

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
March 6-7, 2014**

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, March 6-7, 2014, in Fairbanks, Alaska.

Thursday, March 6, 2014

Call to Order

The meeting was called to order by David A. Miller, MD, Chair, at 9:11 a.m.

Roll Call

Board members present:

David A. Miller, MD, Chair
Cam Carlson, Public Member
Elizabeth Kohnen, MD
Sai-Ling Liu, DO

Kevin Luppen, PA-C
Kathleen Millar, Public Member
David J. Powers, MD
Grant T. Roderer, MD

Board staff present:

Debora Stovern, Executive Administrator
Holly Kuhn, Licensing Examiner

Visitors present:

Ted Galbraith, representing LifeMed Alaska

Agenda Item 1 Review Agenda

The Board reviewed the agenda and made no changes

Agenda Item 2 Board Business

Announcements

It was noted the Board would send a certificate of recognition to Dr. Resinger for his dedicated service to the Board. The Board welcomed new Board member Dr. Sai-Ling Liu, DO. Board Safety Officer Kevin Luppen presented a safety report, with an emphasis on the emergency exits.

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 a meeting in the beginning of each calendar year.

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

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

Board Disciplinary Guidelines for review

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

Board Policies and Procedures for review

There were no changes recommended to the Policies and Procedures.

Agenda Item 3 CME Audits and Updates

Ms. Stovern provided a status report for the continuing medical education (CME) audit from the last license renewal. It was also noted the Division has hired a new paralegal who will assume the responsibility of CME audits during the next renewal period.

	Physicians	MICP	Total
Number of licenses selected for audit	172	22	194
Number of audited licenses not renewed	17	2	19
Number of licenses audited	155	20	175
Number of approved audits	146	12	158
Noncompliant audits requiring further action:	9	8	17
Noncompliant audits resolved	1	0	1
Noncompliant audits outstanding *	2	4	6
Noncompliant audits pending resolution**	6	1	7

* These outstanding audits will be referred to the Paralegal if they cannot comply.

** These pending audits have notified staff that they wish to enter into an agreement.

This number includes signed agreements pending Board approval: 3

In the Matter of Case No. 2014-000245

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 \$3500 (with \$1,800 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. Roderer, seconded by Mr. Luppen, and approved by unanimous consent, it was:

RESOLVED to adopt the consent agreement, Case No. 2014-000245, signed by Kimberly A. Sherrill, M.D.

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-002187

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 \$2,750 (with \$1,750 suspended), a requirement to complete the deficient coursework, and a mandatory audit for the next two licensing renewals

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

RESOLVED to adopt the consent agreement, Case No. 2013-002187, signed by Paul G. Ferucci, M.D.

The adoption order was signed by the Chair.

In the Matter of Case No. 2014-000244

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 \$1,000 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. Roderer, seconded by Mr. Luppen, and approved by unanimous consent, it was:

RESOLVED to adopt the consent agreement, Case No. 2014-000244, signed by Bertha J. Tien, M.D.

The adoption order was signed by the Chair.

In the Matter of Case No. 2012-000641

The Board reviewed a proposed voluntary license surrender agreement with a licensee who failed to verify compliance with the continuing medical education requirements of the license renewal.

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

RESOLVED to adopt the consent agreement, Case No. 2012-000641, signed by Michael Copass, M.D.

The adoption order was signed by the Chair.

In the Matter of Case No. 2013-001968

The Board reviewed an issue regarding a licensee who had failed to verify compliance with the continuing medical education requirements of the license renewal. She chose to enter into a consent agreement, which was adopted by the Board at their October 2013 meeting. Since that date, the licensee has produced the deficient CME, which was reviewed and approved by Ms. Stovern.

It was noted that, in previous cases similar to this, the Board has upheld the disciplinary sanctions due to the underlying violation of the audit requirements for failure to verify having met the CME requirements. The Board reviewed the letter from the licensee and determined that there were extenuating circumstances involving a family emergency.

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

RESOLVED to vacate the consent agreement, Case No. 2013-001968, signed by Norma L. Allgood, M.D.

Roll Call Vote:

Dr. Powers – Yea
Dr. Liu – Yea
Mrs. Carlson – Nay
Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Yea
Dr. Miller – Yea

Agenda Item 4 Board Actions

In the Matter of Case 2013-002124

The Board reviewed a proposed consent agreement with a licensee who failed to ensure a collaborative plan had been filed with the Division. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand and a fine of \$1,000.

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

RESOLVED to adopt the consent agreement, Case No. 2013-002124, signed by Cynthia M. McPherson, PA-C.

Roll Call Vote:

Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Yea
Dr. Powers – Yea

Dr. Liu – Yea
Mrs. Carlson – Yea
Dr. Roderer – Yea
Dr. Miller – Yea

The adoption order was signed by the Chair.

In the Matter of Case 2011-000818

The Board reviewed a proposed consent agreement with a licensee who failed to provide proper medical care. The agreement provides for provisions consistent with Board disciplinary history and guidelines, including a six month probation and completion of additional education.

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

RESOLVED to adopt the consent agreement, Case No. 2011-00818, signed by John Scheck, MD.

Roll Call Vote:

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

The adoption order was signed by the Chair.

In the Matter of Case 2013-002408

The Board reviewed a proposed consent agreement with a licensee who failed to disclose information during the application process. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand and fine of \$1,000.

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. 2013-002408, signed by James Robert Kopp, MD.

Roll Call Vote:

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

Dr. Liu – Yea
Dr. Miller – Yea

The adoption order was signed by the Chair.

In the Matter of Case 2013-002279

Ms. Stovern distributed an additional consent agreement that was not included in the Board packet. The Board reviewed the proposed consent agreement with a licensee who failed to ensure a collaborative plan had been filed with the Division as required by statute. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand and a fine of \$1,000.

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

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2013-002279.

The Board entered executive session at 9:57 a.m.; Board staff remained for the session. The Board went back on the record at 10:16 a.m.

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

RESOLVED to adopt the consent agreement, Case No. 2013-002279, signed by Virginia Lam, PA-C.

Roll Call Vote:

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

The adoption order was signed by the Chair.

Agenda Item 5 Investigative Unit

Investigative Report

Board investigators Susan Winton, Gary Kaiser, and Jay Paff joined the meeting by teleconference. Ms. Winton reviewed the investigative report provided to the Board. The report included 17 open medical cases and an additional 20 since the date of the report, 4 open physician assistant cases, and 26 closed cases and complaints.

Debora Stovern, Executive Administrator, reported Quinten Warren has taken another position with the state and is no longer the Chief Investigator for the Division, although he does anticipate working with the Board in the future on issues of mutual concern.

Probation Report

A current probation monitoring report was included in the board packet for further review.

Status reports on ongoing cases

Upon a motion duly made by Dr. Roderer, and 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 Case No. 2014-00220.

The Board entered executive session at 10:41 a.m.; Board staff remained for the session.
The Board went back on the record at 10:50 a.m.

Upon a motion duly made by Dr. Kohnen, and seconded by Ms. Millar, 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 10:50 a.m.; Board staff remained for the session.
The Board went back on the record at 11:03 a.m.

Investigators disconnected from the teleconference.

Agenda Item 6 Board Review of Requests/Issues

Physician/Pharmacist Cooperative Practice Agreement

The Board reviewed a proposed agreement submitted by Dr. Joe Roth, including protocols for immunizations and vaccinations.

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

RESOLVED to approve the Physician/Pharmacist Cooperative Practice Agreement of Joe Roth, MD and Jake Scott, RpH.

In the matter of Erik P. Kohler, MD

The Board reviewed a request by Dr. Kohler to approve an educational program that he would like to complete in order to prove his competency to the Board so that he may request that the Board remove or modify the current restrictions on his license.

At their July 2013 meeting, the Board reviewed his request to remove the restrictions placed on his license and determined that Dr. Kohler must provide objective documentation of additional ACGME-accredited education and/or training in the relevant procedures. In reviewing the currently proposed educational program, the Board noted that it is not ACGME-accredited, and that it appeared to be a weekend course sponsored by the product manufacturer, rather than a comprehensive training program.

The Board noted that their Order includes additional restrictions, as well as specific requirements to petition for a modification of the restrictions:

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.

The Board directed Ms. Stovern to respond to Dr. Kohler's request and to reiterate the Board's previous determination.

Agenda Item 7 Division Update

Division Director Don Habeger and Administrative Officer Martha Hewlett joined the meeting by teleconference to discuss Board and Division issues. He provided an update of the following items:

- Financial report – the FY 2014 second quarter report was included in the Board packet for further review, including a supplemental report of direct and indirect expenditures. The Board requested clarification of the large increase of indirect expenses over the past five (5) years. Mr. Habeger noted several factors related to the increase in indirect costs, including:
 - allocation of support services were realigned, so that services that were previously direct expenses are now indirect (i.e.; payroll services, labor relations, procurement services, human resource support, etc.);
 - increase in state labor costs,
 - the ten-year reconciliation process corrected procedures which appears as a change in the financial reports

At their October 2013 meeting, the Board expressed their concern with the Division “double counting” their temporary licenses for calculating their proportion of shared costs; they again requested Mr. Habeger to address that issue. Mr. Habeger directed Ms. Hewlett to look into this issue and address it by the end of the fiscal year.

- Legislative update – Mr. Habeger provided an update on various bills the Division is following, including:

- Divisions Fees (HB 187) – provides for funding investigative cost through the General Fund, since it is a public service to all Alaskans not just licensees. There are more hearings, but it is unclear if it will pass in current form.
- Telemedicine (SB 80 and HB 281) – the out-of-state license requirement has been taken out of the SB 80.
- Opiate prescriptions (HB 53) – does not appear to be moving at this time.
- Prescription drug monitoring program (HB 324) – alternate to HB 53, which includes language to assign the database to the Pharmacy Board, so the charges will not be assigned to the user.
- Licensing radiology technicians (HB 323) – the Division is always neutral on the creation of a new licensing program, but will present the Board position. This Bill has not been scheduled for a hearing. The Board will discuss the Bill in the afternoon session.

The Division disconnected from the teleconference.

Recess for lunch

The Board recessed for lunch at 11:56 a.m.

The Board resumed the meeting at 1:32 p.m.

Board members present:

David A. Miller, MD, Chair
Cam Carlson, Public Member
Elizabeth Kohnen, MD
Sai-Ling Liu, DO

Kevin Luppen, PA-C
Kathleen Millar, Public Member
David J. Powers, MD
Grant T. Roderer, MD

Board staff present:

Debora Stovern, Executive Administrator
Holly Kuhn, Licensing Examiner

Visitors present:

Tom Dale, Alaska Academy of Physician Assistants

Agenda Item 8 Full Board Interviews

Natalie Elizabeth Morgan, MICP

Ms. Morgan was present to discuss her license application with the Board.

Upon a motion duly made by Dr. Roderer, and 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 application of Natalie Morgan.

The Board entered executive session at 1:35 p.m.; Board staff remained for the session.

The Board went back on the record at 1:40 p.m.

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

RESOLVED to grant an unrestricted MICP license to Natalie Morgan.

Roll Call Vote:

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

Kerrie Rochelle Bossard, MD

Dr. Bossard was present to discuss her license application with the Board.

Upon motion duly made by Dr. Kohnen, and 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 application of Kerrie Bossard.

The Board entered executive session at 1:42 p.m.; Board staff remained for the session.
The Board went back on the record at 1:46 p.m.

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

RESOLVED to grant an unrestricted license to Kerrie Bossard, MD.

Roll Call Vote:

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

Lenard Michal Hughes, MD

Dr. Hughes was unable to attend his scheduled interview. Dr. Hughes provided information to Board staff, noting that he has not practiced in Alaska, did not work under the issued Locum Tenens permit, and did not intend to practice in Alaska in the future. The Board determined that Dr. Hughes may be excused from the interview, but that he must appear for an in-person interview prior to being issued a

temporary or locum tenens permit, should he reapply in the future. The application file will be kept for 10 years, as required by Division policy.

Agenda Item 9 Malpractice Report Review

The Board reviewed their procedure for considering required malpractice reports, noting that they are “blind” reviews, all identifying information is redacted. The Board determines whether to accept a report with no further action, to request additional information or follow-up, or to refer to investigators for expert review or other action.

The Board reviewed malpractice reports, Cases No. 37-2011-00098839 and 37-2011-00094700, Case No. 3AN-09-11248CI, Case No. LACV103999, and Case No. 91196.

The Board noted the second instance of late reporting for Case No. LACV103999, which will require an Imposition of Civil Fine.

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

RESOLVED to accept malpractice reports (Cases No. 37-2011-00098839 and 37-2011-00094700, Case No. 3AN-09-11248CI, and Case No. 91196); and to refer to investigators for late reporting (Case No. LACV103999).

Agenda Item 10 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 has requested 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

- Telemedicine - the Board reviewed Senate Bill 80 and House Bill 281 and discussed telemedicine issues. They noted that the current system of telemedicine is practiced lawfully and successfully throughout the state. Though it originated in Tribal Health Programs, it does not deny access to anyone, and may be practiced by any Alaska-licensed physician. Under current practice standards, an Alaska-licensed physician may lawfully engage in telemedicine practice if they either have an established physician-patient relationship, or if there is an appropriate (licensed) health care provider with the patient to assist the physician with their examination and diagnosis process.

The Board noted that these bills propose to allow for a corporate model of telemedicine practice without one or the other of these two elements, and would therefore be below the current standard of care in Alaska. While the bills imply a solution to poor rural health care access, Alaska has been for years and remains far ahead of the lower 48 states regarding rural access to health care. These bills will have a small impact in rural Alaska, as there are few sites in those areas without a provider and existing telemedicine. As these bills make no distinction between rural and urban practice of telemedicine, the much larger impact will be in urban areas. The Board was concerned with creating a different telemedicine model in urban areas. As with many technological “advances” in medicine, the motivation behind this bill seems more related to promoting technology and reimbursement than providing good patient care.

The Board has concerns regarding possible consequences of changing practice standards through the proposed legislation:

- potential for missed diagnoses and overprescribing associated with no physical examination of the patient
- negative consequences of the proposed legislation on current medical practice in Alaska
- potential liability and investigative costs related to misdiagnosis or mismanagement with resultant poor outcomes
- decreasing the standard of care throughout Alaska
- setting practice standards by statute instead of Board-promulgated regulation

While Alaska is second to none regarding rural health care access, the Board has recognized that there are areas that do not have any health care provider (physician, physician’s assistant, nurse practitioner, nurse, or community health aide). To address this, the Board is working to draft a specific exemption to current regulations to allow expanded telemedicine in these areas. Dr. Powers and Ms. Stovern will continue to work on the draft for Board consideration, pending the outcome of the two bills.

The Board has taken the following position on the proposed legislation:

The essence of the practice of medicine is founded in the physician-patient relationship which includes the physical examination of the patient. These bills attempt to forego this essential element and re-define Alaska standards for the practice of medicine. This is not in the best interest of public safety/protection, which is our charge.

The Board directed Ms. Stovern to work with Dr. Powers and Dr. Liu to draft the Board’s position statement and distribute it to the sponsors of the bills, as well as members of any committees hearing the bills.

Public Comment

Eric Kohler, MD and Victor Bartling, DO joined the meeting for public comment. The Board Chair noted that public comments are limited to two minutes per person.

- Dr. Kohler, a neurosurgeon, who currently holds an Alaskan license with restrictions and requirements, wished to speak with the Board directly, and to petition the Board for approval of a medical course. He expressed his desire to remove ‘this ding’ on his license so he could practice in Alaska again. The Board Chair stated that his educational review had been evaluated through proper channels and that he will be notified of their determination.

- Dr. Bartling wanted to share his concerns with the Board regarding the complaint and investigative process. He recently had a complaint that was resolved in his favor after being in the process for three years. He felt that he was not given appropriate notice of the investigation and had concerns with proper review by Board members and experts, resulting in time and expense to him, his practice, and the state. He did not feel there was closure once it was resolved. The Board Chair stated that there is a process in place, which includes evaluation of complaints by two Board members, before being sent out for an expert evaluation, and that the Board is tasked to protecting the public.

Agenda Item 10 Statute/ Regulation Updates (continued)

- The Board reviewed HB 283, which proposes to establish a licensing program for radiological technicians, to be administered by the Division. They expressed concern the bill may affect patient care negatively, creating an extra layer of bureaucracy by requiring a license program, and additional (proprietary) training. It was unclear who would be approving training programs and how it would affect remote practitioners. It was also not clear what problem the bill is proposed to correct and there was no information to indicate that patient care is currently at risk. Other than expressing concern, the Board did not take a position.
- Division fees – the Board previously reviewed HB 187, a Department project that defines how fees are set, and provides for investigative and legal costs from the general fund instead of through license fees. The Board has not taken a position on the bill. They had previously referred it to the Alaska State Medical Association as they have the resources to properly analyze the bill and make a recommendation or take a position.

The meeting was recessed at 4:05 p.m.

Friday, March 7, 2014

Call to Order

The meeting was called to order by David A. Miller, MD, Chair at 9:06 a.m.

Roll Call

Board members present:

David A. Miller, MD, Chair
Cam Carlson, Public Member
Elizabeth Kohnen, MD
Sai-Ling Liu, DO

Kevin Luppen, PA-C
Kathleen Millar, Public Member
David J. Powers, MD
Grant T. Roderer, MD

Board staff present:

Debora Stovern, Executive Administrator
Holly Kuhn, Licensing Examiner

Agenda Item New Business

Dr. Roderer had previously volunteered to review the current Board guidelines on prescribing controlled substances. He reported that the guidelines are from 1997 and are very basic. The FSMB 2013 Pain Policy was included in the Board packet for further review. The Board will discuss it further at their next meeting, and consider whether to update their guidelines or to adopt the FSMB documents, either in guidelines or by regulation.

Agenda Item 11 Full Board Interviews

Chester Chi-Tak Hu, MD

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

Upon a motion duly made by Dr. Luppen, and 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 purpose of discussing the application of Dr. Hu.

The Board entered executive session at 9:15am.; Board staff remained for the session.
The Board went back on the record at 9:31am.

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

RESOLVED to grant an unrestricted license to Chester Hu, MD.

Roll Call Vote:

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

Dr. Janet Sami Abadir, MD

Dr. Abadir was present to discuss her license application with the Board. Senior Investigator Susan Winton joined the meeting by teleconference.

Upon a motion duly made by Dr. Roderer, and 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 application of Dr. Janet Abadir.

The Board entered executive session at 9:33am.; Board staff remained for the session.
The Board went back on the record at 9:40am.

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

RESOLVED to grant an unrestricted license to Janet Abadir, MD., subject to her entering into an Imposition of Civil Fine agreement approved by the Board.

Roll Call Vote:

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

Investigator Winton disconnected from the teleconference.

Jeffrey Alan Harmon, PA-C

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

Upon a motion duly made by Dr. Roderer, and 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 application of Jeffrey Harmon.

The Board entered executive session at 9:43am; Board staff remained for the session.
The Board went back on the record at 9:51am.

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

RESOLVED to grant an unrestricted PA license to Jeffrey Harmon.

Roll Call Vote:

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

Agenda Item 12 License Application Review

Board members reviewed license application files.

Upon a motion duly made by Dr. Liu, and 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:

Ball, Robert Henry
Barnett, Sean Jeffrey
Bhama, Prabhat Kumar
Bier, Adam David
Bohus, Robert William
Boxer, Nicole Sharon
Boylston, William Schaeffer
Braunstein, John Bernard
Britton, Bruce Alan
Carroll, Christopher Leo
Cole, James Charles
Currier, James Edwin
Dalton, Heidi Jean
Dardick, Lawrence R.
Dhir, Vahita
Dowling, Christopher Allen
Eisele, Karla S.
Essers, Jonah B.
Fitzgerald, Thomas, Joseph
Fitzpatrick, Matthew Kelly
Keogh, Bartholomew Patrick
Kindrat, Taras P
Kirkham, Jared Robert
Kloring, William Joseph
Laoun, Rabah E.
LaPointe, Jennifer Raye
Lee, Edwin Han
Liffick, Emily
Lizzi, Luciano
Lollis, Stuart Scott
Magaret, David E
Mandell, Menachem
Molloy, Jeffrey
Nath, Sandy

Fort, Samuel Laurens
Frushour, Stephen Joe
Gaalswyk, Ryan Jon
Gallagher, Kenneth Edward
Gandhi, Sanjay
Gerson, Benjamin
Gluckman, Richard, J
Goodblatt, Michael Moshe
Graham, Robert Henry
Gray, Michael Paul
Green, Katie Prior
Hearn, Hunter Alvert
Hepker, Justin Grant
Herreid, Peter Anthony
Hewitt, John Wesley
Hinds, Spencer W.
Huang, Eugene Hsu
Ilsley, Jeffrey Eaton
Jeannotte, Diana Louise
Johanson, Russell Alan
Reeve, Anthony Pino
Riches, Wayne Gary
Richmond, Stephen
Rudis, Steven P
Saenz, Rebecca Kee-Creswick
Sahasrabudhe, Amit Arun
Satur, Nancy Marlene
Sewell, Mark Fuller
Simonson, Mark John
Smith, Michael James
Tellez, David William
Tribble, Jennifer Ellen
Tryon, Brian Christopher
VanHise, Milton Lowell

Newton, Christopher Robin
Passalaris, Tina Marina
Pinkerton, Faith Monique
Prasad, Madhu
Purdon, Robert Lake
Purpura, Patti Lynn
Rankine, David Andrew

Vasquez, Peter John
Weingarten, Peter Lawrence
Weiss, Miriam F
Whitaker, Mark Alan
Wiita, Sandra Kay
Willyerd, Frederick A

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

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

Badolato, Joseph Ernest
Carrick, Janice Ruth
Duke, Susan Elaine
Weidner, Phillip T
Wright, Milton Jacob

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

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

Countway, Thomas M
Kaufman, Heather Dawn

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

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

Beh, Jenna
Bernard, Kari Sue
Bowers, Troy Alan
Chase, Nina Calder
Cox, Jennifer Lynn
Cushman, Patricia Jean
DeBlauw, Thomas James
Doty, Kelly Ann
Engle, Kacie Lee
Evanoff, Carlin Mary

Haynes, Gary Victor
Larson, Megan Joelle
Lesniak, James Michael
Linden, Leslie A
McLaughlin-Young, Czarina
Michaud, Michael E
Ogino-McElligott, Makiko
Olsen, Margaret Ruth
Phillips, Terrin Lee
Robinson, Jeremiah N

Farthing, Bryan C
Felkley, Kenneth Earnest
Hamilton, Lori Catherine
Harrelson, Jr., Timothy Greer

Schwarz, Suzie Q
Spurlock, Lisa Xiao
Stewart, Kathleen Elizabeth

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

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

Archer, Paula Michelle
Bayle, Aaron James
Bryan, Kraig Eugene
Casey, Joseph William
Coots, Peter Matthew
Day IV, William Mitchell
Foster, Matthew Wm
Holzer, Timothy Vernel
Jeffers, Jason Whitfield
Jellison, Myles Wesley
Jimenez, Amy Beth

Larson, Matthew Nels
Lucero, Desire Ann
McGhee, Joseph M
McLaughlin, Jason Timothy
Parker, Levi A
Riley, Michael Eric
Salsman, Jesse Anthony
Sathers, Cory Orson
Svobodny, David h
Winkler, Erik Kupt

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

RESOLVED to approve the following applicant for licensure in Alaska, subject to agreements adopted by the Board on March 7, 2014:

James Robert Kopp, MD

Section 13 Correspondence

- 1) The Board reviewed a request for clarification of ‘direct and immediate supervision’ in reference to a Physician Assistant who is receiving training under 12 AAC 40.415 to qualify for remote practice. The Board confirmed that ‘direct and immediate supervision’ does not mean the supervising physician is standing over the shoulder of a Physician Assistant; ‘direct and immediate supervision’ is provided as long as the supervising physician is physically present in the same facility where the Physician Assistant is training and is available to respond to questions and concerns. The Board directed Ms. Stovern to respond to the inquiry.
- 2) The Board reviewed a request for clarification regarding the delegation of Botox or dermal filler injections. The Board confirmed that administering such injections is considered the practice of medicine which may only be performed by an Alaska-licensed physician. There is no provision for a physician to delegate procedures that are under their own scope of practice. A physician who

violates such practice standards would be subject to disciplinary sanctions. An individual performing such procedures would be practicing medicine without a license and would also be subject to disciplinary sanctions. The Board directed Ms. Stovern to respond to the inquiry.

- 3) The Board reviewed a request for information regarding the scope of practice for Certified Direct-entry Midwives, specifically whether Alaska law permits certified direct-entry midwives to independently order and interpret lab or diagnostic testing for their patients. The Board reviewed the regulations that specified such testing by direct-entry midwives at an initial prenatal visit. There was concern that direct-entry midwives do not have the proper medical training necessary to order and interpret the noted lab and diagnostic tests.

The following Board position was read onto the record:

The ordering and interpreting of laboratory and diagnostic tests is considered the practice of medicine. The Board does not support granting privileges to order those tests to direct-entry midwives and recommends that they collaborate with a physician to order such tests.

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

RESOLVED to adopt the official Board position regarding the scope of practice for direct-entry midwives, as read onto the record.

Roll Call Vote:

Dr. Roderer – Yea
Dr. Kohnen – Yea
Mr. Luppen – Yea
Ms. Millar – Abstain
Dr. Powers – Yea
Dr. Liu – Yea
Mrs. Carlson – Yea
Dr. Miller – Abstain

The Board directed Ms. Stovern to respond to the inquiry and provide a copy to the Board of Direct-entry Midwives and to the Division of Professional Licensing.

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

- 4) American Osteopathic Association: 2013 State legislative report
- 5) ACCME: Meeting summary and Year-end report
- 6) Alaska Health Care Commission: Annual report
- 7) Alaska Dept. of Health and Social Services
- 8) Winter update 2013-2014
- 9) FY 2013 Annual Report

- 10) Commissioner's Office press releases
- 11) CTeL Research Report on Telemedicine
- 12) American Telemedicine Association updates
- 13) FDA updates

Agenda Item 14 Federation of State Medical Boards (FSMB)

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

- 1) Reports and Resolutions for Annual Meeting
- 2) Message from Chair-elect
- 3) Communication re: FSMB Model Pain Policy
- 4) Interstate Compact draft
- 5) USMLE Annual Report
- 6) Newslines Fall 2013
- 7) E-news (January through February editions)

Section 15 Administrative Business

Financial Report

The Board financial report was included in the Board packet for review, including data through the second quarter of Fiscal Year 2014, a report of the Board's direct expenditures, a separate breakdown of investigative costs, and a statistical analysis of cost per license, as well as a report of the Board's share of indirect expenditures for Fiscal Year 2013. The financial report was discussed with the Division Director during Agenda Item 7, Division Update.

Minutes

The Board reviewed the minutes of their October and January meetings.

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

RESOLVED to approve the minutes from the October 17-18, 2013 meeting and January 9, 2014 teleconference, as presented.

Executive Administrator Report

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

- Outreach efforts – Ms. Stovern corresponded with legislators and worked with the Alaska State Medical Association (ASMA) regarding the Board's position on pending legislation and Board needs, including:
 - Statutory authority for delegation of routine duties – ASMA was provided a copy of the draft language, which was also provided to Senator Olsen.
 - Telemedicine (SB 80 and HB 281) – ASMA was notified of Board concerns and their position in opposition of the bill – ASMA has similar concerns but had decided not to actively oppose the legislation.
- Participation in activities of national organizations – Ms. Stovern is preparing to attend the FSMB and AIM annual meetings in April 2014; she attended several FSMB webinars (topics included credentials services, uniform application, USMLE changes, annual meeting information); she attended videocast meetings of the American Telemedicine Association (topics included status of proposed telemedicine legislation, state policy developments, healthcare reform, and the impact of telemedicine efforts); she attended a CTel webinar on telehealth and e-health issues; and she continues work with FSMB to implement the Uniform Application.
- Tracking of Board actions – a report of the Board's 2013 actions and 2014 year-to-date 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 2013 and first quarter of 2014 was provided for Board review.
- Status of CME Audit - for the 2012 renewal, Ms. Stovern completed final review of documents for approval, completed work on noncompliant audits, and is continuing to work on incomplete audits (to be approved or referred to Paralegal); she also worked with new Paralegal to resolve outstanding audit from 2010 renewal
- 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; a request for assistance was sent regarding statutory authority for delegation of routine duties; and work on draft regulations for remote practice and reporting requirements will be considered by the Board.
- Policy and procedure – Ms. Stovern continues to revise and update the Board policies and procedures as changes are made, and updates and distributes the orientation manual to new Board members.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- June 5-6, 2014, Sitka
- August 14-15, 2014, Nome
- November 6-7, 2014, Anchorage

Agenda Item Election of Officers

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

RESOVLED to appoint Dr. Miller as Board President, and Ms. Millar as Board Secretary.

Adjournment

There being no further business,

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

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

The meeting was adjourned at 12:07 p.m.

Respectfully submitted:

Approved:

s/

Debora Stovern, Executive Administrator
Alaska State Medical Board

s/

David A. Miller, President
Alaska State Medical Board

6/5/2014

Date

6/5/2014

Date