

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
June 5-6, 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, June 5- 6, 2014 in Sitka, Alaska.

Thursday, June 5, 2014

Call to Order

The meeting was called to order by David A. Miller, MD, Chair, at 9:02 a.m.

Roll Call

Board members present:

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

Kathleen Millar, Public Member
David J. Powers, MD
Grant T. Roderer, MD

Public member Cam Carlson arrived at 9:05 a.m.

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner

There were no visitors present.

Report from Safety Officer:

Mr. Kevin Luppen instructed the Board on the designated exits and rally point in case of an emergency.

Agenda Item 1 Review Agenda

The Board reviewed the agenda and made no changes.

Agenda Item 2 Board Business

Announcements

Dr. Miller reminded the Board that the time for public comment regarding the pending regulations project has expired.

Ethics Reporting

Dr. Miller reminded the Board that an ethics conflict exists if the Board Member stands to benefit personally or financially by the decision of the Board. Just “knowing” the person does not constitute a conflict of interest.

Dr. Kohnen reported that she will be 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 conflict or violation. The appropriate reporting forms were signed.

Mrs. Carlson reported for the record that she was briefly acquainted with the wife of the respondent in one of the cases before the Board. The Chair determined that the relationship did not constitute an ethics conflict.

There were no other ethics conflicts to report.

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	15	161
Noncompliant audits requiring further action:	9	5	14
Noncompliant audits resolved by Board action	6	0	6
Noncompliant audits pending resolution	2	0	2
Noncompliant audits referred to Paralegal	1	1	2
Noncompliant audits otherwise outstanding	0	1	1

Ms. Stovern reported that the two unresolved audits have notified staff that they wish to enter into agreements and she expects to have those ready for Board consideration at the next meeting. She noted that the one outstanding audit was working to obtain documentation of completed CME. She also reported that the two audits referred to the Division paralegal had not yet been contacted, due to his workload priorities on other program audits. The Board may expect an update on those at their next meeting.

Agenda Item 4 **Board Actions**

In the Matter of Case 2014-000760

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

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. 2014-000760, signed by Tony M. Biskup, MD.

Roll Call Vote:

Mrs. Carlson – Yea
Dr. Roderer - Yes
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 2014-000761

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

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

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2014-000761, signed by David T. Roberts, MD.

Roll Call Vote:

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

The adoption order was signed by the Chair.

In the Matter of Case 2012-001340

The Board reviewed a proposed agreement with a licensee who failed to ensure a DEA registration had been filed with the Division as required by regulation. The agreement is consistent with Board disciplinary history and guidelines, including a 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. Liu, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2012-01340, signed by Megan M. Rolinger, PAC.

Roll Call Vote:

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

The adoption order was signed by the Chair.

In the Matter of Case 2013-002166

The Board reviewed a proposed agreement with a licensee who failed to disclose information during the renewal process. The agreement is consistent with Board disciplinary history and guidelines, including a 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. Dr. Kohnen, seconded by Dr. Powers, and approved by roll call vote, it was:

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2013-002166, signed by John W. Hasenauer, PAC.

Roll Call Vote:

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

The adoption order was signed by the Chair.

In the Matter of Case 2800-08-023

The Board reviewed a proposed voluntary surrender agreement.

Upon motion duly made by Mrs. Carlson, 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 investigative matters.

The Board entered executive session at 9:28 a.m.; Board staff remained for the session.
The Board went back on the record at 9:37 a.m.

The Board noted that the surrender agreement was proposed to terminate the licensee's existing consent agreement and to end the probation. The Board took into consideration his continued sobriety since entering into the consent agreement, and that he had been unable to physically reside in the State of Alaska in order to complete the probation terms specified in the agreement, and determined that a license surrender was excessive.

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

RESOLVED to terminate the terms and conditions of the May 12, 2011 consent agreement, signed by Marcus Rey Williams MD, Case No. 2800-08-023.

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

In the Matter of Cases 2010-000420 and 2010-000422

The Board reviewed two proposed agreements.

Upon a motion duly made by Dr. Powers, 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 investigative matters.

The Board entered executive session at 9:40 a.m.; Board staff remained for the session.
The Board went back on the record at 9:57 a.m.

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

RESOLVED to reject the imposition of civil fine agreement, Case No. 2010-000420, and to refer the case back to investigations.

Roll Call Vote:

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

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

RESOLVED to reject the imposition of civil fine agreement, Case No. 2010-000422, and to refer the case back to investigations.

Roll Call Vote:

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

In the Matter of Case 2014-000477

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

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

RESOLVED to adopt the imposition of civil fine agreement, Case No. 2014-000477, signed by Andrea L Gabel, MD

Roll Call Vote:

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

Dr. Liu – Yea
Mrs. Carlson – Yea
Dr. Roderer - Yes
Dr. Kohnen – Yea
Dr. Miller – Yea

The adoption order was signed by the Chair.

Agenda Item 5 Investigative Unit

Investigative Report

Board investigators Susan Winton and Jay Paff joined the meeting by teleconference. Ms. Winton reviewed the investigative report provided to the Board. The report included 15 open cases and 52 closed cases and complaints. She also reported on staffing changes in the investigative unit: Brian Howes has been assigned to Medical Board intakes and phone calls, and Jay Paff continues work on probation monitoring.

Ms. Winton clarified that the imposition of civil fine with no reprimand as being available for someone under active investigation for a technical violation that is an isolated instance, a matter not related to practice, and not considered to be a willful violation. Violations that are more willful or more serious do not qualify, and would be handled as a consent agreement with a fine and reprimand.

The Board noted that two cases were closed due to lack of resources. Ms. Winton confirmed that they were closed on the recommendation of the reviewing Board member. The Board directed investigators to have two reviewing Board members to concur on such closures.

Probation Report

A current probation monitoring report was included in the board packet for further review. Investigator Paff reported that all individuals are in compliance.

Agenda Item 6 Board Review of Request/Issues

In the Matter of Suzanne Snyder, MD

Dr. Snyder is requesting a waiver of the requirement in accordance with Professional Regulation 12 AAC 40.010(g). She has submitted a request for the waiver, including an explanation and documentation that she is unable to obtain the verification.

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

RESOLVED to grant the request to waive the verification of the Kenya license for Suzanne Snyder MD.

Agenda Item 7 Malpractice Report Review

The Board reviewed malpractice reports, Cases No. 3AN-10-5766CI and 3AN -11-11405CI from the same licensee. It was noted that the two cases had been consolidated by the court. The Board expressed concern with the standard of care noted in the report, but determined that it did not rise to the level of reprimand or investigative inquiry. The Board determined to take no further action, and they directed Ms. Stovern to write a letter advising the licensee of their concerns.

Ms. Stovern asked the Board to clarify the malpractice reporting requirements in cases where a judgment will be appealed. The Board confirmed that a report is required at the time of the judgment or settlement, regardless of appeal status. If the appeal is successful, then they should notify the Board.

Agenda Item 15 Administrative Business

Mrs. Stovern reported the Division has a new Director, Sara Chamber. She was the Operations Manager and has transitioned into the Director position. Ms. Chambers will be providing a Division update during Friday's session. The Board looks forward to working with Ms. Chambers.

Review minutes

The Board reviewed the minutes of the March 6-7, 2014 meeting and the April 9, 2014 teleconference. A minor correction was offered.

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

RESOLVED to approve the minutes of the March 6-7 2014 meeting and the April 9, 2014 teleconference, as corrected.

Executive Administrators 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, staff, and the Governor's office regarding the Board's position on pending legislation (particularly the telemedicine bills, SB 80 and HB 281); she worked with the ASMA Board regarding pending legislation and Board needs; she worked with Alaska Family Residency regarding licensing and program needs; and she responded to AIM inquiries and polls by other state boards
- Participation activities of national organizations – Ms. Stovern attended FSMB and AIM annual meetings in April 2014; she continues to work with FSMB to implement Uniform Application; she attended FSMB webinars (topics included credentials services, uniform application, USMLE changes, annual meeting information); she attended American Telemedicine Association (ATA) videocasts (topics included status of proposed telemedicine legislation, state policy developments, healthcare reform, and the impact of telemedicine efforts); and she attended a CTel webinar regarding telehealth and e-health issues.

- Tracking of Board actions – a report of the Board’s 2014 second quarter actions was included.
- Tracking of licensing process – statistics and a detailed spreadsheet covering processing of applications for the second quarter of 2014 was included.
- Status of CME Audit – for the 2012 renewal, Ms. Stovern completed work on incomplete audits; she is resolving two noncompliant audits, has referred two noncompliant audits to the Division Paralegal, and is resolving one final incomplete audit.
- Regulations projects – at their previous meeting, the Board approved a regulations project regarding tribal health programs and military postgraduate training options which went out for public comment and are on the agenda for adoption; 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 were drafted for Board consideration.
- Board Policies and Procedures – Ms. Stovern continues to revise and update the Board policies and procedures as changes are made; she updates and distributes the orientation manual to new Board members; and she regularly attends Division meetings regarding policies, mission, finances, and travel.

Financial Report

The Board financial report was included in the Board packet for review, including data through the third quarter of Fiscal Year 2014, and a report of the Board’s direct expenditures.

Ms. Stovern reported an accounting error regarding another Board’s staff salary coded to the Medical Board, which has been corrected. She also reminded the Board that licensees are heading into another renewal period this fall, and the Division will be working on the fee analysis to determine license renewal fees.

Confirm Meeting Schedule

The next scheduled meeting was planned for Nome, Alaska. Ms. Stovern reported that Nome is booked already with many events and will not be able to accommodate the Board. In considering other locations, the Board wanted to be mindful of travel costs for applicants attending full Board interviews.

The Board confirmed the schedule for upcoming meetings:

- August 14-15, 2014, Juneau
- November 6-7, 2014, Anchorage

Telemedicine discussion

Ms. Stovern reported that she has spent a lot of time following the telemedicine legislative proposals and providing information about current telemedicine practice and the Board position on the legislation. She thanked Drs. Liu and Powers for their assistance in drafting the Board’s position statement. The letter from the Board was sent to Gov. Sean Parnell, as well as members of the Legislative committees hearing the bills. The Board has not received comment from the Governor’s office.

The Board noted that their position on the telemedicine proposals was clearly misrepresented during legislative testimony, as was the current ability to legally practice telemedicine in the state. 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 language in the bill that did pass the legislature (HB 281) would prohibit current telemedicine practice and prevent physicians from caring for their patients if they are out of state.

It was also noted that the model telemedicine policy published by the FSMB would not include the type of telemedicine practice allowed under the legislation as meeting acceptable professional standards. In addition the American Hospital Association promotes “evidence based medicine,” physical assessment supported by vigorous and appropriate laboratory assessment, as the foundation for the practice of medicine. It was further noted that the Idaho Board considers that telemedicine practice to be substandard and unethical and are disciplining practitioners accordingly.

The Board, as a whole, agreed that they do not support licensing physicians for the type of telemedicine practice in the legislation, that this type of telemedicine is not the best practice of medicine and is not in the best interest of the public, and they do not support lowering practice standards in the State of Alaska in order to promote telemedicine.

Ms. Stovern reported that the bill was awaiting transmittal to the Governor. Once he receives it, he will have 20 days to either sign or veto it, or it becomes law. Dr. Miller volunteered to meet with the Governor to communicate the Board’s position. The FSMB has also sent a letter to the Governor’s office in support of the Boards position in opposition of legislation.

If the bill becomes law, the Board will ask for legal guidance from the Office of the Attorney General to discuss their discretion in implementing its provision based on the language in the bill. The Board may also consider adopting practice standards and/or the FSMB model telemedicine policy in order to limit unsafe telemedicine practices.

Agenda Item 13 Correspondence

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

- 1) American Osteopathic Association newsletters (March through May editions)
- 2) Alaska Health Care Commission: Core Strategies & Policy Recommendations
- 3) American Telemedicine Association updates

Agenda Item 14 FSMB Update

Dr. Kohnen and Ms. Stovern attended the FSMB annual meeting in April; topics of the meeting included expedited licensure and information sharing under the proposed interstate compact, model policy on telemedicine, prescription drug monitoring programs, decriminalization of marijuana, regulation and

disciplinary issues, patient-centered health care models, licensing exams, international accreditation and certification, communicating with the public/media/ legislators, 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 federal healthcare policy, expedited licensing issues, Physician Assistant practice, remediation programs, and licensing exams, as well as state reports and the annual business meeting.

The Board determined to consider adopting the FSMB model policy on telemedicine, which includes a provision for a physician to have an established relationship with the patient prior to using telemedicine, and the use of telemedicine as a supplement/adjunct to their practice not as the sole means of practice.

The Board noted their continued support for the Alaska Prescription Drug Monitoring Program (PDMP). The Board determined that it is appropriate for physicians to delegate their HPPAA-compliant staff access to the PDMP on their behalf.

The Board discussed the proposed ballot measure for decriminalizing marijuana use in Alaska. They noted that other states have set a standard for zero tolerance of use by health care practitioners. Dr. Kohnen reported that the Colorado State Medical Board encouraged other States NOT to legalize Marijuana, because of their difficulties in handling the consequences.

The Board thanked Dr. Kohnen and Ms. Stovern for attending the FSMB meeting and representing Alaska on a national level.

Recess for lunch

The Board recessed for lunch at 11:45 a.m.
The Board resumed the meeting at 1:25 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
Dawn Hannasch, Licensing Examiner

Agenda Item 8 Full Board Interviews

Mark Edward Trump, MD

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

Upon a motion duly made by Dr. Kohnen, seconded by Dr. Liu, 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. Trump.

The Board entered executive session at 1:30 p.m.; staff remained for the session. The Board went back on the record at 1:49 p.m.

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

RESOLVED to grant an unrestricted license to Mark Edward Trump, MD.

Roll Call Vote:

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

James R Schwartz, MD

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

Upon a motion duly made by Dr. Roderer, 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. Schwartz.

The Board entered executive session at 1:54 p.m.; staff remained for the session. The Board went back on the record at 2:06 p.m.

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

RESOLVED to grant an unrestricted license to James R. Schwartz, MD.

Roll Call Vote:

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

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

Keyvan Abtin, MD

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

Upon a motion duly made by Dr. Roderer, 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. Abtin.

The Board entered executive session at 2:08 p.m.; staff remained for the session. The Board went back on the record at 2:17 p.m.

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 Keyvan Abtin, MD.

Roll Call Vote:

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

Marcel Paige Herring, PA-C

Ms. Herring was present to discuss her physician assistant license application with the Board.

Upon a motion duly made by Mr. Luppen, 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 Ms. Herring.

The Board entered executive session at 2:18 p.m.; staff remained for the session. The Board went back on the record at 2:37 p.m.

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

RESOLVED to grant a physician assistant license to Marcel Paige Herring.

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

All visitors departed from the meeting.

Agenda Item 9 Hearing Officer Proposed Decision

In the Matter of David M. Odom, MD

OAH Case #12-0111-MED, Board Case #2800-09-012

The Proposed Decision, along with the Division's Proposal for Action, were included in the Board packet for review, as provided by the Hearing Officer.

The following visitors joined the meeting by teleconference: Administrative Law Judge Andrew Hemenway, Assistant Attorney General Robert Auth, and Investigator Susan Winton.

Upon a motion duly made by Dr. Kohnen, 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 2:50 p.m.; Ms. Stovern remained for the session (all others departed or disconnected from the teleconference.) The Board went back on the record at 3:15 p.m.

Assistant Attorney General Robert Auth and Investigator Susan Winton joined the meeting by teleconference. Ms. Stovern continued to attempt contact with Administrative Law Judge Andrew Hemenway.

The Board noted their careful and thorough review of the allegations against Dr. Odom.

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

RESOLVED to reject the proposed decision by the hearing officer and, instead, adopt the Division's Proposal for Action and order the revocation of Dr. David Odom's Alaska medical license.

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

Visitors disconnected from the teleconference.

Agenda Item Public Comment Forum

Visitors present included:

- Mr. Bill Altman, Pharmacist, Pharmacy Board member – wished to address the public safety issue regarding Native/Tribal health programs and expressed concern with the Attorney General’s opinion, which didn’t address the items that he felt were important. He asked if the Board would be willing to extend the public comments on the Regulation Project. The Board Chair informed him that the public comments on the regulations project was closed and the Board was not able to entertain further comments on them.
- Dirk White, Pharmacist, Pharmacy Board member – expressed his support for the proposed regulations, but that they be tabled so that all health care boards may work together. He also requested that the Medical Board support the Pharmacy Board “Audit Bill”. The Chair requested that the information be provided to the Board for their review.
- Robert Woolsey, representing KCAW, FM, was present as an observer.

Agenda Item 5 Investigative Unit (continued)

Board investigator Susan Winton joined the meeting by teleconference.

Upon a motion duly made by Dr. Roderer, 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 Investigative matters.

The Board entered executive session at 3:30 p.m.; staff remained for the session. The Board went back on the record at 3:42 p.m.

Ms. Winton disconnected from the teleconference.

Agenda Item 10 Statute/Regulation Update

Adoption of Proposed Regulations

The Board had previously approved regulations changes regarding military postgraduate requirements and tribal health program exemptions. The regulations were public noticed on March 7, 2014 and the public comment period ended on April 10, 2014

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 regulations based on a federal licensing exemption.

The Board noted that the proposed regulations were in the best interest of the citizens of Alaska, and do 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 Ms. Millar, seconded by Mrs. Carlson, and approved by roll call vote, it was:

RESOLVED to adopt the proposed regulation 12AAC40.022 regarding military postgraduate requirements.

Roll Call Vote:

Dr. Roderer – Yea

Dr. Kohnen – Nay

Mr. Luppen – Yea

Ms. Millar – Yea

Dr. Powers – Yea

Dr. Liu – Nay

Mrs. Carlson – Yea

Dr. Miller – Yea

The Board reviewed a suggestion from the Office of the Attorney General regarding the proposed regulation 12 AAC 40.981, to clarify the difference between section (c)(3) and section (f). They determined to revise section (f) to read: "Notwithstanding section (c)(3), the board shall cease recognizing an exemption if..."

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

RESOLVED to adopts the proposed regulation 12AAC40.981 regarding tribal health program exemptions, as revised.

Roll Call Vote:

Dr. Roderer – Yea

Dr. Kohnen – Yes

Mr. Luppen – Yea

Ms. Millar – Yea

Dr. Powers – Yea
Dr. Liu – Yes
Mrs. Carlson – Yea
Dr. Miller – Yea

The adoption order was signed by the Chair.

The Board noted that their intent in drafting the regulations requiring Board recognition of a license exemption is to ensure that all patients in the State of Alaska, including those members of Tribal Health programs, are treated by competent health practitioners that meet professional standards. Alaska Natives are citizens of the State of Alaska, and the Board's mandate is to protect the public, including all citizens of the state. The Board has the right and the responsibility to ensure that those practicing under the federal licensing exemption qualify for that exemption. It was further noted that the regulations do not impact independent nations, which do have sovereignty.

The Board recognized that some of the comments from the Native/Tribal Corporations discussed their own credentialing procedures. However, it is not reasonable for government agencies to expect facilities to take on that responsibility. Dr. Liu volunteered to work with Ms. Stovern to draft a letter to the Tribal Health programs to communicate the Board's position and assist them in complying with the new requirements.

Additional regulations projects under consideration by the Board were tabled for a future discussion, including:

- Reporting requirements
- Remote sites (telemedicine)
- Pain guidelines
- Delegation to CMAs

The meeting was recessed at 4:10 p.m.

Friday, June 6, 2014

Call to Order

The meeting was called to order by David A. Miller, MD, Chair, at 9:05 a.m.

Roll Call

Board members present:

David A. Miller, MD, Chair
Cam Carlson, Public Member
Elizabeth Kohnen, MD
Kevin Luppen, PA-C

Kathleen Millar, Public Member
David J. Powers, MD
Sai-Ling Liu, MD
Grant T. Roderer, MD

Board staff present:

Debora Stovern, Executive Administrator
Dawn Hannasch, Licensing Examiner

There were no visitors present.

Agenda item 11 Full Board Interviews

Todd Elliot Bogan

Mr. Bogan was present to discuss his mobile intensive care paramedic (MICP) license application with the Board.

Upon a motion duly made by Dr. Roderer, 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 Mr. Bogan.

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

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

RESOLVED to grant a mobile intensive care paramedic license to Todd Elliot Bogan.

Roll Call Vote:

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

Fred Hughes Coleman III, MD

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

Upon a motion duly made by Mr. Luppen, 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. Coleman.

The Board entered executive session at 9:22 a.m.; staff remained for the session. The Board went back on the record at 9:34 a.m.

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

RESOLVED to grant an unrestricted license to Fred Hughes Coleman III, MD.

Roll Call Vote:

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

Craig H. Leicht, MD

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

Upon a motion duly made by Dr. Roderer, 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. Leicht.

The Board entered executive session at 9:37 a.m.; staff remained for the session. The Board went back on the record at 10:05 a.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 license to Craig H. Leicht, MD.

Roll Call Vote:

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

Agenda Item Division update

Division Director Sara Chambers joined the meeting by teleconference to discuss Board and Division matters. Ms. Chambers introduced herself as the new Director as of April 2014, having held her previous position as Division Operations Manager for 3 ½ years. She looked forward to hearing the Board's needs and concerns.

Ms. Chambers reported that the Board was in a strong financial position for the end of Fiscal Year 2014 and expected no significant changes. She noted that the Division had completed a preliminary fee analysis for the upcoming license renewal and expected to recommend no change to the license fee structure. She noted that the fee structure would need to be reviewed in the future, due to the Board's declining surplus.

The Board expressed some of their concerns, including:

- Indirect expenditures – the Board has been requesting more information from the Division about indirect expenses. Ms. Chambers noted that indirect costs have been a concern to the Division, and has been reviewed by Legislative Audit at their monthly meetings. She plans to expand on the line item indirect cost so that the information is more accessible by the Board. She will revisit the topics of fees, setting fees, and determining a fair method of indirect cost allocation to the various Boards and programs within the Division. The Board stated that they look forward to meeting with Ms. Chambers at their August meeting in Juneau to further discuss the indirect cost issue and see about reducing it.
- Staffing changes/ needs – the Board has been asking for additional staff and/or administrative resources, including non-perm assistance during renewals, and is concerned with the upcoming vacancy in licensing staff, as well as additional workload due to recent telemedicine legislation. Ms. Chambers agreed that it is unfortunate the Division is losing a staff member, but she is confident that management will select a good replacement. She stated that it is difficult to add new positions, as it is not in the climate to grow State government and personnel; she will help to allocate resources when she can see objectively that there is a need for additional help. She also reported that the Division was working on recruitment for the Chief Investigator position, and will be working with the new Chief to reorganize staff and workload in the Investigations Unit.
- “Double counting” of licenses – 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. Ms. Chambers reported that she had recently discussed that issue with Ms. Stovern and that the Division was reviewing the way that license are counted, and how that information was used. She will address the issue by the next meeting.

Ms. Chambers disconnected from the teleconference.

Agenda item 11 Full Board Interviews (continued)

Roland Albert Torres MD

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

Upon a motion duly made by Dr. Roderer, 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. Torres.

The Board entered executive session at 10:43 a.m. staff remained for the session. The Board went back on the record at 11:25 a.m.

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

RESOLVED to grant an unrestricted license to Roland Albert Torres, MD.

Roll Call Vote:

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

Agenda item 12 Application Review

Board members reviewed license application files. The Board declined to take action on the application of Margaret Kaplan, pending her appearance for a full Board interview:

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

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

<i>Owen Lawrence Ala</i>	<i>Christopher James Edwards</i>
<i>Thomas J. Allerdig</i>	<i>Whitney E Elliott</i>
<i>Milan Bajmoczi</i>	<i>Phillip Matthew Grandstaff</i>
<i>Ana Elodia Bennett</i>	<i>Deborah Lynn Guirs</i>
<i>Leah Marie Bennett</i>	<i>Joanne Lynn Heins</i>
<i>Ryan Alan Biornstad</i>	<i>David Charles Hoak</i>
<i>Herbert Ortiz Bote`</i>	<i>Sig-Linda Jacobson</i>
<i>Joseleeto Uy Chua</i>	<i>Brian Mathew Jeppesen</i>
<i>Christopher D. Conley</i>	<i>Sean Daniel Kalagher</i>
<i>Johnathan Daining</i>	<i>Mahmud Saeed Khan</i>
<i>Stephen Jeffrey Darling</i>	<i>Louis J. LeBlanc</i>
<i>Michael W. deTar</i>	<i>Aimee Jeeyoung Lee</i>
<i>Arjun Jayantakumar Dirghangi</i>	<i>Esther E. Lee</i>
<i>Kristina Doris Eaton</i>	<i>John R. Lonas</i>

Angela Long
James David Lowe
Kang Lu
Joel Stephen Marquess
Felix Martinez
Teresa Luisa Massagli
Dubenion J. Moss
Minda G Nieblas
James Mathew Obermeyer
Paul Gerard Ottaviano
Quehuong H Pham
Colette D. Reahl
Mauricio A Reinoso
George O. Rice, Jr.
Christina H. Robinson
Andrew B. Sanders
Stauart A. Seale
Samuel Michael Shirk
Rebecca Ashley Sjostrom

Joshua B. Skaggs
Steven Howard Spillers
Carl W. Stanberry
Jonathan A. Staser
Sundrayah Nicole Stoller
Matthew J. Swenson
Lennart CU Tan
Miriam Mathew Treggiari
Jennifer Lee Trieu
Richard B. Utarnachitt
Kitmam Wai
Natalie Dawn Ward
Lean C. Werner
Frank Eugene Whitney
Kristen Rose Williams
Brenda J. Wittman
Kimberly Jane Wonderlich
Albert Cardnial Ybasco

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

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

Christopher Stephen Baranyk
Emily Catherine Bos
Kathleen Cherril Carey
Reuel M. Gregory
James Damon Landreau
Amy Lynn Murphy

Brian Panik
Harry Albert Scholtz IV
Tracy G. Sisk
Juk Lynn Ting
Alden R. Webb

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

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

Thuyhien T. Vu

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

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

Nicolas David Bradley
Megan Anne Britson
Bruce Wayne Callahan
Cameron T. French
Kayla Marie Gordon

Suzanne Rose Kangas
Nasreen D. Keyl
Brendan D. Selders
Louis M. Smith
Dale R. Walaszek

Upon a motion duly made by Dr. Powers, seconded by 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:

Ziad K. Alkak
Calvin James Baker
Joel A. Bitters
Robert W. Carr
Desiree S. Chambers
Aaron Eugene Lee Clark
Cody Bryan Coffman
Joshua G. Cooper

Nicholas James Copeland
Hunter G. Gallien
Bartholomew C. Grabman
Emily H. Hudyma
Mark Joshep Miller
Michael Scott Mortensen
Kelsey A. Opstad
Dustin M. Skarra

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

RESOLVED approve the following applicants for licensure in Alaska subject to agreements adopted by the Board on June 5, 2014

Toni Marie Biskup MD
David T Roberts MD
Andrea Lynn Gabel MD

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

RESOLVED approve the following applicant for licensure in Alaska, subject to the waiver granted by the Board on June 5, 2014

Suzanne R Snyder MD

Agenda Item Additional Business

Dr. Liu went on the record with a comment about the Tribal Health program regulations that were adopted by the Board. She stated that, if she were to vote again, she would vote against the project, due to the potential for misunderstanding with those programs.

Mr. Luppen wished to follow up on the application process and clarify the timeline for licensing files. Ms. Stovern noted that the Division has been operating within reasonable timelines, that there have been no significant changes over the last few years, despite minor fluctuations when staff travels and other office activities. Mr. Luppen wanted to be sure that the Alaska Board had good practices in place with the upcoming increase of application files expected.

Dr. Miller wished to clarify the Board position on House Bill 281 (Telemedicine), which was passed during the recent legislative session and is awaiting transmittal to the Governor. At previous meetings, the Board had adopted a position statement which was distributed to Legislators and the Governor. Dr. Miller suggested that the Board update that statement and send it to the Governor for his consideration before he signs the bill into law. He read the following statement onto the record:

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 essence of the practice of medicine is founded in the physician-patient relationship which includes the physical examination of the patient. This bill attempts to change the practice standards by statute instead of by expert Medical Board promulgated regulations.

This Board opposes this legislation, which attempts to lower the practice standards in the State of Alaska. This Board, by unanimous consent, will continue to consider the type of telemedicine practice defined in this bill as unprofessional conduct and will act accordingly.

The Board unanimously agreed that the statement reflects their position and directed Ms. Stovern to send the letter to the Governor. Dr. Miller will follow up with the Governor to communicate the Board's position and discuss the potential consequences of the bill becoming law.

Adjournment

There being no further business,

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

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

Respectfully submitted:

s/

Debora Stovern, Executive Administrator
Alaska State Medical Board

August 14, 2014

Date

Approved:

s/

David A. Miller, President
Alaska State Medical Board

August 14, 2014

Date