

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

STATE MEDICAL BOARD

**MINUTES OF SPECIAL
TELECONFERENCE MEETING**

September 17, 2015

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a special teleconference meeting of the Alaska State Medical Board was held on Thursday, September 17, 2015.

Call to Order

The meeting was called to order by David A. Miller, MD, Chair, at 4:00 p.m.

Agenda Item 1 Roll Call

Board members present:

Cam Carlson, Public Member
Craig Humphreys, MD
David J. Powers, MD

Grant T. Roderer, MD
David A. Miller, MD

Board member Kevin Luppen, PA-C, joined the meeting at 4:02 p.m. Board members Sai-Ling Liu, DO and Kathleen Millar (public member) were not able to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Susan Winton, Medical Board Investigator
July Lam, Medical Board Investigator
Sonia Lipker, Probation Monitor

There were no visitors present.

Board Actions

In the Matter of Case No. 2800-09-012, OAH Case No. 12-0111-MED

The Board reviewed this case on remand from the Superior Court. The Board had previously issued an order, including a license revocation, after a hearing by the Office of Administrative Hearings. The Board's action was appealed in Superior Court. The Court vacated the Board's previous order and

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remanded the case for reconsideration. The Court supported the Board's factual and disciplinary findings, but found that the Board should have considered Dr. Odom's late-filed proposal for action.

Ms. Stovern noted that she had requested an attorney from the Office of the Attorney General to be assigned to assist the Board, and he was available if the Board wished any legal guidance.

The Board made the following Decision on Remand, which was read onto the record:

This is a disciplinary matter case before the Alaska State Medical Board ("Board") on remand from the Superior Court for the State of Alaska, Third Judicial District at Anchorage. The court vacated the Board's decision in this case and remanded the case to the Board "for further proceedings, consistent with the Order on Appeal." The court has directed the Board to reconsider its decision, considering Dr. Odom's proposal for action, a filing not previously considered by the Board in its earlier decision due to its untimely filing. Upon reconsideration, the Board affirms its prior decision.

The Board has now considered the proposal for action filed by Dr. Odom in this matter as directed by the court. After carefully reviewing the proposal for action, the Board finds the arguments advanced in Dr. Odom's proposal for action to be unavailing.

As indicated by the court, "[t]he factual findings of the Board remain undisturbed." And while as the court points out, "[t]his does not mean that the Board is bound by its findings," the Board has decided not to re-open the evidence in this case as is its prerogative. The Board and in accordance with AS 44.64.060(e)(3), rejects the proposed decision issued by the Office of Administrative Hearings, and instead, readopts the Division of Corporations, Business and Professional Licensing's proposal for action. Ultimately and as espoused by the court, "[s]ubstantial evidence supports the Board's factual and disciplinary findings" in this case.

After reconsideration of the facts of the case, including consideration of Dr. Odom's late- filed proposal for action, the Board reaffirms its prior decision to revoke Dr. Odom's license.

Upon a motion duly made by Dr. Powers, seconded by Dr. Roderer, and approved by roll call vote, the Board adopted the Decision on Remand regarding David Odom, MD, as read onto the record; the order to be effective immediately.

Roll Call Vote:

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

In the Matter of Case 2012-000283

The Board reviewed a proposed imposition of civil fine agreement with a physician assistant who failed to file an Alaska DEA registration with the Division before prescribing controlled substances. The Board had previously considered and rejected a signed agreement due to modification made by the

licensee, and refereed the case back to investigations. The licensee subsequently signed an unmodified agreement.

Upon a motion duly made by Dr. Roderer, seconded by Dr. Powers, and approved by roll call vote, the Board adopted the imposition of civil fine agreement, Case No. 2012-000283, signed by Nataliya Sundina, PA-C.

Roll Call Vote:

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

In the Matter of Case No. 2015-000136

The Board reviewed a proposed license surrender agreement with a licensee whose Hawaii license was revoked. The licensee failed to notify the Board of the investigation and license action by the Hawaii Medical Board, and failed to properly report a misdemeanor criminal conviction to the Board, as required.

Upon a motion duly made by Dr. Roderer, seconded by Mrs. Carlson, and approved by roll call vote, the Board adopted the license surrender, Case No. 2015-000136, signed by Michael D. Massey, DO.

Roll Call Vote:

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

In the Matter of Case No. 2014-000786

The Board reviewed a proposed license suspension agreement with a licensee who was recently convicted of felony medical assistance fraud charges related to his medical practice. The licensee also admitted to a number of other charges related to his practice, including prescription, recordkeeping and alcohol/drug violations.

Upon a motion duly made by Dr. Powers, seconded by Dr. Humphreys, and approved by roll call vote, the Board adopted the license suspension, Case No. 2014-000786, signed by Shubhraman Ghosh, MD.

Roll Call Vote:

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

Dr. Miller designated Mrs. Carlson to sign the orders on his behalf.

Adjournment

There being no further business, the meeting was adjourned at 4:10 p.m.

Respectfully submitted:

Approved:

/s/

Debora Stovern, Executive Administrator
Alaska State Medical Board

/s/

David A. Miller, President
Alaska State Medical Board

November 6, 2015

Date

November 6, 2015

Date