

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
February 2-3, 2017**

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, February 2-3, 2017 in Anchorage, Alaska.

Thursday, February 2, 2017

Call to Order

The meeting was called to order by Grant T. Roderer, MD, Chair, at 9:12 a.m.

Roll Call

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Craig Humphreys, MD

Sai-Ling Liu, DO
Joy M. Neyhart, DO
Grant T. Roderer, MD

Board member Kevin Luppen, PA-C, was not able to attend the meeting. Public Member Kathleen Millar joined the meeting at 9:35 a.m.

Board staff present: Debora Stovern, Executive Administrator

Visitors present: Lisa Rosay, representing the State Behavioral Health Unit; Megyn Greider, representing the State Office of the Attorney General.

Ms. Stovern noted appropriate emergency exits and gathering location.

Agenda Item 1 Review Agenda

The Board reviewed the agenda. Ms. Stovern noted the addition of items under Agenda Section 3 Board Actions, Agenda Section 4 Investigations, and Agenda Section 8 Legislative Information. The Board also agreed to consider Agenda Section 9 Update on litigation before considering the public comments on the scoping notice that were included under Agenda Section 8 Regulations Projects Update, as well as continuing those discussions on Friday, as needed.

Agenda Item 2 Board Business

The following Board Business was addressed:

- Announcements – New Board members have been announced by the Governor’s Office of Boards and Commissions; Timothy Olson, PA-C (from Bird Creek,) and Doug Mertz (from Juneau) will replace outgoing Board members Kevin Luppen, PA-C and Kathleen Millar, Public Member.
- Ethics Reporting – There were no ethics conflicts to report.
- Delegation of Authority – In accordance with 12 AAC 40.910, the Board must take formal action annually to identify a designee to perform duties on behalf of the Board.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Liu, and approved unanimously, the Board appointed Executive Administrator Debora Stovern as the Board’s designee under Professional Regulation 12 AAC 40.910.

- Board Guidelines, Procedures, and Policies - The Board routinely makes determinations on various application and practice matters; those determinations are compiled by the Executive Administrator as Board Policies and Procedures are used by Board staff to provide consistent and effective support to the Board, and information to applicants, licensees, and the public. More complex procedures are compiled as Board Guidelines, which are published on the Board’s website.

Ms. Stovern reported that the Board’s website had been updated with the guidelines revised at the last meeting, and that the guidelines regarding telemedicine practice and dermatological procedures had been removed pending revisions by the Board. The Board will work on those revisions after relevant regulations are finalized.

Agenda Item 3 Board Actions

Investigative staff joined the meeting, including: Angela Birt, Chief Investigator; Sonia Lipker, Investigator; July Lam, Investigator.

In the Matter of Case No. 2016-001124

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician who failed to disclose material information on a new license application.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Clift, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2016-001124, signed by Bart Worthington, DO.

The adoption order was signed by the Chair.

In the Matter of Case No. 2010-000820

The Board reviewed a proposed license surrender from a physician licensed under the conditions of a previous Memorandum of Agreement, who is no longer working in Alaska. The conditions of the previous agreement would be reinstated if the physician pursues future licensure in Alaska.

Upon a motion duly made by Dr. Liu, seconded by Mrs. Carlson, and approved unanimously, the Board adopted the license surrender, Case No. 2010-000820, signed by Richard Rougeux, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2014-001177

The Board reviewed a proposed license surrender from an investigation of a physician for allegations of substance abuse of alcohol and failure to notify the Board of a conviction.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved unanimously, the Board adopted the license surrender, Case No. 2014-001177, signed by Jeffrey Khabir, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2016-001294

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician who failed to disclose material information on a new license application.

Upon a motion duly made by Dr. Liu, seconded by Mrs. Carlson, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2016-001294, signed by Nyree Padilla, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2015-001493

The Board reviewed a proposed consent agreement with a licensee for delegating medical duties to an individual who was not licensed to perform those duties; allowing that person to evaluate, diagnose and treat; and not providing proper supervision of patient care. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand, fine of \$2,500, 15 day license suspension, and additional education.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Neyhart, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2015-001493; with Board executive, investigative, and legal staff remaining during the session.

The Board entered executive session at 9:33 a.m. The Board went back on the record at 9:54 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board adopted the consent agreement, Case No. 2015-001493, signed by Wade Erickson, MD.

The adoption order was signed by the Chair.

Agenda Item 4 Investigative Unit

Board investigative staff joined the meeting, including Investigators Sonia Lipker, July Lam, Nina Akers, Amber Whaley, and Steven Ford.

Investigative Report

Investigator Lipker reviewed the investigative report provided to the Board.

Probation Report

Investigator Akers reviewed the probation monitoring report that was provided to the Board, and introduced the Investigator Whaley as the new Probation Monitor.

Probation Matters

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Clift, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing probation matters; with Board executive and investigative staff remaining during the session.

The Board entered executive session at 9:59 a.m. The Board went back on the record at 10:48 a.m.

The Board determined to delay consideration of Case No. 2014-000153, pending additional information from investigators.

Agenda Item 9 Board Review of Requests/Issues

In the matter of Samuel H. Schurig, DO

The Board declined to consider the request regarding Dr, Schurig and the conditions of his MOA, pending further information.

The Board reviewed the request regarding Dr, Schurig and the conditions of his MOA, and will consider a change regarding the “on site supervision” requirement, pending further information.

In the matter of Steve Clair Boyer, MD

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Neyhart, and approved unanimously, the Board left the license surrender in place, and recommended that Dr. Boyer apply for reinstatement under the provisions of 12 AAC 40.965.

It was noted that this action was consistent with previous Board refusal to reconsider actions when the licensee later regrets their decision.

In the matter of Brian Donaldson, MD

The Board declined to consider the request regarding Dr. Donaldson regarding the conditions of his MOA, pending additional information from investigators.

Agenda Item 6 Malpractice Report Review

The Board reviewed malpractice reports for Case No. 12-0551, Case No. 3AN-15-6201-CIV, Case No. 3AN-15-06201-CI, Case No. 7034322-M, etc., Case No. C-911-CV-2015-00175, Case No. I-2009-7591, Case No. I-2008-10754, Case No. 13BA-CV-03458, Case No. 4FA-12-2569-CI, Case No. 103840, Case No. "N/A", Case No. 15-2-00182-1, Case No. D-307-CV-2014-02123, Case No. SCCVPO13-01105, Case No. 2015-60208, Case No. CIVDS1315859, Case No. 2015L8, Case No. FTCA 2013-0444, Case No. GCL-8922, Case No. 16-2-00085-6, Case No. "None", and Case No. 3HO-15-00155-CI.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Humphreys, and approved unanimously, the Board accepted the malpractice reports, Case No. 12-0551, Case No. 3AN-15-6201-CIV, Case No. 3AN-15-06201-CI, Case No. 7034322-M, etc., Case No. C-911-CV-2015-00175, Case No. I-2009-7591, Case No. I-2008-10754, Case No. 13BA-CV-03458, Case No. 4FA-12-2569-CI, Case No. 103840, Case No. "N/A", Case No. 15-2-00182-1, Case No. D-307-CV-2014-02123, Case No. SCCVPO13-01105, Case No. 2015-60208, Case No. CIVDS1315859, Case No. 2015L8, Case No. FTCA 2013-0444, Case No. GCL-8922, Case No. 16-2-00085-6, Case No. "None", and Case No. 3HO-15-00155-C, with no further action at this time.

Agenda Item 14 Federation of State Medical Boards (FSMB) updates

The next annual meeting of the Federation of State Medical Boards (FSMB) is scheduled for April 20-22, 2017 in Fort Worth, Texas. The Board had previously directed Ms. Stovern to attend the meeting, along with Dr. Liu, as their voting delegate. Mrs. Carlson will also attend if a scholarship is available for her travel costs.

Ms. Stovern reported that the FSMB Chair-elect, Dr. Snyder, has volunteered to visit the Board at its August meeting.

The following additional FSMB items were included in the Board packet for further review:

- 1) Annual Meeting information, including
 - Call for resolutions
 - Call for award nominations
 - Call for associate member nominations
 - Call for committee appointments
 - Call for nominations to elective office
 - Call for bylaws amendments
- 2) Advocacy Alert
- 3) News from Interstate Medical Licensure Compact
- 4) Draft Guidelines for the Chronic Use of Opioid Analgesics

- 5) 2016 Regulatory Trends and Actions Report
- 6) E-news (November - January editions)

Agenda Item 15 Administrative Businesses

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- May 4-5, 2017 in Anchorage
- August 3-4, 2017 in Anchorage
- November 2-3, 2017 in Anchorage

Although the Board has traditionally held meetings in as many geographical areas of the state as possible to facilitate access by the public, they noted the need to be fiscally responsible with travel costs. However, it is essential that the Board regularly meet in person to conduct complex business and address multiple topics, which is problematic by teleconference. During the period of travel restrictions, the Board will conduct their quarterly meetings in Anchorage and conduct any additional meetings by teleconference, which will reduce travel costs significantly.

Dr. Roderer will work with Ms. Stovern to compile Board feedback to justify the Board's request for travel approval for in-person attendance at their May meeting.

Recess for lunch

The Board recessed for lunch at 12:10 p.m.
The Board went back on the record at 1:20 p.m.

Board members present:

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

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

Board member Kevin Luppen, PA-C, was not able to attend the afternoon session of the meeting.

Board staff present: Debora Stovern, Executive Administrator

Visitors present: Lisa Rosay, representing the State Behavioral Health Unit

Agenda Item 3 Board Actions (continued)

Case No. 2015-001493

Earlier in the meeting, the Board adopted a consent agreement that included a 15-day suspension that would be effective immediately. Based on information from the investigative unit, the Board agreed to

consider his request to change the effective date of the suspension to allow Dr. Erickson to see scheduled patients and hospital call.

Upon a motion duly made by Ms. Millar, seconded by Dr. Clift, and approved by roll call vote, the Board amended paragraph A of the consent agreement, Case No. 2015-001493, signed by Wade Erickson, MD, changing the effective date of the 15-day suspension to begin February 7, 2017 instead of immediately.

Roll Call Vote:

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

The revision was noted on the agreement by the Chair.

Agenda Item 7 Full Board Interviews

Upon a motion duly made by Dr. Humphreys, seconded by Ms. Millar, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential application matters; with Board staff remaining during the session.

The Board entered executive session at 1:25 p.m. The Board went back on the record at 1:35 p.m.

Steven Urbaniak, DO

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

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Clift, and approved unanimously, 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 application of Dr. Urbaniak; with Board staff remaining during the session.

The Board entered executive session at 1:37 p.m., and went back on the record at 1:47 p.m.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Liu, and approved by roll call vote, the Board granted a full unrestricted license to Steven Urbaniak, DO.

Roll Call Vote:

Dr. Clift-Yea
Dr. Humphreys-Yea
Dr. Liu-Yea
Mr. Luppen-Absent

Ms. Millar-Yea
Dr. Neyhart-Yea
Mrs. Carlson-Yea
Dr. Roderer-Yea

Patrick D. Rudersdorf, MD

Dr. Rudersdorf was unable to attend; his interview will be rescheduled for a future meeting.

Agenda Item 14 Correspondences

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

- 1) Alaska Opioid Policy Task Force recommendations
Dr. Roderer noted the difference between these Task Force recommendations and the recommendations in the Multi-Board Report to the Legislature, particularly the difference in the maximum recommendations regarding opioid equivalencies. He also noted that the Task Force considered broader issues of addictions, etc.
- 2) Biosimilars Briefing
The Board discussed this matter under Agenda Item 8 Legislative Updates.
- 3) Accreditation Council for Continuing Medical Education (ACCME)
team healthcare, annual meeting
- 4) National Board of Osteopathic Examiners (NBOME) updates, newsletter
- 5) International Association of Medical Regulatory Authorities (IAMRA)
newsletter, national/international meeting notices
- 6) Physician Retraining and Reentry (PRR) news and information
- 7) US EPA Office update on evaluation program
- 8) Atlanta Journal 50 state report card
- 9) International Conference on Opioids newsletter
- 10) American Academy of Addiction Psychiatry issues report
- 11) Alaska Department of Health and Social Services press releases
- 12) State of Reform news
- 13) Center for Telehealth (CTel) news briefs
- 14) American Telemedicine Association (ATA) news briefs

Ms. Stovern distributed additional correspondence items for Board consideration:

- 15) DHSS Behavioral Health news release re: prescription of buprenorphine by nurse practitioners and physician assistants – it was noted that the prescriptive authority and scope of practice for a PA is derived through a collaborative plan with their supervising physician. The PA may do any task for which they are appropriately educated, trained, and skilled to do as long as they are authorized by their supervising physician to perform that task, and as long as long as the supervising physician has the appropriate education, training and experience to perform the task. In the case of buprenorphine, a class III medication, both the supervising physician and the PA would need to complete the training course and receive the required endorsement to their controlled substance registration with the DEA. It was further noted that nurse practitioners are regulated by the Board of Nursing.

- 16) Alaska Retinal Consultants – copy of a letter written to the Chairman of the Senate Health and Social Services Committee opposing Senate Bill 36 which proposes to expand the scope of practice for optometrists in Alaska.
- 17) Alaska Society of Eye Physicians and Surgeons – copy of a letter written to the Chairman of the Senate Health and Social Services Committee opposing Senate Bill 36 which proposes to expand the scope of practice for optometrists in Alaska.

Agenda Item 16 Administrative Businesses

Financial Report

The following Board financial reports were included in the Board packet for review:

- Current Report – 1st quarter of Fiscal Year 2017
- Year-end Report for Fiscal Year 2017
- Division Annual Fiscal Report to the Legislature for Fiscal Year 2016

The Board would like this updated data included on the Medical Fee analysis, as well as travel cost savings, in order to consider the actual status of medical licensing fees.

Executive Administrator’s Report

The Executive Administrator’s Report was included in the Board packet for review.

Review Minutes

The Board reviewed the minutes of their last meetings.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Neyhart, and approved unanimously, the Board approved the minutes of the November 3-4, 2016 meeting and the December 14 and 16, 2016 teleconference meeting.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- May 4-5, 2017 in Anchorage
- August 3-4, 2017 in Anchorage
- November 2-3, 2017 in Anchorage

Agenda Item New Business

There was no new business for consideration.

Agenda Item Public Comment Forum

Visitors present included:

- Lisa Rosay, representing the State Behavioral Health Unit – her question regarding PA prescriptive authority was answered under Agenda Item 14 Correspondence; she did not have any further comment.
- Christopher Kurka, representing Alaska Right to Life – wanted to comment on the Board’s scoping notice regarding abortion regulations; the Chair informed him that the comment period was closed. Mr. Kurka thanked Board members for their service.
- Harold Gear, representing the Alaska Society of Interventional Pain Physicians – had questions regarding new training requirements for prescribing controlled substances. The Chair noted that he was referring to recommendations in the Multi-Board Report to the Legislature, and they have not been implemented by the Board. It was recommended that he contact the Division Regulations Specialist to add his name to the interested parties list for Medical Board regulations proposals.
- Chris Dietrich, representing himself – had questions regarding the impact of SB 74 on PA telemedicine. It was noted that PA practice under a collaborative plan was not changed under SB 74.

Agenda Item 8 Statute/Regulation Updates

Draft Regulation Projects

- Expedited temporary permits: The Board currently allows for a temporary permit to be approved by the Executive Administrator for a qualified application that has been completed and is waiting for review by the Board at its next meeting. The Board reviewed a draft regulation change that includes additional criteria to allow for an expedited temporary permit to be issued to a qualified applicant who has a clean record and has applied with an FCVS profile (which includes verification of identity, medical school, postgraduate training programs, and many exam types.).

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Neyhart, and approved unanimously, the Board approved of the draft regulations changes to 12 AAC 40.035 regarding expedited temporary permits, to go out for public comment.

- Accepting FCVS for physician assistant applications: The Board currently accepts credentials verification documents through the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards (FSMB) for physician licensure by credentials and physician licensure by examination. The Board reviewed draft regulation changes to accept FCVS documents for locum tenens applications, residency permit applications, courtesy license applications, physician assistant applications, and graduate physician assistant applications.

Upon a motion duly made by Ms. Millar, seconded by Dr. Clift, and approved unanimously, the Board approved of the draft regulations changes to 12 AAC 40.036-40.445 regarding accepting FCVS documents for additional license types, to go out for public comment.

- Implementation of Medicaid Reform bill: The recently enacted Senate Bill (SB)74 requires the Board to adopt regulations to establish guidelines for “telemedicine” including a nationally

recognized model policy for standard of care; and to adopt regulations requiring registration with the Prescription Drug Monitoring Program (PDMP), requiring physician use of the PDMP, and allow certain exceptions.

Assistant Attorney General Megyn Greider has been assisting the Board to provide guidance in drafting the regulations. The Board reviewed the draft regulations changes and will consider the updated version on Friday.

Pending/potential regulation projects

- Delegation to CMAs: The Board had previously adopted regulations setting standards for delegation of routine duties to unlicensed assistive personnel. Upon review by the Department of Law, it had been determined that a statute change is required in order to allow such delegation of routine duties. The Board has requested assistance from Senator Olsen and the Alaska State Medical Association to initiate a statute change. The Board will consider re-adopting the regulations once the legislation is enacted.

The Board directed Ms. Stovern to request further assistance from the Alaska State Medical Association to initiate the statute change.

- Changing application requirements: At the request of the Department, the Board agreed to consider removing application requirements for notarized signatures/photos and certified true copies of documents, as long as identity and credentials could be documented in other ways to the satisfaction of the Board. The Board wished to consider the FCVS profile as an application requirements, as the FCVS process includes verification of identity and credentials (including many exam types, medical school, and postgraduate training programs.)

It was noted that most other state boards continue to require photos and notarized signatures unless they require a fingerprint background. It was also noted that the FCVS may be onerous and time consuming for resident permit, locum tenens, and courtesy license applications, and is not available for MICP applicants.

The Board reviewed the current definition of “certified true copy” under 12 AAC 40.990 (a)(3): “certified true copy” means a copy of a document that includes a statement of certification, signed under penalty of unsworn falsification before a notary public, that the document is a true copy of the original document.

The Board determined to continue researching other state practices, and other options for verifying identity and credentials.

- Regulations scoping notice: The Board reviewed the public comments received in response to their scoping notice regarding potential updates or revisions to the current requirements regarding abortion. The Board will consider whether to consider changes on Friday.

Assistant Attorneys General Megyn Greider and Margaret Paton-Walsh joined the meeting.

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the Planned Parenthood litigation, subject to attorney-client privilege; with Board staff and attorneys remaining during the session.

The Board entered executive session at 3:54 p.m. The Board went back on the record at 5:17 p.m.

The Board recessed at 5:19 p.m.

Friday, February 3, 2017

Call to Order

The meeting was called to order by Grant T. Roderer, MD, Chair, at 9:11 a.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
Kathleen Millar, Public Member
Joy M. Neyhart, DO
Grant T. Roderer, MD

Board staff present: Debora Stovern, Executive Administrator

Visitors present: Lisa Rosay, representing the State Behavioral Health Unit; Simon Ford, Investigator with Professional Licensing; and Joan Wilson, Assistant Attorney General.

Agenda Item 3 Board Actions (continued)

In the Matter of Case No. 2016-001410

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician who failed to disclose material information on a renewal application.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Neyhart, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2016-001410; with Board staff remaining during the session.

The Board entered executive session at 9:15 a.m. The Board went back on the record at 9:27 a.m.

Upon a motion duly made by Dr. Clift, seconded by Ms. Millar, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2016-001410, signed by Isaac Grindeland M.D.

The adoption order was signed by the Chair.

Agenda item 10 Full Board Interviews:

There were no further interviews scheduled.

Agenda Item 11 Department and Division Updates

The following Department and Division staff joined the meeting by teleconference: Deputy Commissioner Fred Parody, Division Director Janey Hovenden, and Licensing Examiners Dawn Hannasch, Tracy-Diane Lazaro, Chelsea Childress, and Olena Ziuba.

Mr. Parody reported the Commissioner Hladick was unable to attend the meeting due to travel delays. He reported on the status of the streamlining project for process improvements.

Ms. Hovenden reported on legislative matters, and discussed the Medical Board fee analysis, financial reports, and travel policies.

Department staff departed from the teleconference.

Agenda Item 8 Statute/Regulation Updates

Legislative Information

- The Board reviewed Legislative guidance information prepared by Division staff, regarding tracking and testifying on bills.

Legislative report on opioids

- The Multi-Board report to the Legislature (required under SB 74) was included in the Board packet for further review.

Pending Legislation

The Board reviewed the following recently introduced proposed legislation:

- The Board reviewed the Senate Bill (SB) 32, which proposes to allow pharmacists to dispense interchangeable biological products as an equivalent to a written prescription, and to report the substitution to the prescribing practitioner within 3 days of dispensing. The Board also reviewed an FDA handout regarding approved biosimilar medications. It was noted that the Pharmacy Board does not support the bill because of the reporting requirement. The Board discussed the substitution issue and noted that a prescribing practitioner may always write “no substitutions” on a prescription.

The Board determined to take a neutral position on the bill, so long as the reporting requirement remains, and recommends that the reporting occur at the time of dispensing instead of three days after dispensing.

Upon a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, and approved unanimously, the Board approved of their position statement as read onto the record.

- The Board reviewed Senate Bill (SB) 19 and House Bill (HB) 43, which propose to provide immunity for, and prohibit disciplinary action of, physicians for prescribing, dispensing, or administering an experimental drug to terminally ill patients that have considered all other treatment options approved by the FDA and is ineligible or unable to participate in a current clinical trial.

During the previous legislative session, the Board had opposed similar bills; however, the previous position is not relevant to the current bills, as they are different. The Board noted that the previous bills allowed for use of drugs that may be in Phase 1 of testing, and the current bills are for drugs in Phases 2 or 3. The Board also noted that the two current bills are nearly identical, except that HB 43 includes provisions for either the use or non-use of these drugs.

The Board determined to take a neutral position on SB 19 because it does not include the “non-use” clause; the Board supports HB 43 as written.

Upon a motion duly made by Dr. Clift, seconded by Mr. Luppen, and approved unanimously, the Board approved of their position statement as read onto the record.

- The Board reviewed the recently introduced Senate Bill (SB) 36, which proposes to expand the scope of practice for optometrist to perform eye surgery and to prescribe controlled substances. During the previous legislative session, the Board had opposed a similar bill, noting that the current scope of practice does not include these practices because they are considered the practice of medicine and are only allowed under a physician scope of practice. They were concerned with permitting non-medical doctors, who have not completed medical school or a surgical residency program, to practice medicine. They had officially opposed the previous legislation because it would have lowered practice standards and may endanger the safety of patients in the State of Alaska. The Board also reviewed two correspondence items from professional associations that oppose the current legislation.

The Board determined to oppose the bill in the interest of public safety, noting that the optometry scope of practice should not include surgery, injections, or expanded prescriptive authority.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Humphreys, and approved unanimously, the Board approved of their position statement as read onto the record.

- The Board reviewed House Bill (HB 90), which proposes to assess a surcharge to professional licensees to cover the legal and enforcement cost of investigations. The Board discussed previous legislative attempts to deal with the volatility of investigative and legal costs, and noted that the surcharge should be somewhat offset, at least initially, by a reduction in licensing fees, since investigative costs would no longer be assessed to individual licensing programs. However, it was unclear how the surcharge would be implemented or what the consequences may be. AAG Wilson explained some of the background to the introduction of the current bill, including enormous fee increases experienced by the Board of Certified Direct-Entry Midwives and the Big Game Commercial Services Board.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Humphreys, and approved unanimously, the Board opposes HB 90 at this time because, with their limited understanding, the Board believes the current situation promotes more fiscal responsibility and accountability by individual Boards and programs.

Recess for lunch

The Board recessed for lunch at 12:10 p.m.
The Board went back on the record at 12:48 p.m.

Board members present:

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

Kevin Luppen, PA-C
Kathleen Millar, Public Member
Joy M. Neyhart, DO
Grant T. Roderer, MD

Board staff present: Debora Stovern, Executive Administrator

Agenda Item 3 Board Actions (continued)

In the Matter of Case No. 2016-000255

The Board reviewed a proposed license surrender from an investigation of a physician for failure to comply with a Board order.

Upon a motion duly made by Ms. Millar, seconded by Mrs. Carlson, and approved unanimously, the Board adopted the license surrender, Case No. 2016-000255, signed by Jordan H. Greer, D.O.

The adoption order was signed by the Chair.

Agenda Item 13 License Application Review

Ms. Stovern reported that the Board's issue at the last meeting regarding unclear copies of photos and other documents had been resolved with the assistance of the Office of the Attorney General. She noted that a new procedure was also put into place to ensure no further issues.

Board members reviewed license application files.

Upon a motion duly made by Ms. Millar, seconded by Mr. Luppen, and approved unanimously, the Board approved the following physicians for licensure in Alaska, pending completion of their application files:

<i>Opoku Adjapong</i>	<i>Kevin Charles Jenkins</i>
<i>Carol Jane Ashman</i>	<i>Lilith Marion Judd</i>
<i>Ellen Rose Blatt</i>	<i>Deborah Booher Kolb</i>
<i>Albert D Brauer</i>	<i>Mical Jean Kupke</i>
<i>Hollis Ann Burgraff</i>	<i>Surender Kurapati</i>
<i>Ann-Marie Campione</i>	<i>Sean Michael Lee</i>
<i>Stephen Grover Chandler</i>	<i>Michael Enrique Long</i>
<i>David William Cline</i>	<i>Andrew Keane Lynch</i>
<i>Bindy Lyn Crouch</i>	<i>Terin Martinjak</i>
<i>Jennifer Lynn Davis</i>	<i>Rebecca Anne Morgan</i>
<i>Lisa Davis</i>	<i>Jacek Mysior</i>
<i>Steven Douglas Deitch</i>	<i>Vinod Nigam</i>
<i>Lawrence Emmanuel Devolld</i>	<i>Leisha Diane Nolen</i>
<i>Mark Steven Edwards</i>	<i>Stephanie Tran Phan</i>
<i>George Nabil Elias</i>	<i>Pavel Polehna</i>
<i>Luke Stephen Erdoes</i>	<i>Michael Douglas Russell</i>
<i>Bertrand Fonji</i>	<i>Thomas Christopher Sanchez</i>
<i>Jack C Galagan</i>	<i>Evan Dennis Schmitz</i>
<i>Marie Susan Gessel</i>	<i>Richard Russell Sorenson</i>
<i>Emma Benzar Greer</i>	<i>Shelly D Theobald</i>
<i>Rebecca Ann Haefner</i>	<i>Jeffrey Charles Wagner</i>
<i>David Michael Henzler</i>	<i>Judith Harriet Weiss</i>
<i>Jerome Matt Itzkoff</i>	<i>Elisa Zaragoza-Macias</i>
<i>Christopher Dean Jahraus</i>	

Upon a motion duly made by Ms. Millar, seconded by Mr. Luppen, and approved unanimously, the Board approved the following osteopathic physicians for licensure in Alaska, pending completion of their application files:

Brandon Harold Abbott
Nathan Ross Ehmer
Blake Ryan Galler
Walter Everett Kelley
John Hakkyun Kim

Upon a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following physician assistants for licensure in Alaska, pending completion of their application files:

*Jillianna Marie Allen
David Monroe Arthur
Brian William Badger
Meghan Sheree Barnett
Robert Bidwell
Jerry Gale Davidson
Richard Burnton Eaton
Ashley Kay Farris
Catherine Frazier
Wencelous Fru*

*Adrian Kristin Giani
Lorraine Grube
Daniel Sharpless Keck
David Michael Lemly
Arianne Christine Rogers
Eric Fletcher Severson
April Smith
Michael D Stempek
Pamela Tittle
Benjamin James Turman*

Upon a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the following mobile intensive care paramedics for licensure in Alaska, pending completion of their application files:

*John R Green
Victoria A. Jenkins
Zachary Dalton-Wolf Schindler
William Schulz
Kyle Stangl
Kassidy Lewis Stock
Michael Lee Willks*

Agenda Item 9 Update on Litigation (continued)

Assistant Attorneys General Megyn Greider and Margaret Paton-Walsh joined the meeting.

Upon a motion duly made by Dr. Humphreys, seconded by Mrs. Carlson, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the Planned Parenthood litigation, subject to attorney-client privilege; with Board staff and attorneys remaining during the session.

The Board entered executive session at 1:50 p.m. The Board went back on the record at 3:29 p.m.

Agenda Item 8 Statute/Regulation Updates (continued)

Pending/potential regulation projects

- Potential updates or revisions to the current requirements regarding abortion

The following proposed changes were read onto the record:

12 AAC 40.060 Termination of Pregnancy is proposed to read “Termination of pregnancy must be requested by the pregnant woman.” The remaining language to be deleted: “unless she has been adjudged mentally incompetent or is unmarried and under 18 years of age, in which case the request must be made by her parent or guardian.”

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.060, as read onto the record, to go out for public comment as a regulations project.

The motion passed with Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Ms. Millar, Dr. Neyhart, and Dr. Roderer voting in favor, and Mrs. Carlson voting against

12 AAC 40.070 Informed Consent is proposed to read “A written informed consent that complies with AS 18.16.060 shall be obtained from the patient. Such written informed consent shall be on the patient's chart. The patient shall be advised of the medical implications and the possible emotional and physical sequelae of the procedure.” The remaining language to be deleted: “Unless otherwise provided in 12 AAC 40.060, a written informed consent shall be obtained from the patient or from any other person whose consent is required before termination of a pregnancy.”

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.070, as read onto the record, to go out for public comment as a regulations project.

The motion passed with Mrs. Carlson, Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Dr. Neyhart, and Dr. Roderer voting in favor, and Ms. Millar voting against.

12 AAC 40.080 Medical Procedures is proposed to read “The patient shall be examined by a physician licensed in Alaska, and a written record of the patient's health shall be prepared before performing an abortion.” The remaining language to be deleted: “...procedure as set out in 12 AAC 40.110.”

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.080, as read onto the record, to go out for public comment as a regulations project.

The motion passed with Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Ms. Millar, Dr. Neyhart, and Dr. Roderer voting in favor, and Mrs. Carlson voting against.

12 AAC 40.100 Consultation Requirements is proposed to be repealed. The language to be repealed: “Abortions interrupting a pregnancy up to and including the twelfth week of gestation may be performed without consultation. Abortions performed after the twelfth week of gestation shall be preceded by consultation with another physician. The consultation shall include an opinion as to the preferred method of termination of pregnancy.”

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.100, as read onto the record, to go out for public comment as a regulations project.

The motion passed with Mrs. Carlson, Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Dr. Neyhart, and Dr. Roderer voting in favor, and Ms. Millar voting against.

12 AAC 40.110 Abortion Procedures is proposed to read “The *Clinical Management Guidelines for Obstetrician-Gynecologists: Second-Trimester Abortion Practice Bulletin Number 135*, (dated June 2013, reaffirmed 2015) of the American College of Obstetricians and Gynecologists is adopted by reference as the standard of practice when providing an abortion after the first trimester.” The language to be deleted: “During the second or third trimester of a pregnancy, acceptable procedures include dilation and curettage, suction aspiration of the uterus, injection of pharmacological agents, hysterectomy and hysterotomy. The exact procedure to be used will depend upon the patient’s total health, age, associated disease and pathology, and anomalies such as skeletal defects and other medical indications.”

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.110, as read onto the record, to go out for public comment as a regulations project.

The motion passed with Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Ms. Millar, Dr. Neyhart, and Dr. Roderer voting in favor, and Mrs. Carlson voting against.

12 AAC 40.120(b) Standards for Hospitals and Facilities is proposed to read “From and after the point in time when a fetus becomes viable, as determined by such medical examinations and tests which in the physician’s professional judgment are necessary, an abortion may only be performed at a hospital with a Neonatal Intensive Care Unit (NICU).” The language to be deleted: ” During the second or third trimester of a pregnancy, blood, blood derivatives, blood substitutes or plasma expanders shall be immediately available when an abortion is performed, and an operating room appropriately staffed and equipped for major surgery in accordance with regulations adopted under AS 18.20.060 shall be immediately available.”

Upon a motion duly made by Mr. Luppen seconded by Dr. Humphreys, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.120(b), as read onto the record, to go out for public comment as a regulations project.

The motion passed with Mrs. Carlson, Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Ms. Millar, and Dr. Roderer voting in favor, and Dr. Neyhart abstaining.

12 AAC 40.130 Records is proposed to read “In accord with 12 AAC 40.940, during the second or third trimester of a pregnancy, the attending physician shall record a medical history, findings of the physical examination, operative report of the abortion procedure and pathology report as part of the clinical record to be maintained by the hospital or facility. The physician and hospital or facility shall treat the patient's identity and medical record as confidential information.”

Upon a motion duly made by Mr. Luppen, seconded by Dr. Neyhart, and approved unanimously, the Board approved the proposed change to 12 AAC 40.130, as read onto the record, to go out for public comment as a regulations project.

12 AAC 40.140 Limitation is proposed to read “A fetus which has not developed beyond 150 days after the first day of the last menstrual period may be considered non-viable. In the performance of an abortion after that date, the physician shall be guided by a reasonable judgment as to whether the fetus is viable in fact.” The remaining language to be deleted: “...for purposes of AS 11.15.060(a).”

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by a majority vote, the Board approved the proposed change to 12 AAC 40.140, as read onto the record, to go out for public comment as a regulations project.

The motion passed with Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Luppen, Ms. Millar, Dr. Neyhart, and Dr. Roderer voting in favor, and Mrs. Carlson voting against.

- Implementation of Medicaid Reform bill: The recently enacted Senate Bill (SB) 74 requires the Board to adopt regulations to establish guidelines for “telemedicine” including a nationally recognized model policy for standard of care; and to adopt regulations requiring registration with the Prescription Drug Monitoring Program (PDMP), requiring physician use of the PDMP, and allow certain exceptions.

Assistant Attorney General Megyn Greider has been assisting the Board to provide guidance in drafting the regulations. The Board reviewed the draft regulations changes provided by Ms. Greider.

Upon a motion duly made by Mr. Luppen, seconded by Dr. Humphreys, and approved unanimously, the Board approved the proposed changes related to unprofessional conduct, telemedicine, adopting by reference a national model policy for standard of care, and requiring registration with the Prescription Drug Monitoring Program (PDMP), as presented, to go out for public comment as a regulations project.

Agenda Item Election of Officers

Upon a motion duly made by Dr. Humphreys, seconded by Mr. Luppen, and approved unanimously, the Board appointed Dr. Roderer as Board president.

Upon a motion duly made by Mr. Luppen, seconded by Dr. Clift, and approved unanimously, the Board appointed Dr. Neyhart as Board secretary.

Adjournment

There being no further business, the meeting was adjourned at 3:54 p.m.

Respectfully submitted:

Approved:

/s/

Debora Stovern, Executive Administrator
Alaska State Medical Board

/s/

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

May 5, 2017

Date

May 5, 2017

Date