

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
January 17-18, 2013**

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, January 17-18, 2013, in Juneau, Alaska.

Thursday, January 17, 2013

Call to Order

The meeting was called to order by Edward A. Hall, Chair, at 9:08 a.m.

Roll Call

Board members present:

Edward A. Hall, PA-C, Chair	David A. Miller, MD
Cam Carlson, Public Member	David J. Powers, MD
Elizabeth Kohnen, MD	William W. Resinger, MD
Kathleen Millar, Public Member	

Board member John S. Cullen, MD, was unable to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner
Holly Kuhn, Licensing Examiner

Visitors present:

Thomas Meyer, Paramedic Association of Alaska
Jim Lipinski, Alaska Academy of Physician Assistants

Agenda Item 1 Review Agenda

The Board reviewed the agenda and made no changes.

Agenda Item 2 Board Business

Announcements

The Board welcomed new Licensing Examiner, Holly Kuhn.

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. The Board typically takes action at their January meeting to appoint the Executive Administrator as their designee.

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

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

Agenda Item 3 Continuing Medical Education (CME) Audit Update and Actions

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	7	2	9
Noncompliant audits outstanding	5	3	8

She reported that four more had been resolved – two have complied by providing approved CME, and two who have signed Consent Agreements to be considered by the Board.

In the Matter of Case No. 2012-000647

The Board reviewed a proposed consent agreement with a licensee who failed to verify compliance with the continuing medical education requirements of the license renewal. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand, fine of \$3,500 (with \$2,000 suspended), a requirement to complete the deficient coursework, and a mandatory audit for the next two licensing renewals.

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

RESOLVED to adopt the consent agreement, Case No. 2012-000647, signed by James L. Knoll, MD.

Roll Call Vote:

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

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

The adoption order was signed by the Chair.

In the Matter of Case No. 2012-000643

The Board reviewed a proposed consent agreement with a licensee who failed to verify compliance with the continuing medical education requirements of the license renewal. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand, fine of \$3,500 (with \$2,000 suspended), a requirement to complete the deficient coursework, and a mandatory audit for the next two licensing renewals.

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

RESOLVED to adopt the consent agreement, Case No. 2012-000643, signed by Mary Totten, MD.

Roll Call Vote:

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

The adoption order was signed by the Chair.

Karen Wilke, Division Paralegal, joined the meeting to discuss the process for noncompliant audits and answer any questions for the Board. She reported that she is negotiating agreements or resolutions to the outstanding audits. It is expected that the remaining outstanding items will be resolved by the next meeting.

Agenda Item 4 Board Actions

In the Matter of Case No. 2012-001536

The Board reviewed a proposed nondisciplinary consent agreement regarding an extension of time to complete the required continuing medical education requirements for the current license renewal, including documentation of extenuating circumstances.

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

RESOLVED to adopt the non-disciplinary consent agreement, Case No. 2012-001536, signed by Donald R. Rogers, MD.

Roll Call Vote:

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

The adoption order was signed by the Chair.

In the Matter of Case No. 2012-000989

The Board reviewed a proposed agreement presented by 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 9:22 a.m.; Board staff remained for the session. Board investigators Susan Winton and Gary Kaiser joined the meeting by teleconference during Executive Session. The Board went back on the record at 10:10 a.m.

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

RESOLVED to refer Case No. 2012-000989 back to investigators to determine the number of non-disclosed medical malpractice cases and the extent to which the physician was involved in those cases.

In the Matter of Case No. 2012-001334

The Board reviewed a proposed agreement from an investigation of nondisclosure of academic probation on a new license application. The agreement included an imposition of civil fine of \$1,000 and a reprimand. Mr. Hall noted that he would recuse himself from the vote because he was the consulting Board member during the investigation.

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

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2012-001334, signed by Brianna H. Nye, PA-C.

Roll Call Vote:

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

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

The Board declined the applicant's request to reduce the fine amount, and noted that the agreement allows 90 days to pay the fine. The adoption order was signed by the Chair.

The Board reviewed the physician assistant license application submitted by Ms. Nye.

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

RESOLVED to grant an unrestricted physician assistant license to Brianna H. Nye.

Agenda Item 5 Investigative Unit

Investigative Report

Board investigators Susan Winton and Gary Kaiser joined the meeting by teleconference. Ms. Winton reviewed the investigative report provided to the Board. The report included 11 open medical cases, 4 open physician assistant cases, and 9 closed cases and complaints.

Investigators also discussed an issue with Fortes Labs drug testing results and copies to the Physician Health Committee. Ms. Winton is working on a correction and will notify the Committee chair.

Ms. Winton also reported that the cautionary letter to an applicant, as requested by the Board at their last meeting, has been completed.

Investigators were asked about their ability to travel to Board meetings, rather than reporting by teleconference. Ms. Winton reported that there is a limited travel budget for investigations and the priority is for travel to investigate violations. It was noted that the last Division travel budget information included only \$10,000 for the investigations unit to travel for investigative needs, meeting attendance, training, etc.

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

RESOLVED to provide notice to the Division that the budget for investigative travel is inadequate to meet the needs for the business of the Medical Board.

Roll Call Vote:

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

Probation Monitoring Report

Ms. Winton requested that the Board discuss probation status during executive session.

Upon a motion duly made by Dr. Miller, seconded by Dr. Powers, 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 information.

The Board entered executive session at 10:16 a.m.; Board staff remained for the session.
The Board went back on the record at 10:22 a.m.

Ms. Winton reported that the investigative unit was in the process of hiring for the probation monitor position and was working toward cross-training multiple investigators for that duty. She also noted that she would provide an updated probation monitoring report to the Board in approximately 30 days.

Agenda Item 6 Board Review of Requests

Physician/Pharmacist Cooperative Practice Agreement

The Board reviewed a renewal agreement submitted by Dr. Harold Johnston, including protocols for immunizations and vaccinations.

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

RESOLVED to approve the Physician/Pharmacist Cooperative Practice Agreement proposed by Dr. Harold Johnston.

Application for reinstatement of revoked license

The Board considered the application submitted by Steven J. Kaniadakis, DPM, for reinstatement of his revoked license to practice as a podiatrist. His license was revoked by the Board on February 26, 2004, due to federal convictions for fraud and unprofessional conduct. Dr. Kaniadakis submitted an application for licensure, and was informed that he that he must demonstrate his ability to practice with reasonable skill and safety before the Board may consider reinstatement.

In accordance with Alaska Statute (AS) 08.64.331, a license revocation is considered permanent. The board may consider reinstating a license that has been revoked if the Board finds that the applicant is able to practice with reasonable skill and safety. It has been the Board's position that they **will not** license physicians who have been convicted of a felony or other crime, particularly when the conviction is related to their practice.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Powers, 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. Kaniadakis.

The Board entered executive session at 10:50 a.m.; Board staff remained for the session.
The Board went back on the record at 10:55 a.m.

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

RESOLVED to deny Steven J. Kaniadakis, DPM a license under AS 08.64.240(a)(3) and (b) and (b), AS 08.64.326(a), and AS 08.64.331(d) and (f).

Roll Call Vote:

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

Request for modification of consent agreement

The Board reviewed their policy regarding review of petitions to change or release from probationary conditions or 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. In addition, it is the Board's policy 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.

At their July 2012 meeting, the Board had reviewed a request for modification of a consent agreement by Dr. Beirne. He had specifically requested that the Board eliminate the provision in the agreement requiring him to reinstate his surrendered Arizona license, as he was unable to meet their requirements for licensure and had withdrawn his application. At that time, the Board agreed to allow an additional six months for him to reinstate the Arizona license.

Dr. Beirne was now reporting to the Board that he had applied for his Arizona license, that it was under review by their investigator, that he had appeared before their Board at its December 2012 meeting, and that he was scheduled to be considered at their February 2013 meeting.

Upon a motion duly made by Dr. Powers, 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 the modification request by Dr. Mark Beirne.

The Board entered executive session at 10:57 a.m.; staff remained for the session.

The Board went back on the record at 11:19 a.m.

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

RESOLVED to deny the request for modification by Dr. Mark J. Beirne; in addition, the Board will not consider any additional requests for modification unless he provides the Board a signed notarized release of information related to his license and practice in Arizona, to include releasing the Arizona Medical Board of any and all agreements for confidentiality.

Roll Call Vote:

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

Agenda Item **Division Update**

Division Director Don Habeger joined the meeting by teleconference to discuss Board and Division issues. He reported that the Division had considered the Board request for more resources and learned that the program work load is current; however, the Division is aware that there may be future need. He noted tools that are used when needed, including contracting short term help for specific projects (i.e.; during renewal periods). The Division is also implementing additional tools to augment staff for all licensing programs, including cross-training staff, and providing additional clerical help from existing administrative staff.

Mr. Habeger also reported that the Division has initiated a classification study to increase the pay range for licensing examiners and licensing supervisors. The Board support had previously encouraged the Division to review this issue, noting that the current levels do not adequately compensate for the comprehensive work that they do. The Board has also been requesting an increase in compensation for the Executive Administrator; they asked Mr. Habeger to again address that issue. He explained that the licensing staff are a part of the personnel system and their compensation is addressed under those rules; the Executive Administrator is a partially exempt position and the compensation is outside of the personnel system. As he has in the past, Mr. Habeger encouraged the Board to take that issue to their legislators to increase the compensation through statute.

Mr. Habeger discussed current legislative issues that may be noteworthy to the Board, including:

- HB 53 – Consultation requirement for certain levels of opiate prescribing.
- HB 6 and SB 8 – Pharmacy audit requirements.
- HB 7 – Defining prescriptive authority for naturopaths; he also noted that the Division interprets current statutes as no prescriptive authority for legend drugs and has proposed regulations clarifying the definitions.

He noted that the Department takes a neutral position on legislation, but may provide information regarding the impact or cost of implementing proposed legislation. He encourages the Board to take an official

position on any of the items they feel strongly about. In addition, if the Board takes a position on the proposed naturopath regulations, the public comment period is open until January 24, 2013.

Mr. Habeger was asked about financial information that had been requested several times during the past fiscal year. He reported that indirect costs by line item had not been distributed because they are routine costs. The Division instead provided information about anomalies and significant increases that were experienced in the past fiscal year, including such items as investigative software, contract for a management plan, and upgraded office equipment and furniture.

The Board expressed several concerns with Division financial information:

- they noted that the information provided by the Division regarding indirect costs is inadequate, and again requested a breakdown of those costs for the past and current fiscal years;
- they informed Mr. Habeger that they had discussed the budget for investigative travel and determined that it is inadequate to meet the needs for the business of the Medical Board.
- they noted their displeasure that their request to send Ms. Stovern to the October 2012 regional meeting had been denied, and asked Mr. Habeger to make this April 2013 annual meeting a travel priority; this will be the Board's only request for out-of-state travel.

Recess for lunch

The Board recessed for lunch at 12:00 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

Elizabeth Kohnen, MD

Kathleen Millar, Public Member

David A. Miller, MD

David J. Powers, MD

William W. Resinger, MD

Board member John S. Cullen, MD, was unable to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator

Dawn Hannasch, Licensing Examiner

Holly Kuhn, Licensing Examiner

Visitors present:

Thomas Meyer, Paramedic Association of Alaska

Jim Lipinski, Alaska Academy of Physician Assistants

Agenda Item 7 Malpractice Case Review

Case No. 3AN-10-8381-CI

At their October 2012 meeting, the Board had 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 further review. Ms. Stovern reported that the physician did provide a packet of documents,

but had neglected to include an explanation. The physician was traveling out of state and would be providing the additional information as soon as possible.

Case No. 21987

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

RESOLVED to accept the malpractice report, Case No. 21987, with no further action.

Case No. 7031477

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

RESOLVED to accept the malpractice report, Case No. 7031477, with no further action.

Case No. 3KN-10-709-CI

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

RESOLVED to accept the malpractice report, Case No. 3KN-10-709-CI, with no further action.

Agenda Item 8 Full Board Interviews

Mia Maria Galioto, MD

Dr. Galioto was present with her attorney, Paul Stockler, to discuss her license application with the Board.

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Miller, 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. Galioto.

The Board entered executive session at 1:34 p.m.; staff remained for the session, and Mr. Stockler remained for the session. The Board went back on the record at 2:18 p.m.

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 Mia Maria Galioto, MD.

Roll Call Vote:

Mrs. Carlson – Yea

Dr. Cullen – Absent

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

Glenn Everett Kerr, MD

Dr. Kerr was present, with his attorney Paul Stockler, to discuss his license application with the Board. He declined the opportunity to enter into executive session to discuss the “yes” answers on his application regarding previous malpractice claims and personal health issues. He confirmed the explanation and documentation provided with his application and reported that he was recovering well and back in practice. He also noted that he had been working with Teledoc under his temporary permit doing telephone consultations with Alaska patients. The Board noted that it is considered unprofessional conduct under state law to provide treatment, render a diagnosis, or prescribe medications based solely on a patient-supplied history received by telephone, facsimile, or electronic format, or to prescribe medication without first conducting a physical examination. It was further noted that Teledoc had been informed of these laws. Dr. Kerr confirmed that he had engaged in that type of practice, that he was unaware of the requirements, and unaware of the Board’s correspondence with Teledoc.

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 the application of Dr. Kerr.

The Board entered executive session at 2:36 p.m.; staff remained for the session.
The Board went back on the record at 2:48 p.m.

The Board determined to refer the application to investigators for further inquiry. Dr. Kerr was directed to read the laws regarding his practice with Alaska patients. It was noted that his temporary permit was valid through March 20, 2013.

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

RESOLVED to table the application of Glenn Everett Kerr, MD pending the findings of the investigative unit.

Roll Call Vote:

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

Daniel Taylor, MICP

Mr. Taylor did not appear for his scheduled interview; his interview will be rescheduled for the March meeting.

Jerome Frazier, DO

Dr. Frazier was unable to attend; his interview will be rescheduled for the March meeting.

Agenda Item 9 Paramedic Issues

Thomas Meyer, president of the Paramedic Association of Alaska, reported on paramedic issues and concerns:

- continuing medical education (CME) requirements for renewal – the Association supports a change to the current requirements so that they mirror the NREMT certification renewal requirements. The Board directed Ms. Stovern to work with Mr. Meyer to draft CME regulations for Board consideration.
- resolution by the Association to pursue the addition of a paramedic seat to the Board – the Board was asked to support the resolution.

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

RESOLVED to support the resolution offered by the Paramedic Association of Alaska to add a paramedic seat to the Board.

Roll Call Vote:

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

The Board directed Ms. Stovern to write a letter of support for the Association to use in their efforts to implement the change.

Agenda Item Public Comment Forum

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

Agenda Item 10 Statute/Regulation Updates

Adoption of Regulations package

At their May and July 2012 meetings, the Board approved a comprehensive regulation package that included general housekeeping regulations to update licensing and renewal requirements, as well as substantive

regulations establishing standards for delegation to unlicensed assistive personnel. The regulations were public noticed on October 25, 2012 and the public comment period ended on November 28, 2012.

The Board reviewed the comments that were received by the Division during the comment period. It was noted that several of the comments were related to a misunderstanding of the delegation regulations. It was also noted that several of the comments were related to a misunderstanding of the continuing medical education requirements for paramedics. The Board directed Ms. Stovern to send a letter in response to those comments.

The Board does not expect there to be an additional cost to private persons as a result of the regulatory action being taken.

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

RESOLVED to adopt the proposed regulation, as presented.

Roll Call Vote:

Ms. Carlson – Yea

Dr. Cullen – Yea

Dr. Kohnen – Yea

Ms. Millar – Yea

Dr. Miller - Yea

Dr. Powers – Yea

Dr. Resinger – Yea

Mr. Hall – Yea

The adoption order was signed by the Chair.

Licensing Exemptions for Tribal Health Programs

At their May and July 2012 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.

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.

Dr. Powers and Ms. Stovern have been working on draft regulations for consideration by the Board. Dr. Powers asked for clarification of Board intent regarding the following items:

- Timeframe – the Board would like to require practitioners to receive Board recognition of their exemption prior to beginning work; that will prevent unlicensed practice by those that may not qualify, and keep the responsibility with the Board (instead of the individual health programs) for determining eligibility.
- Process – the Board would like a reasonable process for requesting the exemption, and is mindful that this is not a substitute license application process; the forms should be relatively short and simple, fees should be minimal, and the processing time should be reasonably quick.
- Notification – the various health programs will need to be informed of the requirements; the intent is that practitioners in those facilities must have either an Alaska license or an exemption recognized by the Board, and that a license is required for practicing in non-exempt programs.
- Monitoring bad work – in order to protect the public, the Board must be able to investigate and report violations.

Dr. Powers and Ms. Stovern will continue to work on the draft regulations and provide an updated version for Board consideration at the next meeting.

Postgraduate training and active duty military service

At the October 2012 meeting, 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 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 often meets or exceeds the demands and experience of a postgraduate program. It was also noted that such service is different than civilian work experience, which may not be considered equivalent. The Board also determined that it was appropriate to include osteopath applicants, as they have a similar requirement under AS 08.64.205(a)(2)(B).

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 office, as meeting the second year of postgraduate training required under AS 08.64.200(a)(2)(B) or AS 08.64.205(a)(2)(B).

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

RESOLVED to approve the proposed regulation, as amended.

Roll Call Vote:

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

The Board will hold this item until the next meeting in order to bundle it with other regulations projects.

Legislative Updates

Senator Olson was present to thank Board members for their service and offer his legislative assistance for Board needs. He asked the Board to notify him if they took a position on any items.

Naturopathy prescriptive authority

The Board reviewed HB7, as well as the Division's proposed regulations, both clarifying naturopathy prescriptive authority as limited to dietetic, herbal or homeopathic remedies. It was noted that the Alaska State Medical Association (ASMA) had recently taken a position in support of both proposals; a copy of their letter was distributed for review.

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

RESOLVED to support House Bill 7 relating to the practice of naturopathy, as in keeping with the best interests of the health and safety of the people of Alaska.

Roll Call Vote:

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

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

RESOLVED to support the proposed regulations relating to the practice of naturopathy, as in keeping with the best interests of the health and safety of the people of Alaska.

Roll Call Vote:

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

The Board directed Ms. Stovern to draft a letter notifying the Division of their position.

Consultation requirement for prescription of opiates

The Board reviewed HB53, which requires practitioners to consult with a Board-approved pain management specialist when prescribing certain levels of opiates. The Board noted the following concerns:

- the Board is responsible for establishing professional standards and this proposal sets professional standards without Board or practitioner input;
- it is unclear what event/issue is prompting this proposal, since the Board has not seen any significant trends or problems with misconduct involving prescribing these types of drugs (only one case in the past several years);
- adding specialists and other requirements to the physician-patient relationship may create obstacles and increased costs for patients needing care;
- the appropriate term should be “morphine equivalent” instead of “opiate”;
- podiatrists should not be included, as their scope of practice does not include pain management;
- since the language is modeled after a similar requirement in the State of Washington, the Board would like to review their law, along with the data showing the results/consequences following implementation (particularly if there were unintended consequences);
- if other states are implementing this type of requirement;
- controlled substances are generally the purview of the DEA under existing federal regulations and oversight; and
- the Board would be given the additional responsibility of determining the professional standards and the appropriate process for credentialing and approving the pain management specialists.

The Board contacted Dr. Larry Stinson, a former Board member who also practices pain management and is currently a member of the Alaska Healthcare Commission, for his comments. Dr. Stinson reported that the State of Washington had adopted a similar law, and they have good data showing a reduction in overdose deaths, emergency room visits, domestic violence, and workers compensation claims. He also noted that this type of language is being adopted in many states, and they require fellowship-trained Board certified Pain Management Specialists.

The Board would like further information about other state requirements and results before taking a position on this proposal. They would also like to see if ASMA takes a position.

The meeting was recessed at 5:20 p.m.

Friday, January 18, 2013

Call to Order

The meeting was called to order at 9:10 a.m.

Roll Call

Board members present:

Edward A. Hall, PA-C, Chair
Cam Carlson, Public Member
Elizabeth Kohnen, MD
Kathleen Millar, Public Member

David A. Miller, MD
David J. Powers, MD
William W. Resinger, MD

Board member John S. Cullen, MD, was unable to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner
Holly Kuhn, Licensing Examiner

Visitors present:

Thomas Meyer, Paramedic Association of Alaska
Jim Lipinski, Alaska Academy of Physician Assistants

Agenda Item 11 Full Board Interviews

It was noted that applicants traveling to attend Board interviews had experienced flight delays due to weather conditions. Dr. Cook was unable to attend; Dr. Purcell was delayed until after lunch. In addition, Dr. Berg had rescheduled for a future meeting.

Agenda Item New Business

There was no new business for consideration.

Agenda Item 14 Correspondence

American Association of Osteopathic Examiners (AAOE)

An announcement regarding their recent meeting was included in the Board packet for further review.

Alaska Healthcare Commission

The Board reviewed their inquiry regarding specific continuing medical education (CME) on palliative care, as well as the published Strategic Plan Update. The Board noted their appreciation and support of the Commission's goal to find ways to improve patient care. However, the current CME requirements for license renewal allow for physicians to design their own education programs as appropriate to their practice and specialties. The Board determined that it would not be appropriate or effective to require specific education programs for all licensees. The Board was also interested in the Commission's research on electronic records

Alaska Department of Health and Social Services

Press releases from the Commissioner's Office were included in the Board packet for further review.

Accreditation Council for Continuing Medical Education (ACCME)

Updates and press releases were included in the Board packet for further review.

Agenda Item 14 Federation of State Medical Boards (FSMB)

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

- Licensure meeting announcement – January 16-17, 2013
- Annual Meeting announcement – April 18-20, 2013
- Maintenance of Licensure (MOL) update from workgroup

- USMLE policy on attempt limits
- Legislative alert regarding telehealth, addiction model policy
- E-book version of “Responsible Opioid Prescribing”
- Newline
- E-news (October through December editions)

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

RESOLVED to send Dr. Kohnen and Ms. Stovern to the FSMB annual meeting, and appoint them as voting delegates on behalf of the Board.

Agenda Item 10 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. It was noted that the Board guideline on telemedicine needs to be updated to reflect the additional information included in the Board’s May 2012 determination. Ms. Stovern also proposed a change to the Board elections policy to reflect their current practice.

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

RESOLVED to continue to hold an election of officers at the regularly-scheduled winter meeting; new officers will assume office on March 1, which is the date that Board member appointments and reappointments are effective.

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, as well as the report for the first quarter of FY 2013.

The Board noted that there was a detailed report of the Board’s direct expenditures but no details regarding the indirect expenditures, which they have requested repeatedly. They were troubled by this lack of information, as the budget report indicated a substantial increase in indirect expenditures compared to prior years. Ms. Stovern provided a Division summary of indirect expenditures for FY 12, which contained information about substantial increases over prior year, but did not provide the actual numbers or details that have been requested by the Board. The Board directed Ms. Stovern to obtain the detail report of indirect expenditures and provide it to them as soon as possible.

The Board also noted that the FY13 report only included information through the first quarter (September 2012). They directed Ms. Stovern to obtain the second quarter report and provide it to them as soon as possible.

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 videocast meetings of the American Telemedicine Association (ATA), coordinated paramedic participation at the Board meeting, and responded to inquiries regarding the Board's delegation standards.
- Participation in activities of national organizations – Ms. Stovern was unable to attend the FSMB Administrators in Medicine annual meeting October 22-23, 2012 due to travel denial by the Division, she did attend several FSMB webinars on topics including licensing exam information, FTC anti-trust activity, and certification maintenance requirements.
- Board staffing concerns – Ms. Stovern met with Division managers and reported that the Division will be providing additional clerical help from existing administrative staff to all licensing programs, and the Division has initiated a class study to increase the compensation for licensing examiners and supervisors.
- Tracking of Board actions – a report of the Board's fourth 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 fourth 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 were distributed for Board review.
- Regulations projects – at their previous meeting, the Board approved a comprehensive regulation project which was adopted during this meeting; Ms. Stovern will continue to work with Dr. Powers on a draft regulation proposal regarding tribal health programs; the Board will continue to work on a draft regulations proposal regarding military postgraduate education options.

Review Minutes

The Board reviewed the minutes of the October 25-26, 2012 regular meeting. Mrs. Carlson provided some minor editing corrections.

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

RESOLVED to approve the minutes of the October 25-26, 2012 meeting, as revised.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

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

It was noted that the October meeting is scheduled for Alaska Day, a state holiday; Ms. Stovern will find alternate meeting space if the office building is closed.

Agenda Item 12 License Application Review

Board members reviewed license application files.

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

- John Edward Dunne, MD
- Harlan David Edelman, MD
- Kay Lorraine Nelson, MD
- Robert Fenton Tyree, MD

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

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

*Ibrahim Abid Abdulrahman
Henry Edwards Altenberg
Lesley Kyle Bow
Francois Miguel Cady
Srikrishna Chandran
Steven Suey-Ming Chin
Rebecca Clark Johnson
Bruck Ann Clift
Ian Robert Cunningham
Teresa Margaret Deak
Wendell Owen Eames
Anthony Buoncore Fazzone
Steven Buckles Friese
Karthik Ghosh
Casey Kathleen Gokey
Aris Gredzens
Michael Sean Green
Hannah Ruth Hawkins
Kevin Charles Isakson*

*Jennifer Chia-Yuen Liu
Kristin M. Mantei
Natasha Muckova
Lonzetta Neal
Jeffrey David Neitlich
Leonard Mark Okun
Stephen Todd Otto
Thomas Brandon Paynter
Steven Carl Quay
Michelle Lisa Randolph
Michael Recht
Armen Leon Roupenian
Amy Singer
Ginger A. Vaughn
Jenny Tericela Vickrey
Tina Trahan Wells
Kristen Lyn Widmer
Reginald Wendell Wilson
Paul Harlan Wright*

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

RESOLVED to approve the following doctors of osteopathy for licensure in Alaska, pending completion of their application file:

*Timothy Wayne Carey
Peter Ralph Chamber
David Robin Fulcher
Stephanie Dawn Runyan
Ralph Wayne Templin*

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

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

<i>Oscar Lord Adams</i>	<i>Joshua Nathan Fedelem</i>
<i>Timothy Benningfield</i>	<i>Adrian K. Giani</i>
<i>Stephen Russell Boyle</i>	<i>Jeffery Scott Hall</i>
<i>Nicholas James Cooley</i>	<i>Barbara Suzanne Olnes</i>
<i>Cole Thomas Crockett</i>	<i>Chase Samuel Perrins</i>
<i>David James Dunn II</i>	<i>Christopher Michael Russell</i>

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

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

<i>Lisa Marie Alexia</i>	<i>Dominique Ann Lawrence</i>
<i>Michael Paul Anthony</i>	<i>Lauren Ann Must</i>
<i>Riley Elizabeth Bennett-Vockner</i>	<i>Laura Lynn Ness</i>
<i>Leah Marie Bramer</i>	<i>Brian Douglas Robb</i>
<i>Erin Peschel Carrick</i>	<i>Michael John Rossi</i>
<i>Jennifer Davina Decker</i>	<i>Jeffrey Michael Stubblefield</i>
<i>Katharine J. Eby</i>	<i>Jodee Lynn Deutsch Trivette</i>
<i>Elizabeth Figueroa</i>	<i>Lisa Karoline Walker</i>
<i>Stephanie Lynn Homan</i>	

Recess for lunch

The Board recessed for lunch at 11:15 a.m.
The Board resumed the meeting at 12:30 p.m.

Board members present:

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

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

Board member John S. Cullen, MD, was unable to attend the meeting. Dr. Miller took an emergency call during lunch and was unable to return to the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner
Holly Kuhn, Licensing Examiner

Visitors present:

Thomas Meyer, Paramedic Association of Alaska

Agenda Item 11 Full Board Interviews

Tracy Ann Berg, MD

Dr. Berg was unable to attend; her interview will be rescheduled for the March meeting.

Jonathan Christian Cook, MD

Dr. Cook was unable to attend; his interview will be rescheduled for the March meeting.

Ralph Purcell, MD

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

Upon a motion duly made by Mrs. Carlson, 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. Purcell.

The Board entered executive session at 12:35 p.m.; staff remained for the session.
The Board went back on the record at 1:29 p.m.

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

RESOLVED to grant an unrestricted license to Ralph Purcell, MD.

Roll Call Vote:

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

Agenda Item Election of Officers

In accordance with Alaska Statute (AS) 08.64.070, the Board elects a president and secretary from among its members; Board policy is to have an annual election, with new appointments assuming office on March 1. Currently, Mr. Hall serves as president and Dr. Miller serves as secretary.

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

RESOLVED to appoint Dr. David Miller as Board President.

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

RESOLVED to appoint Dr. William Resinger as Board Secretary.

It was noted that this would be the last meeting for Mr. Hall, as his appointment expires in March 1, 2013. The Board thanked him for his service for the past eight years. Mr. Hall noted that he appreciated the opportunity to serve, especially as Board president for the past year. He thanked the Board staff and Ms. Stovern for their work.

Adjournment

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

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

The meeting adjourned at 1:55 p.m.

Respectfully submitted:

/s _____
Debora Stovern, Executive Administrator
Alaska State Medical Board

March 29, 2013
Date

Approved:

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

March 29, 2013
Date