:

On a motion duly made by Dr. Wein, seconded by Dr. Parker, and approved unanimously by roll call vote, the board tabled the physician license application of Alejandro Munoz, MD, until the next quarterly meeting.

Roll call vote: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Parker, Dr. Wein
No nays.

The board requested a full board interview for Susan Sparling, MD and Andrew Hsu, MD, at the next quarterly meeting.

15. Regulations- PDMP Regulations Tabled from October 15 meeting

The board reviewed the public comments at the October 15th meeting and tabled the regulations until the next quarterly meeting. The regulations concern registering and complying with the prescription drug monitoring program.

1 Ms. Zinn discussed with the board the need to adopt the regulations for requiring a healthcare provider
2 to register and comply with the requirements of the prescription drug monitoring program (PDMP). Ms.
3 Zinn noted that AS 08.64.101(a)(7) states the board shall “require that a licensee who has a federal Drug
4 Enforcement Administration registration number register with the controlled substance prescription
5 database under AS 17.30.200(o)”, and that under the unprofessional conduct regulations 12 AAC
6 40.967(33), the board may impose disciplinary sanctions . The regulations in the project are to clarify for
7 a licensee the requirement and includes a time frame of 30 days after the licensee obtains a temporary
8 permit or permanent license, and that a licensee may not prescribe controlled substances until the
9 licensee has registered with the PDMP. She further stated that the regulations are for clear
10 understanding for the licensee, what the requirements are for registering and complying with the
11 PDMP, to keep from having to impose disciplinary sanctions on the Board’s licensees.
12

13 The board discussed the regulations and some board members stated they would like to see the
14 requirements under the statutes changed. Dr. Daugherty had concerns if the board adopted the
15 regulations at the meeting, that it would give a sign to the legislature that the board was in agreement
16 with the requirements. Some board members voiced they were in favor of changes to the statute
17 through legislation.
18

19 Dr. Wein said he would like to adopt the regulations as is and discuss a statute change in the near
20 future. He further stated he believed the PDMP statutes need a fundamental change. After discussion,
21 the board adopted the regulations as public noticed.
22

23 **On a motion duly made by Dr. Wein, seconded by Mr. Boswell, and approved by roll**
24 **call vote, the board adopted the regulations for 12 AAC 40.450 and 40.976, as public noticed,**
25 **considering public comment and the cost to the public.**
26

27 Roll call vote: Yeas; Mr. Boswell, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein
28 Nays; Dr. Daugherty, Dr. Parker
29

30 Dr. Parker noted he would appreciate an email to licensees notifying them of the new regulations. Ms.
31 Zinn will send a mass email to licensees when the regulations take effect.
32

33 **16. Telemedicine/ AS 08.64.364. Prescription Drugs Without Physical Exam**
34 **Dr. Spencer’s Comments, Continued from October 15th meeting**
35

36 The board reviewed the information Dr. Spencer submitted to the board after the October 15th board
37 meeting. The information included suggested statute changes the board may want to pursue to assist in
38 allowing physicians and physician assistants to prescribe controlled substances under certain conditions,
39 without the patient needing a physical examination. The board noted the suggested statute changes and
40 will discuss at a future meeting when they determine what statutes they would like amended.
41

42 **17. Letter to Licensees**
43

44 The board discussed sending an updated letter to licensees regarding the COVID 19 pandemic. The
45 Board determined the letter is not necessary at this time as there is no additional information needed to
46 be conveyed to licensees.
47

48 **18. Physician Oversight of Physician Assistants**

1
2 The discussion was continued from the September 17th meeting regarding allowance of physician
3 assistant quarterly assessments by the collaborating physician to be conducted via audio and visual
4 means in lieu of direct personal contact meetings. The physician assistants and collaborating physicians
5 were concerned about travel and being exposed to COVID-19 at this time. The board heard public
6 comment earlier and had several letters and emails in the board packet regarding this subject. Ms. Zinn
7 drafted emergency regulations for board consideration as requested by Dr. Wein.
8

9 Ms. Zinn noted the term “urgent situation” was defined under the emergency regulations adopted by
10 the board at the November 5, 2020 teleconference regarding 12 AAC 40.045. It was noted the regulation
11 allowing audio and video electronic means for the assessment requirements would only be allowed
12 during an urgent situation as defined, and if the board wants to make the requirements outside an
13 urgent situation as assessments are currently required by regulation, the board must update 12 AAC
14 40.430 to accommodate any new requirements.
15

16 No discussion ensued regarding the proposed draft regulations.
17

18 Finding of Emergency-

19
20 The State Medical Board finds that an emergency exists and that the attached regulation changes are
21 necessary to 12 AAC 40.430, dealing with direct personal contact for physician assistant assessments, for
22 the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting
23 the emergency include the following:
24

25 The restrictive nature of these regulations could negatively impact the health of the public by
26 decreasing healthcare worker availability during this public health emergency caused by the COVID-19
27 pandemic.
28

29 **On a motion duly made by Dr. Wein, seconded by Dr. Freeman, and approved by roll**
30 **call vote the board adopted the emergency regulations for adding a new subsection to 12 AAC**
31 **40.430 to read: (r) During an urgent situation as determined by the board, direct personal**
32 **contact as required under this section may include audio and video electronic means; “urgent**
33 **situation” has the meaning given in 12 AAC 40.045(j).**
34

35 Roll call vote: Yeas; Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein
36 Dr. Parker was not in attendance at the time of the vote.
37

38 The board decided to make the regulations permanent due to the definition of “urgent situation” in 12
39 AAC 40.045.
40

41 **19. Schedule Meetings**

42
43 The board tentatively scheduled the following meetings:
44

45 February 18-19, 2021

46 May 13-14, 2021
47

48 **Adjourn**

1 There being no further business, the board adjourned the meeting at 3:29 p.m.

2

3

4 Respectfully submitted:

Approved:

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7

Sher Zinn

Richard J. Wein, M.D.

8 Sher Zinn, Acting Executive Administrator

Richard Wein, MD, President

9 Alaska State Medical Board

Alaska State Medical Board

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March 9, 2021

March 3, 2021

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Date

Date

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