

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

**STATE MEDICAL BOARD**

**MINUTES OF MEETING  
May 7-8, 2015**

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, May 7-8, 2015 in Juneau, Alaska.

**Thursday, May 7, 2015**

**Call to Order**

The meeting was called to order by David A. Miller, MD, Chair, at 9:01 a.m.

**Roll Call**

Board members present:

Cam Carlson, Public Member  
Sai-Ling Liu, DO  
Grant T. Roderer, MD

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

Board members Craig Humphreys, MD, and Kevin Luppen, PA-C, were not able to attend the meeting. Board member Sai-Ling Liu, DO, arrived at 9:20 a.m.

Board staff present:

Debora Stovern, Executive Administrator  
Dawn Hannasch, Records and Licensing Supervisor  
Mary Sikes, Licensing Examiner  
Aiko Zaguirre, Licensing Examiner

There were no visitors present.

Although the Safety Officer was not in attendance, the Board noted appropriate emergency exits and gathering location.

**Agenda Item 1      Review Agenda**

The Board reviewed the agenda. Ms. Stovern noted that the two interviews scheduled under agenda item 7 had rescheduled for the August meeting. No changes were made.

## **Agenda Item 2      Board Business**

### Announcements

Ms. Stovern introduced new Medical Board staff: Mary Sikes (Licensing Examiner), Aiko Zaguirre (Licensing Examiner), and Dawn Hannasch (Licensing Supervisor).

### Ethics Reporting

There were no ethics conflicts to report.

### Delegation of Authority

In accordance with Professional Regulation 12 AAC 40.910, the Board must take formal action annually to identify a designee to perform duties on behalf of the Board.

**Upon a motion duly made by Dr. Powers, seconded by Dr. Roderer, and approved by unanimous consent, it was:**

**RESOLVED to appoint Debora Stovern as the Board designee under Professional Regulation 12 AAC 40.910.**

### Board Disciplinary Guidelines for review

After reviewing the Board disciplinary guidelines, the board had no recommended changes.

### Board Policies and Procedures for review

After reviewing the Board Policies and Procedures, they noted that the CME compliance section must be updated to reflect position titles instead of staff names. The Board also noted their satisfaction with the updates to the Board's telemedicine guidelines.

## **Agenda Item 3      Board Actions**

### In the Matter of Case No. 2015-000381

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of an applicant who failed to disclose material information on a new license application.

**Upon a motion duly made by Dr. Powers, seconded by Mrs. Carlson, and approved by roll call vote, it was:**

**RESOLVED to adopt the imposition of civil fine agreement, Case No. 2015-000381, signed by Lance O. Allen, DO.**

### **Roll Call Vote:**

Ms. Millar-Yea

Dr. Powers-Yea

Dr. Roderer-Yea

Mrs. Carlson-Yea

Dr. Humphreys-Absent

Dr. Liu-Yea

Mr. Luppen- Absent

Dr. Miller-Yea

The adoption order was signed by the Chair.

In the Matter of Case No. 2015-000383

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of an applicant who failed to disclose material information on a new license application.

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by roll call vote, it was:**

**RESOLVED to adopt the imposition of civil fine agreement, Case No. 2015-000383, signed by Nita K. Babcock, MD.**

**Roll Call Vote:**

Mr. Luppen- Absent  
Ms. Millar-Yea  
Dr. Powers-Yea  
Dr. Roderer-Yea  
Mrs. Carlson-Yea  
Dr. Humphreys-Absent  
Dr. Liu-Yea  
Dr. Miller-Yea

The adoption order was signed by the Chair.

In the Matter of Case 2012-000283

The Board reviewed a proposed agreement.

**Upon motion duly made by Ms. Millar, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2012-000283.**

The Board entered executive session at 9:25 a.m.; Board staff remained for the session.  
The Board went back on the record at 9:34 a.m.

**Upon a motion duly made by Mrs. Carlson, seconded by Dr. Roderer, and approved by unanimous consent, it was:**

**RESOLVED to reject the imposition of civil fine agreement, Case No. 2012-000283, due to modification made by the licensee, and to refer the case back to investigations.**

The Board appointed Ms. Millar as an additional designee to assist with the investigation.

In the Matter of Case No. 2014-001765

The Board reviewed a proposed license surrender agreement regarding a licensee's failure to properly report a DUI conviction and a related impairment issue.

**Upon a motion duly made by Ms. Millar, seconded by Mrs. Carlson, and approved by roll call vote, it was:**

**RESOLVED to adopt the surrender agreement, Case No. 2014-001765, signed by Jayesh D. Makim, MD.**

**Roll Call Vote:**

Dr. Powers-Yea  
Dr. Roderer-Yea  
Mrs. Carlson-Yea  
Dr. Humphreys-Absent  
Dr. Liu-Yea  
Mr. Luppen- Absent  
Ms. Millar-Yea  
Dr. Miller-Yea

The adoption order was signed by the Chair.

**In the Matter of Case No. 2014-002346**

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician assistant who failed to properly file an Alaska DEA registration with the Division, as required by law.

**Upon motion duly made by Ms. Millar, seconded by Dr. Roderer, and approved by unanimous consent, it was:**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2014-002346.**

The Board entered executive session at 9:38 a.m.; Board staff remained for the session.  
The Board went back on the record at 9:44 a.m.

**Upon a motion duly made by Mrs. Carlson, seconded by Dr. Liu, and approved by roll call vote, it was:**

**RESOLVED to adopt the imposition of civil fine agreement, Case No. 2014-002346, signed by Lisa X. Spurlock, PA-C.**

**Roll Call Vote:**

Dr. Roderer-Yea  
Mrs. Carlson-Yea  
Dr. Humphreys-Absent  
Dr. Liu-Yea  
Mr. Luppen- Absent  
Ms. Millar-Yea  
Dr. Powers-Yea

Dr. Miller-Yea

The Board reviewed the letter submitted by the licensee requesting leniency on the fine due to the matter being a minor mistake. The Board noted that it is a violation that may be sanctioned and in years past this type of violation would result in a fine and a reprimand. Their adoption of the imposition of civil fine reflects their acceptance that this is a minor violation.

The adoption order was signed by the Chair.

In the Matter of Case No. 2014-001249

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician assistant who failed to properly file an Alaska DEA registration with the Division, as required by law.

**Upon motion duly made by Dr. Liu, seconded by Dr. Roderer, and approved by unanimous consent, it was:**

**RESOLVED to adopt the imposition of civil fine agreement, Case No. 2014-001249, signed by Michael Michaud, PA-C.**

**Roll Call Vote:**

Dr. Liu-Yea

Mr. Luppen- Absent

Ms. Millar-Yea

Dr. Powers-Yea

Dr. Roderer-Yea

Mrs. Carlson-Yea

Dr. Humphreys-Absent

Dr. Miller-Yea

The adoption order was signed by the Chair.

**Agenda Item 4 Investigative Unit**

**Investigative Report**

Medical Board Investigators Susan Winton and July Lam, and Probation Monitor Michele Wall-Rood, joined the meeting by teleconference. Ms. Winton introduced Ms. Lam as a new investigator assigned to the Medical Board, and introduced Ms. Wall-Rood as the new probation monitor.

Ms. Winton reviewed the investigative report provided to the Board. The report included 12 open medical cases, 4 open physician assistant cases, and 14 closed cases and complaints.

**Probation Report**

A current probation monitoring report was included in the board packet for further review. Investigator Wall-Rood had additional information for Board consideration.

**Upon a motion duly made by Mr. Luppen, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

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

The Board entered executive session at 10:06 a.m.; Board staff remained for the session.  
The Board went back on the record at 10:17 a.m.

### **Agenda Item 5 Board Review of Requests/Issues**

#### **In the matter of Tanya Lange (MICP)**

The Board reviewed a modification request from Ms. Lange regarding the Consent Agreement, Case No. 2014-001482, adopted by the Board on February 5, 2015. The Board took into consideration financial hardship experienced by Ms. Lange resulting in difficulty to pay the entire fine in full. To date, the Division has received one-half of the unsuspended portion of the fine.

**Upon a motion duly made by Dr. Powers, seconded by Ms. Millar, and approved by roll unanimous consent, it was:**

**RESOLVED to grant an extension of time to pay the fine, Case No. 2014-001482; the unsuspended portion of the fine due within 90 is now due within 180 days of the date the Board adopted the Consent Agreement.**

#### **In the matter of Brian R. Donaldson, MD**

The Board reviewed a request by Dr. Donaldson regarding the chart review requirement of his Memorandum of Agreement (MOA), Case No. 2800-01-086, etc., adopted by the Board on January 12, 2006. The Board approved his request to allow Dr. List to conduct chart reviews required under the MOA.

### **Agenda Item 6 Malpractice Report Review**

The Board reviewed malpractice reports, Case No. 3AN-11-09314-CI, Case No. 2013-044, Case No. SCCVPD13-01105, Case No. MCCC 1301-00424, Case No. 13-5099, Case No. 2014-3742MD, Case No. 12-19614(a), Case No. 132027141, Case No. L-906-12, Case No. 12-19614(b), Case No. n/a, and Case No. 3AN-14-8982-CI.

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

**RESOLVED to accept malpractice reports Case No. 3AN-11-09314-CI, Case No. 2013-044, Case No. SCCVPD13-01105, Case No. MCCC 1301-00424, Case No. 13-5099, Case No. 2014-3742MD, Case No. 12-19614(a), Case No. 132027141, Case No. L-906-12, Case No. 12-19614(b), Case No. n/a, and Case No. 3AN-14-8982-CI, with no further action at this time.**

The Board expressed some concerns regarding Case No. 3AN-11-09314-CI, and noted that it would be reconsidered in the event of any future malpractice cases or complaints.

### **Recess for lunch**

Chris Hladick, the new Commissioner for the Department of Commerce, Community, and Economic Development, visited the meeting to introduce himself to the Board.

The Board recessed for lunch at 11:37 a.m.  
The Board went back on the record at 1:12 p.m.

Board members present:

Cam Carlson, Public Member  
Sai-Ling Liu, DO  
Grant T. Roderer, MD  
David A. Miller, MD

Kathleen Millar, Public Member  
David J. Powers, MD

Board members Craig Humphreys, MD, and Kevin Luppen, PA-C, were not able to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator  
Dawn Hannasch, Records and Licensing Supervisor  
Mary Sikes, Licensing Examiner  
Aiko Zaguirre, Licensing Examiner

There were no visitors present.

### **Agenda Item 7 Full Board Interviews**

Yaakov Friedman, MD

Dr. Friedman rescheduled his interview for the next meeting.

Frederick Yost, MD

Dr. Yost rescheduled his interview for the next meeting.

### **Agenda Item 8 Ombudsman Final Report/Recommendations**

The report and recommendations were included in the Board packet for review and response (including both the confidential report and the public executive summary). As noted in the preliminary report, reviewed by the Board at their February 2015 meeting, the Office of the Ombudsman found the allegations partially justified and partially rectified. The complaint has been closed with two recommendations:

Recommendation 1: The Board should consider the complainant's application at its next regularly scheduled meeting and make a decision to either approve or deny the application.

- The Board has stated that they are willing to promptly consider the application once he submits a current, complete application and supporting documents in accordance with all of the provisions of Alaska Statutes (AS) 08.64 and Professional Regulations 12 AAC 40. It was noted that the application on file with the Division is stale, in accordance with 12 AAC 40.963.

Recommendation 2: The Board should consult with the Attorney General's office to determine how to reconcile the seeming inconsistency between Alaska Statute (AS) 08.64.255 and AS 44.62.310.

- The Board determined not to pursue an Attorney General opinion on their use of (unrecorded) executive sessions for conducting interviews when the discussion includes protected and confidential information. The Board believes they are in compliance with existing statutes and only enters executive sessions under the provisions of AS 44.61.310(c).

Assistant Attorney General Harriet Milks joined the meeting to discuss this matter. She noted that the statutes are not necessarily inconsistent – the Board could record interviews in executive session to meet AS 08.64.255, but not make the recording public.

She confirmed that when the Board enters into executive session in accordance with AS 44.62.310(c), the executive session is conducted off the record, with no audio recording made.

However, there is an exception when the Medical Board conducts an interview with an applicant who wishes to enter executive session to discuss confidential matters that are protected under state and federal law (such as personal health issues, employment issues, pending law suits, etc.) In that case, the executive session is conducted off the public record, but it is recorded (in accordance with AS 08.64.255) and that recording is not a public record and must be kept confidential.

The Board directed staff to ensure the confidentiality of recordings of those interviews conducted in executive session and to use a separate recorder for those interviews.

## **Agenda Item 10 Statues/Regulation Updates**

### Telemedicine Regulation Project:

The Board previously discussed the practice of telemedicine and how to implement House Bill 281, passed last year, relating to the practice of telemedicine. In order to implement HB 281, and to preserve the existing Board-sanctioned “telemedicine” practice, the Board approved regulations that would set professional and recordkeeping standards for telemedicine practice.

Assistant Attorney General Harriet Milks had reviewed the draft regulations and was prepared to propose some revisions. It was noted that HB 281 did not authorize the general practice of telemedicine; it simply prevented the Board from sanctioning physicians who violate the Board-established professional standards requiring an in-person physical exam before prescribing.

It was further noted that there had been recent legislation introduced, which proposes to further expand telemedicine practice to out-of-state physicians, allow prescription of controlled substances, and to allow

diagnosis and treatment as well as prescribing. The Board determined to delay their regulations project, pending the outcome of those legislative efforts.

**Upon a motion duly made by Mrs. Carlson, seconded by Dr. Liu, and approved by unanimous consent, it was:**

**RESOLVED to withdraw the proposed telemedicine regulations from the current regulations project, pending further work and revision.**

The Board informed Ms. Milks that they had updated their guidelines regarding the practice of telemedicine to reflect their current position on such practice. She requested the Ms. Stovern provide a copy of those guidelines for her review.

**Upon a motion duly made by Dr. Powers, seconded by Dr. Liu, and approved by unanimous consent, 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 1:49 p.m.; Board staff remained for the session. The Board went back on the record at 2:10 p.m.

#### **Agenda Item 4      Investigative Unit (continued)**

Medical Board Investigators Susan Winton and July Lam joined the meeting by teleconference to provide the Board with a probation update.

**Upon a motion duly made by Ms. Millar, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

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

The Board entered executive session at 2:14 p.m.; Board staff remained for the session. The Board went back on the record at 2:19 p.m.

#### **Agenda Item 9      Alaska Healthcare Commission**

Jay C. Butler, MD, Chief Medical Office for the Alaska Department of Health and Social Services, and Chair of the Commission, was present to provide an introduction and overview of Commission activities. He discussed some of the Commission priorities, including

- Opioid policy and Prescription Drug Monitoring program
- Reimbursement recommendations regarding telemedicine services

- Continuing medical education (CME) requirements for chronic pain management. (The Board noted that they do not support directed-CME due to differing relevance to individual physician's practice and referred him to the Association for outreach assistance.)

### Agenda Item            Public Comment Forum

There were no members of the public present to speak with the Board.

### Agenda Item 10        Statues/Regulation Updates

#### Pending regulation projects:

Delegation to CMAs: The Board had previously adopted regulations setting standards for delegation of routine duties to unlicensed assistive personnel. Upon review by the Department of Law, it had been determined that a statute change is required in order to allow such delegation of routine duties. The Board has requested assistance from Senator Olsen and the Alaska State Medical Association to initiate a statute change. The Board will consider re-adopting the regulations once the legislation is enacted.

#### Approved Regulation Projects:

The Board had previously approved regulations changes to go out for public comment. They reconfirmed their approval for the regulations project (except for the withdrawn telemedicine regulations) and directed the Division to send them out for public comment as soon as possible, so that they may consider them for adoption at their next meeting.

- Reporting Requirements: Investigators had previously asked the Board to clarify their intent for an unprofessional conduct item; the Board approved a change to Professional Regulation 12 AAC 40.967(26)(A) that requires a licensee "to report to the board, no later than 30 days after the effective date of the action, any criminal charge by a law enforcement agency, *or* any disciplinary action against the licensee taken by another licensing jurisdiction, health care entity, or regulatory agency."
- Tribal Health Program federal exemptions: The Board had previously adopted regulations requiring Board recognition of the federal license exemption for licensees practicing in a Tribal Health program. Upon advise by the Department of Law, the Board withdrew and redrafted the regulations to require that practitioners working in an Alaska tribal health program must be licensed by the board unless they notify the board that they are practicing under another license in accordance with section 221 of 25 U.S.C. § 1621t (Patient Protection and Affordable Care Act, 2010).

#### Legislative information

- The Board reviewed Division information regarding the implementation of House Bill (BH) 160 (effective 9/16/14) related to a new licensing program for Athletic Trainers.
- The Board reviewed Senate Bill (SB) 98 and House Bill (HB) 181, relating to the expansion of telemedicine practice. The bills propose to allow not only prescriptions without an in-person physical examination, but also to allow diagnosis and treatment without an in-person physical examination. It also expands telemedicine practice to out-of-state physicians, and allows for prescription of controlled substances.

It was noted that HB 181 had recently been withdrawn; SB 98 was still active but had not yet been heard in the committees of referral. Ms. Stovern reported that the Division may file a fiscal note and that The Alaska State Medical Association may be planning to oppose the bill.

The Board determined to write a positions statement opposing the legislation.

- The Board reviewed Senate Bill (SB) 55, relating to optometry scope of practice. Ms. Stovern reported that physician members of the Alaska Society of Eye Physicians and Surgeons had planned to attend the meeting to provide the Board with their public comments in opposition to the proposed legislation. However, due to scheduling conflicts, they were instead planning to attend a future meeting.

The Board reviewed a correspondence item (agenda Item 13) from the Alaska Society of Eye Physicians and Surgeons regarding their opposition to the bill. The Board determined to echo the Society's opposition to SB 55, as the optometrist scope of practice does not include surgery.

- The Board reviewed Senate Bill (SB) 71, relating to the administration of vaccines by pharmacists. The Board currently allows for physicians to supervise such pharmacist-administered vaccine programs under Board-approved physician-pharmacist cooperative practice plans. The Board determined that they do not support expansion of these programs to include unsupervised practice by pharmacists.

The rural Board members noted that the sponsor statement regarding the bill includes an argument about rural access that is not valid, because there are actually few rural pharmacies. The sponsor statement also included information about flexibility and convenience for consumers. The Board noted that the bill proposes to expand unsupervised practice without an increase in care provided, as well as creating difficulty in tracking vaccine records and patient care. It was further noted that convenience doesn't always provide for the best care.

- The Board reviewed Senate Bill (SB) 14, relating to the appointment of a Mobile Intensive Care Paramedic (MICP) to the Medical Board, as well as other emergency medical services items. The Board had previously determined to support the Alaska Paramedic Association resolution to add an MICP seat to the Board. However, it was noted that the current version of the bill proposes to replace one of the two public members with an MICP member.

The Board expressed the need for the public to be fully represented in the Board composition and do not support replacing a public member with an MICP member. They further determined that they would be neutral on the proposal adding an MICP member to the Board.

- The Board reviewed House Bill (HB) 29, which proposes to establish a licensing program for radiologic technologists, to be administered by the Division. The Board had previously considered this matter when similar legislation was previously introduced. They were concerned that the bill may affect patient care negatively, creating an extra layer of bureaucracy by requiring a license program, and additional (proprietary) training. It was unclear who would be approving training programs and how it would affect remote practitioners

The Board continues to have concerns about the proposed program, including the vague certification process and the impact on rural areas. It was also not clear what problem the bill is attempting to correct and there was no information to indicate that patient care is currently at risk. Other than expressing concern, the Board did not take a position.

### **Agenda Item 13 Correspondences**

- ❖ (Added item) The Board reviewed a letter from the Alaska Society of Eye Physicians and Surgeons regarding their opposition to a legislative proposal to expand the scope of practice for optometrists. It was noted that physician members of the Society may provide public comments at a future Board meeting. The Board directed Ms. Stovern to notify them of the Board position on the legislation.
- 1) The Board reviewed a letter from the Board of Certified Direct-entry Midwives requesting that the Board reconsider their position regarding certified direct-entry midwives authority to independently order and interpret lab or diagnostic testing for their patients. The Board had previously reviewed the scope of practice for Certified Direct-entry Midwives, and the regulations that specified such testing by direct-entry midwives at an initial prenatal visit. There was concern that direct-entry midwives do not have the proper medical training necessary to order and interpret the noted lab and diagnostic tests. At that time, the Board adopted the following position:
  - The ordering and interpreting of laboratory and diagnostic tests is considered the practice of medicine. The Board does not support granting privileges to order those tests to direct-entry midwives and recommends that they collaborate with a physician to order such tests.

In reviewing the current letter, the Board noted that it was their understanding the referenced statute change had not been completed and that certified direct-entry midwives would need such a statute change to allow that type of practice. It was further noted that access to services at a hospital is determined by the hospital credentials committee, not by the Medical Board.

The Board directed Ms. Stovern to respond to the inquiry and reiterate the Board's position and comments.

The following additional correspondence was included in the Board packet for further review:

- 2) American Board of Pain Medicine Issue Brief regarding Pain Care
- 3) Alaska Health Care Commission Strategies and Policy Recommendations publication
- 4) Department of Health and Social Services notice of a workshop on opioid treatment
- 5) Federation of State Physician Health Programs
  - Notice of Annual education conference
  - Newsletter
- 6) CPEP notice of new communications course
- 7) American Telemedicine Association updates
- 8) cTel Spring Summit agenda and information

### **Agenda Item 14 Federation of State Medical Boards (FSMB) updates**

Dr. Powers and Ms. Stovern attended the FSMB annual meeting in April; topics of the meeting included interstate licensure issues, information on the proposed interstate compact, briefing on FTC court case, evaluation of licensing exams, updates on the Federation's verification services, international medical school accreditation and certification, evolving health care models, opioid abuse and misuse issues, prescription drug monitoring programs, decriminalization of marijuana, patient-centered health care models, telemedicine changes, and FSMB resources, as well as regional board forums and roundtable discussions and the House of Delegates business meeting.

Ms. Stovern also attended the concurrent Administrators in Medicine (AIM) meeting; topics of the meeting included National Practitioner Databank (NPDB) changes, regulation in a changing world, coaching disruptive physicians, and expedited licensing issues, as well as state reports and the annual business meeting.

Dr. Powers and Ms. Stovern briefed the Board on the status of the interstate compact, the recent Federal Trade Commission case against the North Carolina Dental Board, opioid prescription issues, and telemedicine.

The Board discussed the NPDB changes, which include not accepting reports of application withdrawals while under investigation. The Board directed staff to discontinue making those reports, since they will be rejected by the NPDB. Staff will continue to report to FSMB and include the information on the Board Action Summary posted online.

The following additional FSMB items were included in the Board packet for further review:

❖ (Added item) Notice regarding Teledoc court case in Texas and Axxess court case in Mississippi

- 1) Annual meeting information
- 2) Highlights of the February 2015 meeting of the Board of Directors
- 3) Notice of policy revisions
- 4) Notice regarding resources for reentry to practice
- 5) Highlights of CeDiploma webinar
- 6) Strategic Plan recommendations
- 7) E-news (February through April editions)
- 8) Newsline Spring 2015 edition

The Board recessed at 4:03 p.m.

**Friday, May 8, 2015**

**Call to Order**

The meeting was called to order by David A. Miller, MD, Chair at 9:15 a.m.

**Roll Call**

Board members present:

Cam Carlson, Public Member  
Sai-Ling Liu, DO  
Grant T. Roderer, MD

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

Board members Craig Humphreys, MD, and Kevin Luppen, PA-C, were not able to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator  
Dawn Hannasch, Records and Licensing Supervisor  
Mary Sikes, Licensing Examiner  
Aiko Zaguirre, Licensing Examiner

**Agenda item 11 Full Board Interviews:**

**Jeffrey Alan Grill, MD**

Dr. Grill was present to discuss his license application with the Board.

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the application of Jeffrey Alan Grill, MD.**

The Board entered executive session at 9:20 a.m.; Board staff remained for the session.  
The Board went back on the record at 9:28 a.m.

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

**RESOLVED to grant an unrestricted license to Jeffrey Alan Grill, MD.**

**Roll Call Vote:**

Ms. Millar-Yea  
Dr. Powers-Yea  
Dr. Roderer-Yea  
Mrs. Carlson-Yea

Dr. Humphreys-Absent  
Dr. Liu-Yea  
Mr. Luppen- Absent  
Dr. Miller-Yea

### **Agenda Item 10 Statues/Regulation Updates (continued)**

During the earlier discussion of proposed telemedicine legislation, the Board determined to write a position statement opposing the legislation.

The Board unanimously approved of the following statement and directed staff to provide it to the Office of the Governor and relevant legislators:

Members of the Alaska State Medical Board have reviewed the recently introduced Senate Bill 98, which proposes to expand the practice of telemedicine that was authorized under previous legislation. During the 28<sup>th</sup> Legislature, the Alaska State Medical Board opposed House Bill 281 which fundamentally changed the practice of telemedicine in the State of Alaska. After the bill was passed and became law without the Governor's signature, the Board adopted a unanimous resolution in favor of repealing that legislation.

The current bill, SB 98, proposes to further expand the practice of telemedicine by allowing not only prescriptions without an in-person physical examination, but also to allow diagnosis and treatment without an in-person physical examination. It also expands telemedicine practice to out-of-state physicians, and allows for prescription of controlled substances.

The Board respectfully requests that Legislators carefully consider our concerns.

Under the previous Board-sanctioned practice standards, an Alaska-licensed physician may lawfully engage in telemedicine practice if they either have an established physician-patient relationship based on an in-person physical examination, or if there is an appropriate (licensed) health care provider with the patient to assist the physician with their examination and diagnosis and treatment processes.

The essence of the practice of medicine is founded in the physician-patient relationship which includes the physical examination of the patient. This bill allows for a corporate model of telemedicine practice without one or the other of these two elements, and would therefore be below the current standard of care in Alaska. The Board considers this type of telemedicine practice to be unprofessional conduct.

The Board continues to be concerned with the consequences of telemedicine legislation:

- potential for missed diagnoses and overprescribing associated with no physical examination of the patient;
- unintended negative consequences of the proposed legislation on current medical practice in Alaska (for example, the abrupt loss of psychiatric care for multiple communities in rural Alaska);
- potential liability and investigative costs related to misdiagnosis or mismanagement with resultant poor outcomes;

- decreasing the standard of care throughout Alaska;
- setting practice standards by statute, written by venture capitalists, instead of expert Medical Board members whom you appointed and confirmed.

The Board opposes this legislation, which attempts to lower the practice standards for patients in the State of Alaska. The Medical Board exists to maintain the highest standards of patient care for the citizens of Alaska. Any bill that begins with the phrase “the board may not impose disciplinary sanctions” presumes that the Board exists for another purpose. The proposed legislation does not make unprofessional conduct professional, it simply makes it unsanctionable.

### Agenda Item            Division Update

Division Director Janey Hovenden, Operations Manager Sara Chambers, and Administrative Officer Martha Hewlett joined the meeting to discuss Board and Division matters.

Ms. Chambers introduced Ms. Hovenden, the new Division Director.

Ms. Hewlett reviewed the financial reports that were included in the Board packet. She noted the high legal expenditures and reassured the Board that all legal bills are reviewed for accuracy and charged to the appropriate Board or program. She also noted that the indirect expense numbers are a “place holder” based on the previous year’s numbers and will be trued up in the year-end report to reflect actual indirect expenditures.

Ms. Chambers reported on staffing issues and application delays. She noted that the Division is working on short-term and long-term solutions to fill the Board’s staffing needs. The Division agrees with the Board’s determination that there is a need for a third licensing examiner and clerical staff to handle the volume of work in the Juneau office. The Division recognizes that much of the increased volume is directly related to the unintended consequences of HB 281 (telemedicine) last year. She also noted that the Division would be preparing a fiscal note for SB 98 (telemedicine expansion) to include additional examiner, investigator, and clerical staff.

### Agenda Item 12        License Application Review

Board members reviewed license application files.

The Board declined to consider the application of Dana Dorothy Espindola, MD, pending further information.

The Board declined to consider the incomplete application of Karin D. Gnegy, PA and noted that her PA program had lost their accreditation status before she graduated from the program. She is unable to meet the licensing requirement for graduation from an accredited program under Professional Regulations 12 AAC 40.4000(b)(1). It was recommended that she consider enrolling in an accredited program and transfer her previously earned credits to the new program.

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to approve the following applicants for licensure in Alaska subject to agreements adopted by the Board on May 7, 2015:**

*Lance D. Allen, DO*  
*Nita K. Babcock, MD*

**Upon a motion duly made by Dr. Roderer, and seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to approve the following physicians for licensure in Alaska, pending completion of their application files:**

*Joshua Brown Balch*  
*Dae Hee Bang*  
*Richard David Bauer*  
*Emmanuel Atienza Bayongan*  
*Darrick James Beckman*  
*Leila Clark Bender*  
*Kenneth Sam Bergman*  
*Barbara Ann Blankenship*  
*Douglas Paul Caldwell*  
*Jess Anthony Campagna*  
*Courtney Cecile Carter*  
*Janet M Chiang*  
*Ayumi Ide Corn*  
*Andrew Lewis Cornelius*  
*Jennifer Lauren Daugharthy*  
*Julia Margaret Edwards*  
*Adam Covino Ellison*  
*Sara Anne Haack*  
*Paul Chungming Ho*  
*Ryan David Horazdovsky*  
*Richard Porterfield Hull*  
*Germaine Richard Johnson*  
*Hargobind Singh Khurana*  
*Christopher Mark Kishiyama*  
*Christine Marie Kneisel*  
*Keith Alan Konkol*  
*Andreas Christou Kyprianou*  
*Harry Donald Edward Lambe*

*Aiping Luan*  
*Kenneth Joel Margolis*  
*Lance Russell McAdams*  
*Robert Lee Mellon*  
*Mary Margaret Meyer*  
*Joseph John Mignogna*  
*Curtis Andrew Mina*  
*David Steven Moss*  
*Nicholas Charles Papacostas*  
*Tiffany Kelly Peterson*  
*Monja Lea Proctor*  
*Sripathi Ramakrishna*  
*Megan Marie Rayman*  
*Benjamin Paul Rosenbaum*  
*John Nathan Simmons*  
*Aris Michael Sophocles III*  
*Richard M Steinman*  
*Phillip Bryce Storm*  
*Wendy Tienhui Su*  
*Allison Luanne Summers*  
*Samuel John Thurber*  
*Ailinh Jessica Tran*  
*Michael Joseph Troychak*  
*Isreal Villanueva Jr*  
*Prakash Vishnu*  
*Karen Lynn Wilson*  
*John Stuart Yordy*

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to approve the following osteopathic physicians for licensure in Alaska, pending completion of their application files:**

*Chad Phillip Bouchard  
Michelle Bridget Byrne  
David Brian Chauvin  
Shawna Rene Hickel  
Amar Shashi Kapur*

*Jason James Matyascik  
Joshua Ballard Pead  
Jason Robert Savikko  
Dennis Dean Walker  
Justin Ray Warix*

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to approve the following podiatrists for licensure in Alaska, pending completion of their application files:**

*Kristin Anna Vinje Klingenstein*

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to approve the following physician assistants for licensure in Alaska, pending completion of their application files:**

*John Brandon Atkins  
Shigone Tilil Yoh-Za  
AlberBeighle  
Britni Ranae Browning  
Charles Joseph Clancy  
Brittany Anne Collins  
Gail Ann Combs  
Christopher David Dietrich  
Barbara Ann Elias  
Elisabeth luise Gammelin  
Laurie Anne Gates  
Rachel Ann Goldberger  
Nathan Thomas Greene*

*Jesika Nicole Herrell  
Lorie Hutchinson  
Evelyn Irene James  
Liza Asarias Johnanknecht  
Kenneth Marshall Lemos  
Matthew Kelly Loudon  
Erin Colleen McPeak  
Matija Elizabeth Meenaghan  
Edwin Allen Morgan  
Melissa Davis Porter  
Rebecca Jean Schultz  
Benjamin Meador Ward  
Darren Jay Young*

**Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOLVED to approve the following mobile intensive care paramedics for licensure in Alaska, pending completion of their application files:**

*Wade Lindsey Alexander  
David Edward Bridges DeCarvalho*

*Kyle Leif Fagerstrom  
Travis L Hall*

*Tyler James Hardy  
Lane T Inman  
John F Mateja*

*Dustin C Sprenger  
Timothy Seth Steenhout  
Christopher D Widener*

## **Agenda Item 15 Administrative Businesses**

### **Financial Report**

The Board financial reports were included in the Board packet for review, including:

- Current report (first – third quarters of Fiscal Year 2015)
- Year-end report of Fiscal Year 2014
- Annual Fiscal Report from the Division (dated November 2014)

### **Executive Administrator's Report**

The Executive Administrator's Report was included in the Board packet for review, including an update on the following:

- Outreach efforts – Ms. Stovern responded to numerous telemedicine inquires re: impact of HB 281 (from practitioners, legislators, telemedicine providers, etc.); she responded to AIM inquiries/polls by other state boards; she followed activities of Alaska Healthcare Commission; and she spoke with Alaska State Medical Association (ASMA) staff about Board needs.
- Participation activities of national organizations – Ms. Stovern attended the FSMB annual meeting and concurrent AIM annual meeting; she attended FSMB webinars (topics included uniform application, interstate licensure compact); she continues to work with FSMB to implement the Uniform Application; she attended American Telemedicine Association (ATA) videocasts (topics included status of proposed telemedicine legislation, state policy developments, healthcare reform, and the impact of telemedicine efforts); and she attended cTel webinars re: telehealth and e-health issues.
- Tracking of Board actions – a report of the Board's recent actions was included for Board review.
- Tracking of licensing process – statistics and a detailed spreadsheet covering processing of recent applications was included for Board review.
- Status of CME\_Audit – all noncompliant audits for the 2012 renewal have been resolved; Ms. Stovern has begun work on the audit of the 2014 renewals.
- Status of regulations\_projects – Ms. Stovern has begun work on educational materials and applications to implement the recently adopted regulations regarding military postgrad options; she will continue to offer the Board's request for legislative assistance regarding statutory authority for delegation of routine duties; and she has requested the Division to send out for public comment the board's draft regulations for telemedicine practice, reporting requirements, and tribal health program exemptions.
- Board Policies and Procedures – Ms. Stovern completed work on renewal applications and set up the online renewal process; she has begun the review of "yes" answer renewals and is preparing for the continuing medical education (CME) audit; she continues to revise and update the Board policies

and procedures as changes are made; she updates and distributes the orientation manual to new Board members; and she regularly attends Division meetings regarding policies, mission, finances, and travel.

The Board reviewed the updated telemedicine guidelines, which will be published on the website. Ms. Stovern and Dr. Roderer will continue work on updating the guidelines regarding prescribing controlled substances.

#### Review Minutes

The Board reviewed the minutes of their recent meeting.

**Upon a motion duly made by Ms. Millar, seconded by Dr. Liu, and approved by unanimous consent, it was:**

**RESOLVED to approve the minutes of the February 5-6, 2015 meeting.**

#### Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- August 6-7, 2015 changed to Anchorage
- November 5-6, 2015 in Anchorage

#### Agenda Item      Annual Election of Officers

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

**RESOVLED to appoint Dr. Miller as Board President.**

**Upon a motion duly made by Dr. Liu, seconded by Mrs. Carlson, and approved by unanimous consent, it was:**

**RESOVLED to appoint Ms. Millar as Board Secretary.**

#### Agenda Item      New Business

The Board discussed their concerns with application processing delays. It was noted that the backlog is such that an applicant must wait approximately eight weeks from the time an application is submitted until they may receive a status letter. The wave of additional applications is predominantly due to telemedicine.

The Board will continue to press the Division for additional staffing to handle the increased volume of work in the Juneau office. However, they remain committed to the standards they have established for applicants who wish to practice in Alaska.

**Adjournment**

There being no further business:

**Upon a motion duly made by Ms. Millar, seconded by Dr. Luppen, and approved by unanimous consent, it was:**

**RESOVLED to adjourn the meeting of the Alaska State Medical Board**

The meeting was adjourned at 11:40 a.m.

Respectfully submitted:

Approved:

s/  
\_\_\_\_\_  
Debora Stovern, Executive Administrator  
Alaska State Medical Board

s/  
\_\_\_\_\_  
David A. Miller, President  
Alaska State Medical Board

8/7/2015  
\_\_\_\_\_  
Date

8/7/2015  
\_\_\_\_\_  
Date