

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

**STATE MEDICAL BOARD
MINUTES OF MEETING
July 18-19, 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, July 18-19, 2013, in Dillingham, Alaska.

Thursday, July 18, 2013

Call to Order

The meeting was called to order by David A. Miller, MD, Chair, at 9:07 a.m.

Roll Call

Board members present:

David A. Miller, MD, Chair
Elizabeth Kohnen, MD
Kevin Luppen, PA-C

David J. Powers, MD
William W. Resinger, MD
Grant T. Roderer, MD

Public member Cam Carlson attended the meeting by teleconference. Public member Kathleen Millar was unable to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Holly Kuhn Licensing Examiner

There were no visitors present.

Agenda Item 1 Review Agenda

The Board reviewed the agenda and made no changes.

Agenda Item 2 Board Business

Announcements

The Board welcomed new Board member, Grant Roderer, MD.

Ethics Reporting

Dr. Kohnen reported accepting reimbursement of travel costs for her attendance at the Federation of State Medical Boards (FSMB) annual meeting. Dr. Miller, as the Board's ethics supervisor, ruled that did not constitute an ethics violation. The appropriate reporting forms were signed.

There were no other ethics conflicts to report.

Agenda Item 3 Hearing Officer Proposed Decision

In the Matter of Corey John Meyers, MD
OAH Case #12-0042-MED, Board Case #2011-000437

The Proposed Decision, along with the Respondent's Proposal for Action and the Division's Proposal for Action, were included in the Board packet for review.

Although the meeting was ahead of schedule, and Ms. Stovern reported that she expected both the Hearing Officer and the Respondent to join the meeting by teleconference at the scheduled time, the Board determined to review the Hearing Officer Proposed Decision.

Upon a motion duly made by Dr. Powers, seconded by Mr. Luppen, 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 proposed decision of the hearing officer.

The Board entered executive session at 9:15 a.m.; Board staff remained for the session. The Board went back on the record at 9:24 a.m.

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

RESOLVED to accept the proposed decision and order by the Hearing Officer, Case No. OAH-12-0042-MED

Roll Call Vote:

Mrs. Carlson – Yea
Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Yea
Dr. Miller – Yea

Agenda Item 4 Board Actions

Investigators Susan Winton and Gary Keiser joined the meeting by teleconference.

In the Matter of Case No. 2012-001538

The Board reviewed a proposed non-disciplinary agreement for an MICP who, due to extenuating circumstances, was unable to complete some of the continuing medical education (CME) required to renew his license. In accordance with Board policy and procedure, Ms. Stovern drafted the agreement for exemption from those hours, under the provisions of Professional Regulation 12 AAC 40.350(c).

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

RESOLVED to adopt the non-disciplinary agreement, Case No. 2012-001538, signed by Charles G. Manley, MICP.

Roll Call Vote:

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

The adoption order was signed by the Chair.

In the Matter of Case No. 2012-001335

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. Mr. Luppen 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. Kohnen, seconded by Dr. Resinger, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2012-001335, signed by Allison M. Cooper, PA-C.

Roll Call Vote:

**Dr. Resinger – Yea
Mrs. Carlson – Yea
Dr. Roderer - Yea
Dr. Kohnen – Yea
Mr. Luppen – R
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Miller - Yea**

The adoption order was signed by the Chair.

In the Matter of Case No. 2012-000374

The Board reviewed a proposed agreement from an investigation of nondisclosure of a malpractice claim on a new license application. The agreement included an imposition of civil fine of \$1,000, based on a technical violation not related to the delivery of patient care. Dr. Resinger 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. Kohnen, seconded by Dr. Roderer, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2012-000374, signed by Timothy M. Skopec, MD.

Roll Call Vote:

Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Recused
Mrs. Carlson – Yea
Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Dr. Miller - Yea

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-001000

The Board reviewed a proposed agreement from an investigation of nondisclosure of a malpractice claim on a license reinstatement application. The agreement included an imposition of civil fine of \$1,000, based on a technical violation not related to the delivery of patient care. Dr. Resinger noted that he would recuse himself from the vote because he was the consulting Board member during the investigation. A motion was made to adopt the agreement, but was rescinded before a vote was taken. The Board noted that, although the information was not disclosed on the current application, it had been disclosed on his initial application in 2007. Had he simply renewed his license, rather than letting it lapse and applying for reinstatement, the renewal application would have required disclosure of only recent malpractice settlements that had been paid on his behalf. The Board determined this to be a unique circumstance that required a different action than that proposed in their disciplinary guidelines.

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

RESOLVED to reject the imposition of civil fine agreement, Case No. 2013-001000, in favor of a letter of advisement, due to the unique circumstances noted on the record.

Roll Call Vote:

Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Recused
Mrs. Carlson – Yea
Dr. Roderer – Yea
Dr. Miller - Yea

Agenda Item 3 Hearing Officer Proposed Decision (continued)

In the Matter of Corey John Meyers, MD
OAH Case #12-0042-MED, Board Case #2011-000437

The following visitors joined the meeting by teleconference: Administrative Law Judge Andrew Hemenway, Assistant Attorney General Greg Silvey, and Respondent Corey John Meyer, MD.

Dr. Miller reported that the Board had already taken action to adopt the Hearing Officer Proposed Decision. ALJ Hemenway noted that Dr. Meyer had a letter for Board consideration, and AG Silvey had not opposed it. He requested that the Board rescind its prior action and consider that information.

Dr. Miller stated that the Board did not wish to consider any additional information or to change its action. Dr. Meyer objected and attempted to testify about his case, stating that he had been invited to attend and speak on his own behalf. He was not allowed to have the floor and was told that his option for addressing the Board was during the Public Comment period on the agenda.

Visitors on this matter disconnected from the teleconference.

Agenda Item 4 Board Actions (continued)

In the Matter of Case No. 2013-000568

The Board reviewed a proposed agreement from an investigation of nondisclosure of a personal health on a previous resident permit application. The agreement included an imposition of civil fine of \$1,000. Dr. Resinger 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. Kohnen, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2013-000568, signed by Erin Marie Royal, MD.

Roll Call Vote:

**Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Recused
Mrs. Carlson – Yea
Dr. Roderer - Yea
Dr. Miller - Yea**

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-000241

The Board reviewed a proposed agreement from an investigation of unlicensed practice when the licensee failed to renew her license for 24 days. The agreement included an imposition of fine of \$1,000 and a reprimand, consistent with Board disciplinary guidelines and based on the amount of practice during the unlicensed period. Dr. Resinger 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. Roderer, and approved by roll call vote, it was:

RESOLVED to adopt the consent agreement, Case No. 2013-000241, signed by Rebecca I. Bay, MD.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Roderer - Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Recused
Dr. Miller - Yea**

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-000573

The Board reviewed a proposed agreement from an investigation of practice by a physician assistant without properly documenting a collaborative plan with the Division. The agreement included a fine of \$1,000 and a reprimand, consistent with Board disciplinary guidelines. Dr. Resinger noted that he would recuse himself from the vote because he was the consulting Board member during the investigation. Mr. Luppen noted that he would also recuse himself from the vote because of a business association with the Respondent.

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

RESOLVED to adopt the consent agreement, Case No. 2013-000573, signed by William L. Crawford, PA-C.

Roll Call Vote:

**Dr. Roderer - Yea
Dr. Kohnen – Yea
Mr. Luppen – Recused
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Recused
Mrs. Carlson – Yea
Dr. Miller - Yea**

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-000569

The Board reviewed a proposed agreement from an investigation of prescriptive practice by a physician assistant without the proper prescriptive authority granted by their collaborating physician. The agreement included a fine of \$1,000 and a reprimand, consistent with Board disciplinary guidelines. Dr. Resinger 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. Kohnen, seconded by Dr. Powers, and approved by roll call vote, it was:

RESOLVED to adopt the consent agreement, Case No. 2013-000569, signed by Diane Ella Hill, PA-C.

Roll Call Vote:

**Mrs. Carlson – Yea
Dr. Roderer - Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Resinger – Recused
Dr. Miller - Yea**

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-000566

The Board reviewed a proposed agreement from an investigation of nondisclosure of a previous malpractice settlement. The agreement included an imposition of civil fine of \$1,000. Dr. Resinger 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. Kohnen, seconded by Mr. Luppen, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2013-000566, signed by Hamed Aly Komaiha, MD.

Roll Call Vote:

**Dr. Resinger – Recused
Mrs. Carlson – Yea
Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Miller - Yea**

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-000831

The Board reviewed a proposed agreement from an investigation of nondisclosure of a previous malpractice settlement. The agreement included an imposition of civil fine of \$1,000. Dr. Resinger 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. Roderer, seconded by Dr. Powers, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2013-000831, signed by Michael J. Higgins, MD.

Roll Call Vote:

Ms. Millar – Absent

Dr. Powers – Yea

Dr. Resinger – Recused

Mrs. Carlson – Yea

Dr. Roderer – Yea

Dr. Kohnen – Yea

Mr. Luppen – Yea

Dr. Miller - Yea

The adoption order was signed by the Chair.

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 20 open medical cases, 5 open physician assistant cases, and 17 closed cases and complaints.

Probation Report

A current probation monitoring report was included in the board packet for further review. Ms. Winton noted that three individuals listed on the report were out of compliance with their agreements:

- Dr. Beirne – his issue will be considered by the Board during Agenda Item 9.
- Michele Sullivan, MICP – investigators are working with the reviewing Board member on her issue; Ms. Winton reported that she was in compliance with the Board order limiting her practice to no direct patient care.

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 probation matters.

The Board entered executive session at 10:42 a.m.; Board staff remained for the session.
The Board went back on the record at 10:50 a.m.

- Dr. Osterbauer – an investigative report and request for action was provided for Board consideration.

Upon a motion duly made by Dr. Resinger, 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 probation matters.

The Board entered executive session at 10:51 a.m.; Board staff remained for the session.
The Board went back on the record at 11:06 a.m.

The Board reviewed the probation report on Peter J. Osterbauer, MD, regarding non-compliance with his Non-disciplinary Consent Agreement of May 21, 2011. Dr. Osterbauer failed to comply with a requirement for random screening, failed to comply with a requirement to consume no controlled drugs or alcohol, failed to self-report being charged with Operating a Vehicle Under the Influence, and failure to disclose the charge on his renewal application. He has, therefore, violated an Order of the Board, as well as additional statutes and regulations of the Board. The Board determined to suspend the license of Dr. Osterbauer, and not allow him to return to the practice of medicine until he can prove to the Board that he can do so with skill and safety, in a manner consistent with public safety, and remain in compliance with any terms, conditions, and order of the Board. Dr. Kohnen noted that she would recuse herself from the vote because she was the consulting Board member during the investigation.

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

RESOLVED to adopt the petition and order for suspension of the license of Peter J. Osterbauer, MD.

Roll Call Vote:

Mrs. Carlson – Yea

Dr. Roderer – Yea

Dr. Kohnen – Recuse

Mr. Luppen – Yea

Ms. Millar – Absent

Dr. Powers – Yea

Dr. Resinger – Yea

Dr. Miller - Yea

The adoption order was signed by the Chair.

Agenda Item 9 Board Review of Requests

In the matter of Mark J. Beirne, MD

The Chair noted that Dr. Beirne has preferred that his matter be considered on the record, rather than in executive session.

At the March 2013 meeting, the Board reviewed the probation report on Mark J. Beirne, MD, regarding non-compliance with his existing consent agreement and resolved to issue a fine and reprimand, with an effective date of April 28, 2013. Dr. Beirne had failed to comply with a requirement to reinstate his Arizona license and, therefore violated an order of the Board.

The Board had expressed some concern that this action may jeopardize his Georgia license, so they made the effective date for 30 days later to allow Dr. Beirne time to comply with his consent agreement and/or sign an information release requested during their January 2013 meeting. Dr. Beirne has not yet restored his Arizona license, but he did provide the signed release.

A mail vote was sent to Board member asking if the Board wished to rescind the fine and reprimand order, and then reconsider the issue at the July meeting. The Open Meeting rules on mail votes require that the

mail vote process stops if there are any votes to table the matter. In this case, Board members had voted to table, resulting in a teleconference to consider the issue.

At the June 6, 2013 teleconference meeting, the Board determined that they would like to rescind the fine and reprimand order, as well as allow Dr. Beirne additional time to restore his license, and then to reconsider the violation along with any new information at the July meeting. The Board resolved to rescind the Board Order assessing a reprimand and fine, effective April 27, 2013. In addition, the Board extended the deadline for Dr. Beirne to reinstate his Arizona license to July 30, 2013.

The Board reviewed the additional information provided by Dr. Beirne regarding his application to reinstate his Arizona license. Ms. Stovern reported that she had spoken with licensing and investigative staff at the Arizona Board and learned that Dr. Beirne had initially applied for reinstatement of his Arizona license in November 2011 and withdrew that application in December 2011 after being informed that he did not qualify for reinstatement of his license. He reapplied in November 2012 and that application was considered administratively complete in April 2013 and was referred to their investigative unit for inquiry regarding his “yes” answers (similar to the Alaska process). Contrary to previous information provided by Dr. Beirne, his matter was not on the agenda for consideration by the Arizona Board at either their December 2012 or February 2013 meetings. He did appear at the February 2013 meeting to speak during their public comment period. Investigative staff noted that their process may take from 4-6 months before the matter being presented to the Board. In addition, Ms. Stovern was able to request copies of their investigative files, which were provided in the Board packet for further review. She noted that there was not much information, since their old files had been destroyed and the current investigation was incomplete.

The Board discussed Dr. Beirne’s request to remove the condition in his consent agreement that requires him to restore his Arizona license. In accordance with Alaska Statute (AS) 08.64.240(a)(2), the board may not grant a license if the applicant has surrendered a license in another jurisdiction while under investigation and the license has not been reinstated in that jurisdiction. This provision has been litigated with a court determination that the Board has the discretion to either refuse or to grant the license. The Board has consistently taken the position that they will not grant a license under these circumstances. However, in the agreement with Dr. Beirne, the Board allowed him additional time to reinstate his surrendered Arizona license, rather than refusing his reinstatement outright.

The Board determined that Dr. Beirne had a unique situation that required action that may be contrary to their stated position on this matter. His intention was not to practice in either Alaska or Arizona, but his application for a Georgia license required that he reinstate his Alaska license because it was his initial state of licensure. He had previously documented approximately 10 years of sobriety, and the existing consent agreement required specific ongoing monitoring and probations requirements.

The Board determined that protection of the public would be preserved without requiring Dr. Beirne to reinstate his Arizona license. He would still be required to comply with all other provisions of his consent agreement, as well as the provisions of his Georgia consent agreement. It was noted that, should he return to Alaska, his consent agreement requires additional monitoring and probation provisions. In addition, the investigation into his past violations would be reopened.

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

RESOLVED to rescind the provision to reinstate the Arizona license as required by the Consent Agreement with Mark Beirne, MD, due to his unique circumstances.

Roll Call Vote:

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

In the matter of Erik P. Kohler, MD

The Board reviewed a request to remove the restrictions placed on his license as ordered by the Board at their July 2011 meeting. At that meeting, the Board had considered a Hearing Officer Proposed Decision and selected Non-adoption Option B of the proposed decision and order by the Hearing Officer, Case No. OAH-10-0635-MED, revising the order as follows:

As a condition of his license to practice medicine in Alaska, Dr. Kohler shall conduct no surgery in which the operative instruments are visualized by fluoroscopy unless he does so in the presence of and under the direction of a surgeon or radiologist licensed to practice medicine in this state who is experienced in the surgery being performed.

Additionally, to address documentation issues, all charts of operative patients will be subject to peer review, with results forwarded to the board on a quarterly basis.

Dr. Kohler may petition the board for modification or cancellation of these restrictions one year or more from the date of adoption of this order. Any such petition must detail any steps Dr. Kohler has taken to improve his competency in relevant techniques, and must propose a means by which his competency can be tested or demonstrated, at his expense, to the satisfaction of the board.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the Dr. Kohler matter.

The Board entered executive session at 11:25 a.m.; Board staff remained for the session.

The Board went back on the record at 11:45 a.m.

The Board determined that the request from Dr. Kohler contained only subjective information; he did not provide objective documentation of additional ACGME-accredited education and/or training in these procedures.

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

RESOLVED to deny the request for modification by Dr. Kohler, for the reasons stated on the record.

Roll Call Vote:

Dr. Resinger – Yea

Mrs. Carlson – Yea
Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Miller - Yea

The Board directed Ms. Stovern to send a letter to Dr. Kohler notifying him of their action and the reasons for it.

Investigators disconnected from the teleconference.

Agenda Item Division Update

Division Director Don Habeger joined the meeting by teleconference to discuss Board and Division issues. He provided an update on the following items:

- Budget report – the FY 2013 third quarter report was included in the Board packet for further review; the year-end report will be available in September, after the information is confirmed and finalized. The Division had recently hired for the vacant Administrative Officer position.
- Travel appropriation – the Division had received additional travel money for FY 2014, which should eliminate many of the travel difficulties experienced by Boards during the past year.
- Division fees Division fees (HB 187) – a copy of the proposed legislation was included in the Board packet for further review. This is a Department project that changes the way the Division and Boards set fees; there are provisions to consolidate license fees and modify the fee cycles, which allows programs to fund unexpected expenses over different time frames, rather than just one biennium. It also includes a fiscal note to funds some investigative process from the general fund instead of license fees. The intent is that public protection is a general responsibility, not just that of licensees in the profession. Mr. Habeger asked the Board to review the bill and take an official position on any of the items they feel strongly about.
- Prescription Drug Monitoring Program – federal funding for the PDMP program expires August 31, and the legislature did not appropriate state funds during their recent session. The Department expects the legislature to consider funding during the 2014 session; they have an agreement with the Department of Health and Social Services to provide interim funding.

Visitors on this matter disconnected from the teleconference.

Recess for lunch

The Board recessed for lunch at 12:12 p.m.
The Board resumed the meeting at 1:00 p.m.

Board members present:

David A. Miller, MD, Chair
Elizabeth Kohnen, MD
Kevin Luppen, PA-C

David J. Powers, MD
William W. Resinger, MD
Grant T. Roderer, MD

Public member Cam Carlson, attended the meeting by teleconference at 1:10pm. Public member Kathleen Millar was unable to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Holly Kuhn Licensing Examiner

There were no visitors present.

It was noted that weather conditions had prevented flights from arriving on time, so Board interviews would be conducted when the applicants arrived.

Agenda Item 6 Malpractice Case Review

Review of Malpractice Reports

The Board reviewed malpractice reports, Cases No. 3HO-09-326-CI, CV-11-1735, and A137065.

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

RESOLVED to accept the malpractice report, Case Nos. 3HO-09-326-CI, CV-11-1735, and A137065, with no further action.

Roll Call Vote:

Dr. Resinger – Yea
Mrs. Carlson – Absent
Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Absent
Dr. Powers – Yea
Dr. Miller - Yea

Malpractice Report Handling

A copy of the Board's procedure for handling malpractice reports was included in the Board packet for further review. Ms. Stovern asked the Board to clarify their intent regarding a change that was made at the January 2011 meeting. At that meeting the Board determined to change the procedure to apply the 30-day time reporting limit beginning with the first notice of a settlement – whether the notice is received through a renewal application, NPDB report, or other means.

Ms. Stovern noted that this procedure means there is no repercussions for failing to report a malpractice settlement within 30 days as required by statute. She asked if that was the Board's intent, or if they meant that procedure to apply if the notice was otherwise timely. The Board noted that the intent was to provide a "grace" period at that renewal period to allow licensees to become familiar with the reporting requirement.

It was noted that the reporting requirements are referenced on the printed licenses, and are detailed on the Board's website. The Board determined to continue this procedure and reconsider it before the next renewal.

Agenda Item 15 Administrative Business

Budget Report

The budget report with the Board's 5-year revenue and expenditure data was included in the Board packet for review. The report includes data through the end of the third quarter of FY 2013, as well as a report of the Board's direct expenditures, a separate breakdown of investigative costs, and a statistical analysis of cost per license.

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 attended meetings with ASMA regarding Board legislative needs and PHC Committee referrals; and she was a guest speaker at a CME program for the Alaska Association of Medical Staff Professionals.
- Participation in activities of national organizations – Ms. Stovern attended the annual meetings of FSMB and AIM; she attended several FSMB webinars (topics included exam requirements, highway safety medical examiner certification and USMLE attempt limits, licensing applications and meeting procedures); she attended videocast meetings of the American Telemedicine Association (topics included state policy developments, healthcare reform, and the impact of telemedicine efforts); and she contuse work with FSMB to implement the Uniform Application.
- Tracking of Board actions – a report of the Board's second quarter 2013 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 second quarter 2013 was provided for Board review.
- Regulations projects – at their previous meeting, the Board approved a regulations project regarding tribal health programs and military postgraduate training options which will be going out for public comment; the Board took a position on several items of pending legislation which was noticed to appropriate parties; and a request for assistance was sent regarding statutory authority for delegation of routine duties.
- Policy and procedure– Ms. Stovern continues to revise and update the Board policies and procedures as changes are made.

Review Minutes

The Board reviewed the minutes of their recent meetings.

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

RESOLVED to approve the minutes of the June 6, 2013 teleconference and the March 28-29, 2013 meeting, as presented.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- October 17-18, 2013 in Anchorage
- March 6-7, 2014 in Fairbanks
- June 5-6, 2014 in Sitka
- August 14-15, 2014 in Nome
- November 6-7, 2014 in Anchorage

Agenda Item 8 Statute/Regulation Updates

Regulation Updates

The Board has been working on regulations projects to establish

- standards for the delegation of routine duties to unlicensed assistive personnel;
- procedures for Board recognition of federal licensing exemptions for practitioners in Tribal Health Programs; and
- provisions to allow some military training credit as meeting part of the postgraduate training required for licensure.

The Board is requesting legislative assistance regarding statutory authority for delegation of routine duties, and will continue with those regulations once that is established.

The Board has approved draft regulations regarding federal exemptions and military training credit, and expects them to be sent out by the Division for public comment soon.

Legislative Updates

- Military training credit – the Board had previously reviewed HB 84 which requires Boards to establish provision to accept military education, training, and service as equivalent to some or all of the license requirements. It was noted that the Medical Board has already begun a regulations process (see above) that would allow credit for certain military service as meeting some of the postgraduate training required for a physician license. The statute does not apply to physician assistants or mobile intensive care paramedics, as military service requirements are already similar to licensure requirements.
- Division fees – the Board reviewed HB 187 which was discussed during the Division Update agenda item. This is a Department project that defines how fees are set, and finances investigative and legal costs from the general fund instead of through license fees. A memo from the Division “FAQs About HB 187” was distributed for further review.

The Board briefly reviewed and discussed the proposed legislation. They mentioned concerns with commingling expenses and/or revenues and wondered whether the proposal gives the Division too much responsibility and latitude, especially given the recent difficulties with budgeting and inability to provide requested reports and details. The Board directed Ms. Stovern to provide the proposal to the Alaska State Medical Association (ASMA) so that they and their legal counsel can analyze the bill properly.

Agenda Item New Business

There was no new business for consideration.

Agenda Item 7 Full Board Interviews

Gabriel Jonathon Ercolino, MICP

Mr. Ercolino was present to discuss his license application with the Board.

Upon a motion duly made by Mr. Luppen, 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 Gabriel Ercolino.

The Board entered executive session at 1:38 p.m.; staff remained for the session. The Board went back on the record at 1:45 p.m.

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

RESOLVED to grant an unrestricted MICP license to Gabriel Ercolino.

Roll Call Vote:

Dr. Resinger – Yea

Mrs. Carlson – Yea

Dr. Roderer – Yea

Dr. Kohnen – Yea

Mr. Luppen – Yea

Ms. Millar – Absent

Dr. Powers – Yea

Dr. Miller – Yea

Agenda Item 11 Hearing Officer Proposed Decision

In the Matter of Victor Bartling, DO

OAH Case #12-0221-MED, Board Case #2010-000882

The Proposed Decision, along with the Respondent's Proposal for Action and the Division's Proposal for Action, were included in the Board packet for review.

Board President Dr. Miller noted that this issue was scheduled for Friday's agenda, and since he would be absent he wanted an opportunity to participate in the discussion of this item.

Upon a motion duly made by Dr. Roderer, 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 proposed decision of the hearing officer.

The Board entered executive session at 1:49 p.m.; Board staff remained for the session. The Board went back on the record at 2:12 p.m.

Dr. Miller noted for the record that he was in favor of adopting the recommendation of the Hearing Officer. The Board planned to consider the proposal at the scheduled time.

Agenda Item 14 Federation of State Medical Boards (FSMB)

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

- FSMB Advocacy Alert
- 2013 Annual Report
- Summary of actions taken by the 2013 House of Delegates
- FSMB Board meeting highlights
- Call for papers
- Newline, Spring 2013 edition
- E-news (April through June editions)

Dr. Kohnen and Ms. Stovern attended the FSMB annual meeting; topics of the meeting included telemedicine, pain management and prescribing opiates, uniform application, licensure by reciprocity/credentials/endorsement, multi-state practice, medical education, licensing exams, electronic health records, maintenance of licensure, data set collection, federal health reform, physician health, 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 pain and prescription drugs, FTC investigations, Prescription Drug Monitoring Programs, as well as state reports and the annual business meeting.

Agenda Item 7 Full Board Interviews (continued)

Francis Raymund Carandang, MD

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

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. Carandang.

The Board entered executive session at 2:27 p.m.; staff remained for the session. The Board went back on the record at 2:40 p.m.

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

RESOLVED to grant an unrestricted license to Francis Carandang, MD

Roll Call Vote:

Dr. Resinger – Yea

Mrs. Carlson – Yea

Dr. Roderer – Yea

Dr. Kohnen – Yea

Mr. Luppen – Yea

Ms. Millar – Absent

Dr. Powers – Yea

Dr. Miller – Yea

Agenda Item 13 Correspondence

Alaska EMS State Training Committee

Their recommendations regarding CME requirements for MICP license renewal was provided for Board consideration. Ms. Stovern and Mr. Luppen will work with Thomas Meyer (Paramedic Association of Alaska) on a proposal for consideration by the Board.

Physicians for Responsible Opioid Prescribing

Their position on FSMB proposed model policy was included in the Board packet for further review.

American Association of Osteopathic Examiners (AAOE)

Their e-Bulletin newsletter was included in the Board packet for further review.

Accreditation Council for Continuing Medical Education (ACCME)

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

Alaska Department of Health and Social Services

Press releases from the Commissioner's Office, along with their online public notice, were included in the Board packet for further review.

American Telemedicine Association

An announcement regarding their Fall Forum, along with news bulletins on health reform, were included in the Board packet for further review.

Agenda Item Public Comment Forum

There were no members of the public present to speak with the Board. Public comment was closed at 3:15pm.

The meeting was recessed at 3:18 p.m.

Friday, July 19, 2013

Call to Order

The meeting was called to order by William W. Resinger, MD, Chair, at 9:20 a.m.

Roll Call

Board members present:

William W. Resinger, MD, Chair
Elizabeth Kohnen, MD
Kevin Luppen, PA-C

David J. Powers, MD
Grant T. Roderer, MD

Public member Cam Carlson attended the meeting by teleconference. Public member Kathleen Millar and Board President David A. Miller were unable to attend the meeting.

Board staff present:

Debora Stovern, Executive Administrator
Holly Kuhn, Licensing Examiner

There were no visitors present. ALJ Jeffrey A Friedman and Board Investigator Susan Winton joined the meeting by teleconference.

Agenda Item 11 Hearing Officer Proposed Decision

In the Matter of Victor Bartling, DO

OAH Case #12-0221-MED, Board Case #2010-000882

The Proposed Decision, along with the Respondent's Proposal for Action and the Division's Proposal for Action, were included in the Board packet for review.

Dr. Powers reported that he knows the Respondent, Dr. Bartling; he noted that a can make an unbiased decision on the matter. Dr. Resinger determined that such an acquaintance does not represent a conflict of interest and to allow Dr. Powers to vote on the matter. Dr. Resinger 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. Kohnen, seconded by Mr. Luppen, and approved by roll call vote, it was:

RESOLVED to accept the proposed decision and order by the Hearing Officer, Case No. OAH-12-0221-MED, as presented.

Roll Call Vote:

Ms. Millar – Absent

Dr. Powers – Yea

Mrs. Carlson – Yea

Dr. Roderer – Yea

Dr. Kohnen – Yea

Mr. Luppen – Yea

Dr. Miller – Absent

Dr. Resinger – Recused

Visitors disconnected from the teleconference.

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 or additional information for review:

- Jeanmarie Kachnik Salinas, MD
- David Dwight Buckland, DO

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

RESOLVED to approve the following applicants for licensure in Alaska, subject to the agreements adopted by the Board on July 18, 2013:

Alison Cooper, P.A.-C
Timothy Skopec, MD
Michael J. Higgins, MD
Erin Marie Royal, MD

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

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

<i>Adler, Alan J</i>	<i>Gonzalez, Dora Lilia</i>
<i>Adler, Benjamin Andrew</i>	<i>Grant, Nancy Marie</i>
<i>Adler, Richard Seth</i>	<i>Greenberg Cowan, Jessica Freya</i>
<i>Alcorn, Michael Robert</i>	<i>Grismer, Linda Elizabeth</i>
<i>Antall, Ingrid Woelfl</i>	<i>Haque, Salima</i>
<i>Baldwin, Drew Edward</i>	<i>Hardesty, Melissa Mary</i>
<i>Benedick, Daniel Michael</i>	<i>Holayter, Rian Aaron</i>
<i>Booth, Lorie Michelle</i>	<i>Holland, Lorne Lewis</i>
<i>Brockschmidt, Carol Lynn</i>	<i>Homer, Gregroy Douglas</i>
<i>Brown, Gina Marie</i>	<i>Inouye, Samuel Isaac Lau</i>
<i>Buckhouse, Coleman Floyd</i>	<i>Ivester, Charles Thomas</i>
<i>Burns, Travis Carter</i>	<i>Jones, Benjamin Lyman</i>
<i>Cadwallader, Kara Lane</i>	<i>Kalofonos, Ippolytos Andreas</i>
<i>Callum, Heather L.</i>	<i>Kaplan, John Elliott</i>
<i>Capeci, Kendall Louis</i>	<i>Klosterhoff, Bruce Eugene</i>
<i>Casiano, Rayette Pollard</i>	<i>Ko, Grant N.</i>
<i>Catalano, Michael Alfred</i>	<i>Kwan, Peter Chi Kit</i>
<i>Chen, James Hung</i>	<i>Lancaster, Samantha Chau</i>
<i>Christensen, Alan L.</i>	<i>Larsen, Christopher Patrick</i>
<i>Coleman, Shane Matthew</i>	<i>Lepeska, Michael L</i>
<i>Conley, Dante Maria</i>	<i>Lessens, David Maurice</i>
<i>Cook, Jeannette Lynn</i>	<i>Lester, Erin Leigh</i>
<i>Craven, Charles Edward</i>	<i>Lin, Chuen-Fu Linda</i>
<i>Cruz, William J</i>	<i>Lloyd, Kelly Ann</i>
<i>Cuevas, Rachel Susan</i>	<i>Logan, Joshua Eugene</i>
<i>Cullison Bonner, Phillip Michael</i>	<i>Logan, Stacey Marija</i>
<i>Daneshvar, Rabi Reza</i>	<i>Martin III, William Robert</i>
<i>Dionne, Marcel Victor</i>	<i>Mayer, Katherine Rosemond</i>
<i>Doaty, Sarah Megan</i>	<i>McCoy, Annamarie</i>
<i>Engel, Martin Rudolf</i>	<i>McCullough, Brendan John</i>
<i>Farooki, Aamer Zabid</i>	<i>Mell, Kathryn Ann</i>
<i>Frye, Mark Andrew</i>	<i>Merrell, Jason David</i>
<i>Goldblum, John Reid</i>	<i>Misfeldt, Dayton Stanley</i>

Nevin, Daniel Thomas
Nicholas, Katherine Barrett
Nordstrom, Eric
Pazdan, Renee Mary
Pham, Justin Hung
Plyler, William Lanson
Pokorney, Gail Michelle
Price, Christine Hervey
Rawner, Esther
Rodriguez, Roman
Rowland, Timothy Micabel
Salinas, Conrad
Sanderson, Thomas Walter
Sanjeevaiah, Aravind Raj
Schabel, Alexander B
Settle Jr., Stephen Holloway
Sheorn, Keyhill
Singh, Vikram Jeet
Smith, Paul Michael

Stein, Gerald Samuel
Stoy, David Joseph
Tarby, David Martin
Taylor, Jason Alan
Thompson, Lisa Ella
Thomson, Gregory John
Traul, John Benjamin
Varghese, Anna
Verbrugge, Joel K
Westerfield, Jeffrey Allen
Whipple, Galen Charter
Wiggins, Kendra Lyn
Williams-Vaughn, Imani N
Wilmoth, Wendell Hayden
Woodham, Charles Theodore
Yan, Kenneth Marshall
Younghlood, Scot Alan
Zhao, Yongdong

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

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

Cayco, Leslie Mendoza
Chernich, Bethany Vieno
Christy, Jennifer
Gear III, Robert Lee
Graham, Matthew M
Kim, David Y
Kong, Avery Lub-Yuan

Lynn, Sonja Guan-Gin
Reilly-Torres, Christina M
Reynolds, John E
Smith, Robert Allen
Taylor, Shook-Ming
Walz, Benjamin
Wong, Aubrey Siuping

Upon a motion duly made by Dr. Roderer, seconded by Mr. Luppen, and approved unanimously, it was:

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

Lear-Rayborn, Elisa Amber
Pearce, Beth Stark

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

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

Barringer, Katbi Jean
Bentley, Jeffery Lee
Brooks, Leslie Claire
Carrol, Everett Lee
Dupree, Linda Lorraine
Elam, Mary Jo
Foster, Emily Anne
Jones, Sarah Marie
Katsma, Timothy John
Kistner, Robert Michael
Luck, Felva Collie
Luke, Guillermina M
Martin, Teresa Dee
Meredith, Brent Jay

Milgrin, Iva Michelle
Murray, Kristi
Myers, Bethany Ann
Penaranda, Sean Michael
Perez, Tanya Monique
Pratt, Christine M
Robison, Jennifer Lynn
Smith, Anthony Nelson
Streich, Leah Mee Soon
Taylor, Marie Muldoon
Tucker, Jason Erik
Vandiver, Johnny Ray
Wehrer, Brian J
Winje, Martha Louise

Upon a motion duly made by Mr. Luppen, seconded Dr. Roderer, and approved unanimously, it was:

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

Cox, Nathan Robert
Durbin, Nathan
Enyeart, James Robert
Greene, Jennifer M
Harris, Daniel K.
Mokracek, Matthew David

Prager, Craig Joseph
Sanson, Trevor A
Schultz, Jacob Daniel
Sexton, James Joseph
Smith, Tyler L
Swain, Darin Raymond

Adjournment

There being no further business,

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

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

The meeting was adjourned at 12:20 p.m.

Respectfully submitted:

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

10/18/13 _____
Date

Approved:

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

10/18/13 _____
Date