

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

**STATE MEDICAL BOARD**

**MINUTES OF SPECIAL  
TELECONFERENCE MEETING**

**December 14 and 16, 2016**

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a special teleconference meeting of the Alaska State Medical Board was held on Wednesday, December 14, 2016 and Friday, December 16, 2016.

**Wednesday, December 14, 2016**

**Call to Order**

The meeting was called to order by Grant T. Roderer, MD, Chair, at 4:40 p.m.

**Roll Call**

Board members present:

Cam Carlson, Public Member  
Brück A. Clift, MD  
Craig Humphreys, MD  
Sai-Ling Liu, DO

Kevin Luppen, PA-C  
Joy M. Neyhart, DO  
Grant T. Roderer, MD

Public member Kathleen Millar joined the meeting at 5:10 p.m.

Board staff present: Debora Stovern, Executive Administrator; Janey Hovenden, Division Director

Visitors present: Attorneys from the Office of the Attorney General Harriet Milks, Megyn Greider, Margaret Paton-Walsh, and Stacie Kraly.

**Ethics Reporting**

Dr. Neyhart reported that she has been a financial supporter of Planned Parenthood. It was noted that an ethics conflict exists if a Board Member has a significant financial interest that may be affected by the decision of the Board. Dr. Neyhart stated that she would not benefit financially and that she can be fair and impartial in considering the matter. The Chair determined that the relationship did not constitute an ethics conflict.

There were no other ethics conflicts to report.

**In the Matter of Litigation by Planned Parenthood**

**Upon a motion duly made by Mrs. Carlson, seconded by Dr. Humphreys, and approved by roll call vote, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the Planned Parenthood litigation, subject to attorney-client privilege; with Board staff and attorneys to remain during the session**

**Roll Call Vote:**

Mrs. Carlson-Yea  
Dr. Clift-Yea  
Dr. Humphreys-Yea  
Dr. Liu-Yea  
Mr. Luppen-Yea  
Ms. Millar-Absent  
Dr. Neyhart-Yea  
Dr. Roderer-Yea

The Board entered executive session at 4:45 p.m. The Board went back on the record at 7:03 p.m.

**A motion was duly made by Dr. Neyhart, seconded by Dr. Liu, and failed by roll call vote, to initiate a regulations project to repeal 12 AAC 40.100 and to revise 12 AAC 40.120(b) by inserting “at a nearby hospital” after “shall be immediately available.”**

**Roll Call Vote:**

Dr. Humphreys-No  
Dr. Liu-No  
Mr. Luppen-Yea  
Ms. Millar-No  
Dr. Neyhart-Yea  
Mrs. Carlson-No  
Dr. Clift-Yea  
Dr. Roderer-Yea

It was noted that a motion must pass by a majority, which requires five votes. This motion failed because it received only four votes in support.

Dr. Neyhart expressed concern with potential harm to public safety by the Board not taking action on the abortion regulations. Mrs. Carlson stated that it is not the Board creating a safety issue, but the results of litigation by Planned Parenthood. Dr. Humphreys stated that he would prefer that the Board research the issue before taking action, and suggested looking at requirements of other states. Dr. Liu recommended reviewing the website that lists each state’s laws and policies on abortion.

It was further noted that discussion in executive session is confidential, even though the case is a public matter.

The Board recessed at 7:20 p.m.

**Friday, December 16, 2016**

**Call to Order**

The meeting was called to order by Grant T. Roderer, MD, Chair, at 5:03 p.m.

**Roll Call**

Board members present:

Cam Carlson, Public Member  
Brück A. Clift, MD  
Sai-Ling Liu, DO  
Kevin Luppen, PA-C

Kathleen Millar, Public Member  
Joy M. Neyhart, DO  
Grant T. Roderer, MD

Board member Craig Humphreys, MD, was unable to attend the meeting.

Board staff present: Debora Stovern, Executive Administrator; Janey Hovenden, Division Director

Visitors present: Attorneys from the Office of the Attorney General Harriet Milks, Megyn Greider, Margaret Paton-Walsh, and Stacie Kraly.

**In the Matter of Litigation by Planned Parenthood**

**Upon a motion duly made by Mr. Luppen, seconded by Mrs. Carlson, and approved by roll call vote, the Board entered into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the Planned Parenthood litigation, subject to attorney-client privilege; with Board staff and attorneys to remain during the session.**

**Roll Call Vote:**

Mrs. Carlson-Yea  
Dr. Clift-Yea  
Dr. Humphreys-Absent  
Dr. Liu-Yea  
Mr. Luppen-Yea  
Ms. Millar-Yea  
Dr. Neyhart-Yea  
Dr. Roderer-Yea

The Board entered executive session at 5:09 p.m. The Board went back on the record at 5:46 p.m.

**Upon a motion was duly made by Dr. Neyhart, seconded by Dr. Liu, and approved by roll call vote, the Board directed the Division to issue a scoping notice regarding potential regulations changes to 12 AAC 40.100 and 12 AAC 40.120(b).**

**Roll Call Vote:**

Dr. Clift-Yea  
Dr. Humphreys-Absent  
Dr. Liu-Yea  
Mr. Luppen-Yea  
Ms. Millar-Yea  
Dr. Neyhart-Yea  
Mrs. Carlson-Yea  
Dr. Roderer-Yea

Ms. Stovern will work with the Division Regulations Specialist and Office of the Attorney General to begin the scoping notice process. The Board will plan to review public comments at their upcoming meeting in February.

Dr. Neyhart had questions regarding the Board action. It was noted that discussion in executive session is confidential, and her questions should be addressed directly to Board staff or attorneys outside of the public meeting.

**Adjournment**

There being no further business, the meeting was adjourned at 5:50 p.m.

Respectfully submitted:

Approved:

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

/s/  
Grant T. Roderer, MD, President  
Alaska State Medical Board

February 3, 2017  
Date

February 3, 2017  
Date