

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING**

STATE MEDICAL BOARD

**MINUTES OF MEETING
October 25-26, 2012**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting of the Alaska State Medical Board was held on Thursday and Friday, October 25-26, 2012, in Fairbanks, Alaska.

Thursday, October 25, 2012

Call to Order

The meeting was called to order by Edward A. Hall, Chair, at 9:05 a.m.

Roll Call

Board members present:

Edward A. Hall, PA-C, Chair
Cam Carlson, Public Member
John S. Cullen, MD
Elizabeth Kohnen, MD

Kathleen Millar, Public Member
David A. Miller, MD
David J. Powers, MD
William W. Resinger, MD

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner

Visitors present:

Jim Lipinski, Alaska Academy of Physician Assistants

Agenda Item 1 Review Agenda

The Board reviewed the agenda. Ms. Stovern reported that Don Habeger, Division Director, would join the meeting by teleconference to provide a Division Update.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to accept the agenda, as amended.

Agenda Item 2 **Board Business**

Announcements

The Board welcomed new Licensing Examiner, Dawn Hannasch.

Ethics Reporting

There were no ethics conflicts to report.

Agenda Item 3 **Board Review of Requests**

Review of Modification Requests

The Board reviewed their policy regarding petitions to change or release from probationary conditions of disciplinary agreements: All such petitions are heard annually at the regularly-scheduled October Board meeting. Petitioners may submit a written request for pre-review at any regularly-scheduled Board meeting. Upon review of the request, the Board will determine whether they will hear the request at their October meeting, and whether additional information is required.

At their January 2012 meeting, the Board had reviewed a request for modification of a Memorandum of Agreement by Dr. Killebrew. They had agreed to consider it, per their policy, and requested a report regarding his compliance. Susan Winton, Senior Investigator, and Dr. Mary Ann Foland, ASMA Physician Health Committee Director, joined the meeting by teleconference.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Cullen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the Memorandum of Agreement with Dr. David S. Killebrew.

The Board entered executive session at 9:10 a.m.; staff remained for the session.
The Board went back on the record at 9:45 a.m.

The Board reconfirmed their policy regarding modification requests, that probation length and conditions are based on the circumstances of each individual case and that probationers are expected to comply with requirements for the full time frame. It is not the Board's intent to terminate probation or conditions early just because a probationer is in compliance – early release may be considered only when progress is exceptional.

They determined to take no action on the request by Dr. Killebrew and directed Ms. Stovern to write a letter to him noting that he is in compliance with his probation requirements and that, to their knowledge, there have not been patient care issues, and that they understand his difficulties with insurance billing; however, that is not a factor when considering a modification to probation status – there is no exceptional reason to grant this petition.

Upon a motion duly made by Dr. Miller, seconded by Dr. Cullen, and approved by roll call vote, it was:

RESOLVED to draft a letter to Dr. Killebrew regarding the Board determination.

Roll Call Vote:

Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea

The Board asked Dr. Foland to provide information regarding recidivism rates for individuals in monitoring programs for 3 years and 5 years.

Agenda Item 4 Board Actions

Ms. Stovern reported that there were no proposed actions for Board consideration. However, there were several application matters for review with Board staff and/or investigators.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing investigative matters.

The Board entered executive session at 9:50 a.m.; Board staff remained for the session.
The Board went back on the record at 11:00 a.m.

Sean Craig Ralston, MICP

The Board reviewed a paramedic license application submitted by Mr. Ralston. Ms. Stovern had declined to approve a temporary permit and referred the application for Board consideration.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Kohnen, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted MICP license to Sean Craig Ralston.

Roll Call Vote:

Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea

Noel Michael Chiantella, MD

The Board reviewed a physician license application submitted by Dr. Chiantella. Ms. Stovern had declined to approve a temporary permit and referred the application for Board consideration.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Kohnen, and approved by roll call vote, it was:

**RESOLVED to grant an unrestricted license
to Noel Michael Chiantella, MD.**

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Leo Eugene Obermiller, MD

The Board reviewed a physician license application submitted by Dr. Obermiller. Ms. Stovern had declined to approve a temporary permit and referred the application for Board consideration.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Resinger, and approved by roll call vote, it was:

**RESOLVED to grant an unrestricted license
to Leo Eugene Obermiller, MD.**

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Natasha Botway, MICP

The Board reviewed a paramedic license application submitted by Ms. Botway. Ms. Stovern had declined to approve a temporary permit and referred to a reviewing Board member who required a full board interview. Ms. Botway was unable to attend her scheduled interview; it was unclear whether she would be able to appear for a future interview.

The Board declined to take action on her application, as it is incomplete pending her appearance for a full Board interview.

Julian Anthony Mattiello, MD

The Board had previously declined to take action on Dr. Mattiello's license application, pending further inquiry by the Investigative Unit.

Upon a motion duly made by Ms. Millar, seconded by Dr. Powers, and approved by roll call vote, it was:

RESOLVED to table the license application of Julian Anthony Mattiello, MD, pending resolution of his pending malpractice cases.

Roll Call Vote:

Mrs. Carlson – Yea

Dr. Cullen – Yea

Dr. Kohnen – Yea

Ms. Millar – Yea

Dr. Miller - Yea

Dr. Powers – Yea

Dr. Resinger – Yea

Mr. Hall – Yea

Agenda Item 5 Investigative Unit

Investigative Report

Senior Investigator Susan Winton reviewed the investigative report provided to the Board. The report included 10 open medical cases, 2 open physician assistant cases, and 11 closed cases and complaints.

Ms. Winton also reported that the Division had been interviewing for vacant investigative positions and an appointment to the Medical Board position was imminent.

Probation Monitoring Report

A current probation status report was included in the board packet for further review. It was noted that all individuals on the report were in compliance with their agreements. Annual probation interviews for all individuals not seen by the Board within the past 2 years were scheduled under Agenda Item 6.

Agenda Item 6 Probation Monitoring

Michael Massey, DO

Dr. Massey was present for his probation interview. He declined the opportunity to enter into executive session. The probation monitoring report from the Investigation Unit indicated that he was in compliance with his agreement. He reported that he was doing well, attending required meetings, and appearing for required testing.

Lavern Davidhizar, DO

Dr. Davidhizar was present for his probation interview. He declined the opportunity to enter into executive session. The probation monitoring report from the Investigation Unit indicated that he was in compliance with his agreement. He reported that he was doing well and had no issues to report.

Robert Thompson, MD

Dr. Thompson was present for his probation interview. The probation monitoring report from the Investigation Unit indicated that he was in compliance with his agreement.

Upon a motion duly made by Dr. Miller, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential issues.

The Board entered executive session at 11:30 a.m.; staff remained for the session.
The Board went back on the record at 11:50 a.m.

Michele Sullivan, MICP

Ms. Sullivan was present for her probation interview. The probation monitoring report from the Investigation Unit indicated that she was in compliance with her agreement.

Upon a motion duly made by Dr. Powers, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential issues.

The Board entered executive session at 11:55 a.m.; staff remained for the session.
The Board went back on the record at 12:15 p.m.

Stephen Daniel, MD

Dr. Daniel is not on probation; he was present for his interview regarding his confidential non-disciplinary consent agreement. The monitoring report from the Investigation Unit indicated that he was in compliance with his agreement.

Upon a motion duly made by Dr. Miller, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential issues.

The Board entered executive session at 12:17 p.m.; staff remained for the session.
The Board went back on the record at 12:22 p.m.

Peter Osterbauer, MD

Dr. Osterbauer was present for his probation interview. The probation monitoring report from the Investigation Unit indicated that he was in compliance with his agreement.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Kohnen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential issues.

The Board entered executive session at 12:24 p.m.; staff remained for the session.
The Board went back on the record at 12:30 p.m.

Recess for lunch

The Board recessed for lunch at 12:32 p.m.
The Board resumed the meeting at 1:16 p.m.

Board members present:

Edward A. Hall, PA-C, Chair
Cam Carlson, Public Member
John S. Cullen, MD
Elizabeth Kohnen, MD

David A. Miller, MD
Kathleen Millar, Public Member
David J. Powers, MD
William W. Resinger, MD

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner

Visitors present:

Jim Lipinski, Alaska Academy of Physician Assistants

Agenda Item 7 Malpractice Case Review

Case No. 3AN-09-08758-CI

The Board reviewed this report at their July meeting, but did not take action pending additional information. Ms. Stovern distributed the requested information, which had been pre-reviewed by Dr. Miller.

Upon a motion duly made by Dr. Miller, seconded by Dr. Cullen, and approved unanimously, it was:

RESOLVED to accept the malpractice report, Case No. 3AN-09-08758-CI, with no further action.

Case No. 3AN-10-8381-CI

The Board declined to take action on this report, pending additional information (including a more detailed explanation of the case and outcome, and copies of the court documents) for review at the next meeting.

Case No. 1JU-09-1087-CI

Upon a motion duly made by Dr. Cullen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to accept the malpractice report, Case No. 1JU-09-1087-CI, with no further action.

Agenda Item 8 Continuing Medical Education (CME) Audit

Ms. Stovern provided statistics for the audit from the last license renewal:

	Physicians	MICP	Total
Total number licenses audited	270	37	307
Number of audited licenses not renewed	28	5	33
Number of approved audits	230	27	257
Noncompliant audits referred to Paralegal	12	5	17
Noncompliant audits resolved	5	1	6
Noncompliant audits outstanding	7	4	11

She reported that two more had been resolved and closed since the information was distributed in the board packets and hoped that staff would be able to resolve the remaining audits prior to the December 2012 renewal date. The Board asked about the reason for the late resolution of noncompliant audits and noted concern about the nearing renewal date.

Agenda Item 9 Full Board Interviews

Cliff J. Gragg, MICP

Mr. Gragg was present to discuss his paramedic license application with the Board. He declined the opportunity to enter into executive session to discuss the “yes” answers on his application regarding previous convictions. He explained the circumstances and noted that the two charges were consolidated under a guilty plea, and then dismissed after completion of community service. Mr. Hall noted that he would recuse himself from the vote because the applicant will be employed by his company.

Upon a motion duly made by Dr. Miller, seconded by Dr. Resinger, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted MICP license to Cliff J. Gragg.

Roll Call Vote:

- Mrs. Carlson – Yea**
- Dr. Cullen – Yea**
- Dr. Kohnen – Yea**
- Ms. Millar – Yea**
- Dr. Miller - Yea**
- Dr. Powers – Yea**
- Dr. Resinger – Yea**
- Mr. Hall – Recused**

Harold F. Haase, MD

Dr. Haase was present to discuss his license application with the Board. At their August 20, 2012 teleconference meeting, the Board had adopted an Imposition of Civil Fine for Dr. Haase regarding his failure to disclose a fine by another Board on his license application. The Board also approved issuance of a temporary permit to Dr. Haase, subject to his appearance for a full Board interview to further discuss his application for a permanent license.

Dr. Haase declined the opportunity to enter into executive session to discuss the “yes” answers on his application regarding previous disciplinary sanctions. He explained the circumstances and noted that he did not comply with that Board’s continuing medical education (CME) requirements, that he did complete the required number of CME credits, but that some of them were not approved, resulting in a fine and reprimand by that Board.

Dr. Haase also clarified his work history and confirmed that he has been actively practicing medicine.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Resinger, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted license to Harold F. Haase, MD.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Patricia J. Tygrett-Sue, DO

Dr. Tygrett-Sue was present to discuss her license application with the Board. She declined the opportunity to enter into executive session to discuss the “yes” answers on her application regarding a previous malpractice case, and a disciplinary sanction by another Board for an improper collaborative relationship with a physician assistant. She explained the circumstances of the dismissed malpractice case, and described the issues involved in the Board action. She confirmed that she does have a clear understanding of the collaboration requirements when working with a physician assistant.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Cullen, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted license to Patricia J. Tygrett-Sue, DO.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Agenda Item 10 Regulation Projects

Approved Regulations project

At their May meeting, the Board approved a comprehensive regulation project to go out for public comment following any additional regulations changes from the July meeting. Ms. Stovern reported that the regulations are ready to be public noticed and will be ready for adoption by the Board following the 30 day comment period. The Board may convene by teleconference for the purpose of adopting the regulations. It was noted that, if there are many public comments, then it may be more efficient to consider them at a regular meeting.

Licensing Exemptions for Tribal Health Programs

At the May and July meetings, the Board reviewed an April 17, 2012 opinion issued by the Office of the Attorney General relating to the federal licensing exemption (under the March 2010 Patient Protection and Affordable Care Act, Section 221) for health care practitioners working for Alaska Native tribal health programs. The opinion noted that state licensing boards still maintain authority over the practice of these individuals because these tribal health professionals are not federal employees; and they must either meet the Section 221 requirements or comply with state licensing requirements. In addition, a state licensing board may require proof of meeting the Section 221 provisions before recognizing the exemption, and may cease recognizing the exemption if the other state license is suspended or revoked. A health professional may qualify for the exemption if they are employed by a tribal health program that has a self-determination contract with the federal government, and the employee has a current, active license issued by another state Board.

At the May and July meetings, the Board determined that they would like to pursue a process whereby health care professionals employed by a tribal health program would request recognition of their Section 221 exemption by the Board. That way, tribal health care professionals under the jurisdiction of the Board would either need a license or an exemption recognized by the Board in order to work in a tribal health care program; the exemption determinations would not be made by the employer programs.

The Board reviewed a proposal drafted by Ms. Stovern, as well as a revised proposal provided by Dan Branch, Assistant Attorney General. Dr. Powers volunteered to work with Ms. Stovern on a draft for consideration by the Board at the next meeting.

Agenda Item Public Comment Forum

Visitors present included:

- Jim Lipinski, representing the Alaska Academy of Physician Assistants – he noted that the federal exemption does not fit Alaska needs, but it is a federal law so we must deal with it.
- Daniel Reynolds, DO, representing Chief Andrew Isaac Health Center – he invited the Board to tour their new facility during the Friday lunch break.
- David M. Odom, MD, representing himself – he had concerns regarding the location of Board meetings and encouraged a more neutral location; he recommended the Rasmussen courthouse.
- Cpt. Jacob Swann, MD, representing himself – he had concerns regarding the two-year postgraduate education requirement for licensure in Alaska, specifically for active duty military practitioners who have only one year plus additional field experience. The Board determined to consider the issue further, and to review the military courtesy licensure provisions.

Agenda Item **Division Update**

Division Director Don Habeger joined the meeting by teleconference to discuss Board and Division issues. He reported that the recently completed 10-year budget analysis and reconciliation has been finalized. The budget report with that 10-year data was included in the Board packet for review, along with the final FY 2012 budget report. Mr. Habeger stated that the Division would be providing financial information in a more timely manner, with regular budget reports provided 30 days after each quarter and 90 days after the end of the fiscal year.

Mr. Habeger was asked about more resources for board services, as requested in the Board's letter to him last year. He noted that the Division is unable to add another full time position for the Medical Board, but has again contracted with non-permanent assistance for the upcoming renewal. He was unaware that a third licensing examiner had been approved for the Medical Board in the past and will look into that history.

The meeting was recessed at 4:00 p.m.

Friday, October 26, 2012

Call to Order

The meeting was called to order at 9:00 a.m.

Roll Call

Board members present:

Edward A. Hall, PA-C, Chair
Cam Carlson, Public Member
John S. Cullen, MD
Elizabeth Kohnen, MD

Kathleen Millar, Public Member
David Miller, MD
David J. Powers, MD
William W. Resinger, MD

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner

Visitors present:

Jim Lipinski, Alaska Academy of Physician Assistants
Tom Wilson, Alaska Academy of Physician Assistants

Mr. Hall reminded the Board that Dr. Dr. Reynolds offered to give a tour of the Chief Andrew Isaac Medical Center at 12:30 p.m.

Agenda Item 11 Full Board Interviews

Richard Alan Mitchell, MD

Dr. Mitchell was present to discuss his license application with the board. He declined the opportunity to enter into executive session to discuss previous malpractice claims. He explained the circumstances and outcome of the malpractice actions.

Upon a motion duly made by Dr. Resinger, seconded by Dr. Miller, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted license to Richard Alan Mitchell, MD.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Haven Reed Malish, MD

Dr. Malish was unable to attend; her interview will be rescheduled for the January meeting.

Agenda Item 12 License Application Review

Board members reviewed license application files.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Cullen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing additional application files.

The Board entered executive session at 10:12 a.m.; staff remained for the session.

The Board went back on the record at 10:50 a.m.

The Board declined to take action on the following applications pending their appearance for a full Board interview:

- Dr. Jonathan Christian Cook
- Dr. Glenn Everett Kerr
- Dr. David Michael Godat (the Board is considering denial of this application)
- Dr. Maria Galioto

Upon a motion duly made by Ms. Millar, seconded Dr. Powers, and approved unanimously, it was:

RESOLVED to approve the following physicians for licensure in Alaska:

<i>Adam Lee Ackerman</i>	<i>Deborah Lynn Landis Lewis</i>
<i>Asad Ansari</i>	<i>Susan Joy Lindemulder</i>
<i>Letha Carol Archer</i>	<i>Dennis McKeivitt</i>
<i>Anupam Arora</i>	<i>Curtis Glenn Mortenson</i>
<i>David Lucas Bielak</i>	<i>Mario Moya</i>
<i>David Kimball Biglow</i>	<i>Brian Kirti Muthyala</i>
<i>Harold Allison Bradfield</i>	<i>Karen Sue Myren</i>
<i>Michael Nelson Brown</i>	<i>John Gray O'Neill III</i>
<i>Daniel Joseph Buffington</i>	<i>Larry Scott Owen</i>
<i>Daniel Eduardo Bustos</i>	<i>Danielle Abra Paster</i>
<i>Peter John Campbell</i>	<i>Rudolph Burton Pauna</i>
<i>Glenn Carlton Champagne</i>	<i>William Plauche</i>
<i>Justin James Clark</i>	<i>Mehrdad Razavi</i>
<i>Samueal Christopher Crane</i>	<i>Justin Scott Reid</i>
<i>Ruthann Marie Cunningham</i>	<i>James Fredrick Richards</i>
<i>Katherine Elisabeth Davidson</i>	<i>Frank Sy Rosenbloom</i>
<i>Joseph Eugene Del Zotto</i>	<i>Coralynn Shayna Sack</i>
<i>David Robert Downey</i>	<i>Karen Melanie Sky</i>
<i>Dale Michael Dunn</i>	<i>Christopher Wesley Snyder</i>
<i>Muhammad Emran</i>	<i>Tylrt John Southwell</i>
<i>John Lay Everett</i>	<i>Matthew Aaron Taintor</i>
<i>Joseph Donovan Fishel</i>	<i>Paul John Taylor-Smith</i>
<i>Camille Mercedes Gardner-Beasley</i>	<i>Gregory Alan Thomas</i>
<i>Dale Wayne George</i>	<i>Fernando Ramiro Tovar</i>
<i>Musaberke Goksel</i>	<i>Kerry Dean Vance</i>
<i>Prabhu Ponnusami Gounder</i>	<i>Anita Balepur Venkataramana</i>
<i>Jacob Matthew Gray</i>	<i>Sherman Washington Jr.</i>
<i>Michelle Marin</i>	<i>Rebecca Rae Wayman</i>
<i>Karl Grant Hyde</i>	<i>Derik Thomas Weldon</i>
<i>Matthew M. Johnson</i>	<i>Linda Janet Werner</i>
<i>Aaron Hao</i>	<i>Allene Marie Littell Whitney</i>
<i>Whitney Lyn Kalin</i>	<i>Truman Doon Ken Fong Wong</i>
<i>Thomas Edward Kennedy</i>	<i>Jeremy Dean Wood</i>
<i>Daniel Lawrence Krashin</i>	<i>Karyn Estsuko Yonekawa</i>

Upon a motion duly made by Ms. Millar, seconded Dr. Resinger, and approved unanimously, it was:

RESOLVED to approve the following doctor of osteopathy for licensure in Alaska:

Strobbe, Nicholas Dale

Upon a motion duly made by Ms. Millar, seconded Dr. Cullen, and approved unanimously, it was:

RESOLVED to approve the following physician assistants for licensure in Alaska:

*Douglas Edward Amis
Kerry Anne Anson
Wayne Grant Crawford
Elizabeth Easley
Jameson Earhje
Paul Harvey Gibson
Leslie Nicole Heggen
Alana Christina Joy Henriksen*

*Brian Lance Knutson
Virginia Hoon Moy Lam
Colleen Anastasia O'Sullivan
Alan Ray Shear
Nathaniel James Taylor
Martha Mallory Trunnell
Try Donovan Wiles
Stephanie K. Winter*

Upon a motion duly made by Ms. Millar, seconded Dr. Kohnen, and approved unanimously, it was:

RESOLVED to approve the following mobile intensive care paramedics for licensure in Alaska:

*Cody Ray Carver
Nicholas Joshua Clark
Janna Elizabeth Cooper
Jessica Lynn Duell
Shannon Ruth Anne Hall*

*Christopher Nolan Keen
Angela Kathryn Niemi
Bryan Edward Pippitt
Zachariah Joseph Raby
Kala Marie Workman*

Agenda Item 14 Correspondence

American Academy of Sleep Medicine

The Board reviewed a letter of concern regarding the medical and dental scope of practice relating to home sleep tests. The Board determined that such sleep tests are conducted in order to diagnose disorders such as obstructive sleep apnea, which is the practice of medicine, and therefore must be ordered and interpreted by a licensed physician. Although a corrective appliance may be fitted by a licensed dentist, it must be prescribed by the physician who is monitoring the patient. It was further noted that an out-of-state physician who is interpreting sleep tests for a patient in the State of Alaska must be licensed by the Alaska State Medical Board, in accordance with the Board's position on out-of-state or telemedicine practice.

Ms. Stovern will respond to the inquiry by addressing a letter to the Alaska Dental Board with a courtesy copy to the American Academy of Sleep Medicine.

Alaska State Medical Association (ASMA)

The Board reviewed a letter of concern regarding the expansion of the scope of practice for an advanced nurse practitioner who is apparently performing surgical procedures. They reviewed a copy of the draft minutes from the July 2012 meeting of the Board of Nursing which documented that Board's approval of the expansion of the scope of practice for the specified practitioner, which included a review of credentials documentation and additional education for the practice of Botox injections, dermal fillers, sclerotherapy, chemical peel, microdermabrasion, mesotherapy, lipo dissolve, and laser fat removal.

The Board determined that Botox injections, chemical peels, liposuction, and autotransplantation are all surgical procedures, which are the practice of medicine. They noted that Alaska Statute (AS) 08.68.850(1) defines an advanced nurse practitioner as “a registered nurse authorized to practice in the state who, because of specialized education and experience, is certified to perform acts of medical diagnosis and the prescription and dispensing of medical, therapeutic, or corrective measures under regulations adopted by the board.” They noted that the statute does not authorize the Board to expand the scope of practice to include the practice of medicine.

The Board directed Ms. Stovern to refer this issue to the Investigator for unlicensed practice of medicine and to write a letter to the Board of Nursing regarding the scope of practice issue.

The letter of inquiry also noted concern with the increasing use of the title of “doctor” by licensed nurses who have a Ph.D. The Board reviewed the professional designation requirements under Alaska Statute (AS) 08.02.010. A nurse must use as professional identification appropriate letters or a title after their name that represents their specific field of practice. It is not appropriate to hold themselves out to be a physician by use of the title. The Board noted that ASMA may wish to lobby the Legislature to change or clarify the requirement, if they deem it necessary.

Healthy Alaskans 2020

A news release from the Department of Health and Social Services regarding a health care survey was included in the Board packet for further review.

Accreditation Council for Continuing Medical Education (ACCME)

Updates and resources (August and September editions) were included in the Board packet for further review. Dr. Cullen noted that their website is difficult to navigate and that he was unable to find the information. Ms. Stovern will notify them of the difficulty.

Federation of State Medical Boards (FSMB) Updates

The following information from FSMB was included in the Board packet for further review.

- First call for committee appointment recommendations
- First call for resolutions
- Highlights from the July 2012 Board of Directors meeting
- FCVS fees update
- Licensure portability grant
- USMLE report to State Medical Boards
- Newsline
- E-news (July through October editions)

Agenda Item 15 Administrative Business

Board Disciplinary Guidelines for review

It has been the Board’s practice to review their Disciplinary Guidelines annually and to revise them as necessary. The Board reviewed the guidelines and determined that no changes were necessary at this time.

Board Policies and Procedures for review

Ms. Stovern continues to revise and update the Board's Policies and Procedures as changes are made. It has been the Board's practice to review them annually and to revise them as necessary. In the interest of time, the Board determined to review them after the meeting and discuss at the January meeting.

Budget Report

The budget report with the Board's 10-year revenue and expenditure data was included in the Board packet; it was discussed during the Division Update agenda item. The report includes data through the end of FY 2012; the report for the first quarter of Fiscal Year 2013 was not available for the meeting. The Board noted that there was a detailed report of the Board's direct expenditures, but no details regarding the indirect expenditures. They were troubled by this lack of information, as the budget report indicated a substantial increase in indirect expenditures compared to prior years. The Board directed Ms. Stovern to obtain the detailed report of indirect expenditures and provide it to them as soon as possible; they did not want to wait until the next meeting to review the information.

The Board noted that they expect to continue to be financially sound, and continue to carry a surplus during the upcoming biennial licensing cycle. They also noted the poor print quality of their Board packets, and directed Ms. Stovern to requisition a new copier/printer using some of the Board's surplus funds.

The Division's Target FY2013 Travel Allocation was also included in the Board packet for review. Ms. Stovern reported that the Division was recently informed that the travel policies had been improperly implemented and that travel will now be considered pursuant to the State travel policy. The most notable change is not being allowed to accept direct-paid expenses by sponsoring organizations; travel must be paid by the State and any sponsor-paid expenses must be reimbursed to the State. These third party reimbursements are deposited into the general fund and are not credited back to individual Boards or programs. The intent of the travel policies is to ensure that travel is appropriate to State business and eliminates the appearance of any conflict of interest or potential influence by outside organizations.

The new policy will impact the travel budget for the Division, and will particularly impact travel for the Board, since much of their out-of-state travel is directly provided by the Federation of State Medical Boards and it now must be funded under the Division's limited travel budget. The Board disagreed with the new interpretation of the State travel policy and directed Ms. Stovern to obtain the statutes and/or regulations that prohibit their sponsor-provided travel. They noted that the Division is supposed to support the Board, not encumber the Board, and that the new policy is a disservice to the Board and the protection of the public. They noted that Travel Authorizations already provide documentation of appropriate travel and eliminate any appearance of impropriety. The Board was unhappy with the Division denial of a request for Ms. Stovern to travel to the annual meeting of Board executives, which would have been paid for by the sponsor. They determined that these travel opportunities are a Board priority and expect Board members and staff to attend.

The Board determined that they would allocate their limited out-of-state travel budget for staff travel, and to have Board member travel funded by the FSMB approved by the Board President with an appropriate ethics disclosure to eliminate any potential conflict of interest.

Review Minutes

The Board reviewed the minutes of the August 20, 2012 special teleconference meeting and the July 26-27, 2012 regular meeting.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Kohnen, and approved unanimously, it was:

RESOLVED to approve the minutes of the August 20, 2012 special teleconference meeting and the July 26-27, 2012 regular meeting, as presented.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- January 17-18, 2013 in Juneau
- March 28-29, 2013 in Fairbanks
- July 18-19, 2013 in Dillingham
- October 17-18, 2013 in Anchorage

They also noted that plans for the location of the meetings (hospitals, State office buildings, etc.) are acceptable.

Recess for lunch

The Board recessed for lunch at 12:10 p.m.
The Board resumed the meeting at 1:25 p.m.

Board members present:

Edward A. Hall, PA-C, Chair
Cam Carlson, Public Member
John S. Cullen, MD
Elizabeth Kohnen, MD

David A. Miller, MD
Kathleen Millar, Public Member
David J. Powers, MD
William W. Resinger, MD

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner

Visitors present:

Jim Lipinski, Alaska Academy of Physician Assistants

Agenda Item 13 Full Board Interviews

Michael Todd Blake, DO

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

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the application of Dr. Blake.

The Board entered executive session at 1:29 p.m.; staff remained for the session.
The Board went back on the record at 1:37 p.m.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Cullen, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted license to Michael Todd Blake, DO.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Agenda Item 15 Administrative Business (continued)

Sunset Audit Report

The preliminary sunset audit report and recommendations regarding the activities of the Board, along with a response letter drafted by Mr. Hall, was previously distributed for Board review. Ms. Stovern noted that the report is confidential until released by the Legislative Budget and Audit Committee and any Board discussion must occur in executive session.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the confidential preliminary sunset audit report.

The Board entered executive session at 2:18 p.m.; staff remained for the session.
The Board went back on the record at 228 p.m.

Upon a motion duly made by Ms. Millar, seconded by Dr. Powers, and approved by roll call vote, it was:

RESOLVED to accept the letter written by the Board President, as revised by the Board, in response to the preliminary sunset audit report.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – Yea
Ms. Millar – Yea
Dr. Miller - Yea**

Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea

Executive Administrator’s Report

The Board reviewed the Executive Administrator’s Report, presented by Ms. Stovern, including an update on the following:

- Outreach efforts – Ms. Stovern attended the PA graduation ceremony at UAA, August 17, 2012; participated in planning for a speaking engagement at the 2013 State of Reform health policy conference; and was unable to attend the FSMB Administrators in Medicine annual meeting October 22-23, 2012 due to travel denial by the Division.
- Status on uniform application – Ms. Stovern continues to work with the Federation of State Medical Boards (FSMB) to implement the uniform application.
- Tracking of Board actions – a report of the Board’s third quarter 2012 actions was provided for Board review; the report included confirmation of appropriate reporting of all actions.
- Tracking of licensing process – statistics and a detailed spreadsheet covering processing of applications for the third quarter of 2012 was provided for Board review.
- Policy and procedure updates – Ms. Stovern has been working on revising and updating the Board policies and procedures, which was distributed for Board review.
- Regulations projects – at their previous meeting, the Board approved a comprehensive regulation project which will be considered for adoption at the next meeting, following the public comment period; Ms. Stovern will continue to work with Dr. Powers on a draft regulation proposal regarding tribal health programs.

Board member terms

The following Board member terms expire March 1, 2013:

- Mr. Hall – is not eligible for reappointment
- Ms. Millar – is eligible and interested in reappointment

Dr. Cullen’s term expired March 1, 2012 and his other commitments prevent him from seeking reappointment. He has graciously continued to serve until a replacement may be found.

Dr. Resinger’s term expires March 1, 2014, and he is not eligible for reappointment. Ms. Stovern is working with investigators to contract with him to continue as a resource in investigative matters.

Agenda Item New Business

Postgraduate training and active duty military service

Dr. Miller proposed a regulation that would allow some specific military field practice to satisfy the second year of postgraduate training required for licensure. The following draft regulation was read onto the record:

12 AAC 40.022. Postgraduate training. The board may, at its discretion, accept one year of active duty military service as a general medical officer or flight surgeon, verified by the unit hospital commander or senior medical officer, as meeting the second year of postgraduate training required under AS 08.64.200(a)(2)(B).

The Board discussed active duty military physicians and instances where a medical officer may have completed only one year of postgraduate training before being deployed. It was noted that their service is different than civilian work experience, which may not be considered equivalent. The Board would like to obtain information on the military experience to compare with a typical residency program, for discussion at the next meeting. They would also like to review the proposal with the Attorney General.

Upon a motion duly made by Dr. Miller, seconded by Dr. Cullen, and approved by roll call vote, it was:

RESOLVED to approve the draft regulation, as read onto the record, for review at the next meeting.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Cullen – Yea
Dr. Kohnen – No
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Hall – Yea**

Adjournment

Upon a motion duly made by Dr. Resinger, seconded by Ms. Millar, and approved unanimously, it was:

RESOLVED to adjourn the meeting of the Alaska State Medical Board.

The meeting adjourned at 2:32 p.m.

Respectfully submitted:

Approved:

s/

Debora Stovern, Executive Administrator
Alaska State Medical Board

s/

Edward A. Hall, PA-C, Chair
Alaska State Medical Board

January 18, 2013

Date

January 18, 2013

Date