

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
August 3-4, 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, August 3-4, 2017 in Anchorage, Alaska.

Thursday, August 3, 2017

Call to Order

The meeting was called to order by Grant T. Roderer, MD, Chair, at 9:05 a.m.

Roll Call

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Sai-Ling Liu, DO
Doug Mertz, Public Member
Joy M. Neyhart, DO
Timothy Olson, PA-C
Grant T. Roderer, MD

Board member Craig Humphreys, MD, was not able to attend the meeting.

Board staff present: Debora Stovern, Executive Administrator

- Report from safety officer – Ms. Stovern noted appropriate emergency exits and gathering location.
- Announcements – the Board president welcomed visitors to the meeting.

Visitors present: Jason Weiner, Chris Jensen MD, Maria Bahr (Dept. of Law), Dave Jones (Dept. of Law), Gregory Snyder (Federation of State Medical Boards), Lisa Rosay (State Dept. of Health and Human Services).

Agenda Item 1 Review Agenda

The Board reviewed the agenda.

Agenda Item 2 Ethics Training by Dept. of Law

Assistant Attorney General Maria Bahr joined the meeting to review the State Ethics Act as it applies to members of boards appointed by the Governor.

AAG Bahr discussed the required written disclosure of potential violations or conflicts of interest by Board members. She noted that such disclosure may be made verbally on the record during a Board meeting, since a recording and written record of the meeting (minutes) will be kept.

AAG Bahr reviewed the role of the Designated Ethics Supervisor, who provides assistance and guidance, and determines whether a violation exists and if a member should refrain from participation. She noted that the Board Chair serves as the Designated Ethics Supervisor for Board members, and that Shawn Henderson has been delegated by the Governor to serve that function for the Board Chair.

The “Quick and Easy Reference for Alaska Ethics Act for the Alaska State Medical Board” was included in the Board packet for further review.

Agenda Item 3 Board Business

The following Board Business was addressed:

- Ethics Reporting – there were no ethics conflicts to report.
- 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.

The Board reviewed draft changes for their Board-issued Guidelines regarding Telemedicine, to reflect recent legislative and regulations changes.

Upon a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the proposed telemedicine guidelines, as presented.

The Board reviewed draft changes for their Board-Issued Guidelines for Physicians in Delegating Procedures to Non-physician Personnel When Performing Certain Dermatological Procedures, to reflect current statutes, regulations, and practice standards.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Liu, and approved unanimously, the Board approved the proposed dermatology/delegation guidelines as presented.

Agenda Item 4 Board Actions

In the Matter of Case No. 2016-001047

The Board reviewed a proposed consent agreement with a licensee who failed to verify compliance with the continuing medical education requirements of the license renewal. The agreement provides for sanctions consistent with Board disciplinary history and guidelines, including a reprimand, fine of \$3,500 (with \$1,500 suspended), a requirement to complete the deficient coursework, and a mandatory audit for the next two licensing renewals.

The licensee also submitted a request for an exception and to grant an extension of time in calculating the required continuing medical education for license renewal.

Upon a motion duly made by Dr. Clift, 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 Case No. 2016-001047; with Board staff remaining during the session.

The Board entered executive session at 10:05 a.m. The Board went back on the record at 10:25 a.m.

Upon a motion duly made by Dr. Liu, seconded by Mrs. Carlson, and approved by a majority vote, the Board declined to consider the request for an exception and adopted the consent agreement, Case No. 2016-001047, signed by Michael Stadnick, MD.

The motion passed with Mrs. Carlson, Dr. Liu, Mr. Mertz, Dr. Neyhart, Mr. Olson, and Dr. Roderer voting in favor, and Dr. Clift voting against. The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000473

The Board reviewed a proposed consent agreement from an investigation of a physician with impairment issues, and who failed to report hospital privileges actions, and practiced while his license was lapsed. The agreement included sanctions consistent with Board disciplinary history and guidelines, including a reprimand, fine of \$4000, and a five-year probation and monitoring.

Upon a motion duly made by Mr. Mertz, seconded by Dr. Liu, and approved unanimously, the Board adopted the consent agreement, Case No. 2017-000473, signed by John Pappenheim, MD.

Dr. Roderer and Dr. Neyhart recused themselves from the vote. The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000336

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician who failed to report a DUI charge within the required timeframe.

Upon a motion duly made by Mr. Mertz, seconded by Dr. Neyhart, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2017-000336, signed by Jill Abram, MD.

Dr. Roderer recused himself from the vote. The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000417

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. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2017-000417, signed by Harnek Singh, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000426

The Board reviewed a proposed consent agreement from an investigation of a physician with a license action with practice restrictions in another state. The agreement included sanctions consistent with Board disciplinary history and guidelines, including probation and conditions to mirror the other state order, including chaperone requirement when treating female patients.

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board adopted the consent agreement, Case No. 2017-000426, signed by Larry Myers, MD.

Dr. Liu recused herself from the vote. The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000679

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 Dr. Clift, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2017-000679, signed by Megan Young, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000070

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. Clift, seconded by Dr. Liu, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2017-000070, signed by David Bowman, DO.

Dr. Roderer recused himself from the vote. The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000051

The Board reviewed a proposed consent agreement from an investigation of a paramedic with impairment and drug diversion issues while practicing as a registered nurse. The agreement included sanctions consistent with Board disciplinary history and guidelines, including a reprimand, fine of \$2,500, one year license suspension, and a five-year probation.

Upon a motion duly made by Dr. Liu seconded by Dr. Clift, and approved unanimously, the Board adopted the consent agreement, Case No. 2017-000051, signed by Melia Lindeke (Paramedic.)

Dr. Roderer recused himself from the vote. The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000777

The Board reviewed a proposed imposition of a civil fine agreement from an investigation of a physician who failed to report a DUI charge within the required timeframe.

Upon a motion duly made by Dr. Liu, seconded by Dr. Neyhart, and approved unanimously, the Board adopted the imposition of civil fine agreement, Case No. 2017-000777, signed by Donna Winingham, MD.

Dr. Roderer recused himself from the vote. The adoption order was signed by the Chair.

Agenda Item 5 Investigative Unit

Investigators Sonia Lipker, Michelle Wall-Rood, and Joel Dolphin joined the meeting.

Investigative Report

Investigator Lipker reviewed the investigative report provided to the Board. She noted that 31 matters had been opened, 45 matters closed, and 39 were ongoing and active or pending litigation.

Probation Report

Investigator Dolphin, Probation Monitor, reviewed the probation monitoring report that was provided to the Board. He noted there were 10 licensees on disciplinary probation, and 5 being monitored under nondisciplinary agreements. He also reported that 5 had been out of compliance, but one has since regained compliance.

Agenda Item 6 Board Review of Requests/Issues

Upon a motion duly made by Dr. Neyhart, 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 investigative matters; with the Board executive and investigative staff remaining during the session.

The Board entered executive session at 10:55 a.m. The Board went back on the record at 11:36 a.m.

In the matter of Shubhranjan Ghosh, MD

The Board reviewed a request from Dr. Ghosh to reinstate his suspended license.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by a majority vote, the Board denied Dr. Ghosh's reinstatement request and moved to revoke his license in accordance with AS 08.64.331 for being convicted of a Class C felony and a crime involving the unlawful procurement, sale, prescription, or dispensing of drugs, a violation of AS 08.64.326.

The motion passed with Dr. Clift, Mrs. Carlson, Dr. Liu, Dr. Neyhart, Mr. Olson, and Dr. Roderer voting in favor, and Mr. Mertz voting against.

In the matter of Gary Kindell, MD

The Board reviewed a request from Dr. Kindell for early release from the probation required under his July 26, 2012 Consent Agreement. He has been residing and practicing in Oklahoma, in compliance with an Agreement with the Oklahoma Medical Board with similar conditions to the Alaska Consent Agreement. He completed and was released from the Oklahoma agreement on December 12, 2016.

Upon a motion duly made by Dr. Clift, seconded by Dr. Liu, and approved unanimously, the Board approved Dr. Kindell's request to:

- **accept 80 hours of continuing medical education completed under the provisions of the Oklahoma agreement as meeting the continuing medical education requirement of his Consent Agreement;**
- **accept compliance with the monitoring requirements of the Oklahoma agreement as meeting the monitoring requirements of his Consent Agreement; and**
- **grant early release from probation.**

In the matter of Dennis Lyn Mickleson, MD

The Board reviewed a request from Dr. Mickleson to grant early release from probation.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved unanimously, the Board denied Dr. Mickleson's request for early probation release.

Agenda Item 7 Hearing Officer Proposed Decision

In the Matter of Kelton Oliver, MD

OAH Case No.16-1500-MED, Board Case No. 2014-001768

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

Administrative Law Judge Cheryl Mandala and AAG Dave Jones joined the meeting.

AAG Jones was assigned to provide guidance to the Board regarding a conflict of interest matter regarding a previous Board member who had a relationship to a witness in the case.

Upon a motion duly made by Mr. Olson, 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 the Oliver matter; with Board executive and legal staff remaining during the session.

The Board entered executive session at 11:45 a.m. The Board went back on the record at 11:55 a.m.

It was noted for the record that ALJ Mandala did not remain for executive session.

AAG Jones determined that the matter did not constitute an ethics violation; however, he noted that it should have been disclosed by the previous Board member because of the potential appearance for conflict of interest.

Board members Dr. Roderer, Dr. Liu, and Mrs. Carlson, each confirmed that when they participated in the November 2015 and February 2016 consideration of Dr. Oliver's case, they did not know that a former board member's daughter was involved with Dr. Oliver, were not influenced by the former board member in their consideration of Dr. Oliver's case, and do not believe that their prior association with the former board member would affect their consideration of current matter in Dr. Oliver's case.

Board members Dr. Clift, Dr. Neyhart, Mr. Mertz, and Mr. Olson, were not appointed to the Board during the November 2015 and February 2016 consideration of Dr. Oliver's case. They each confirmed that they have no conflict of interest in this matter.

Upon a motion duly made by Mr. Olson, 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 proposed decision by the hearing officer; with Board staff, ALJ Mandala, and AAG Jones remaining during the session.

The Board entered executive session at 12:01 p.m. The Board went back on the record at 12:40 p.m. The following proposed order was read onto the record:

The Alaska State Medical Board adopts this decision as final under the authority of AS 44.64.060(e)(1) and (e)(4). The Board modifies the decision by adding the following factual finding, and adopts the decision as final, as modified.

Board members Dr. Roderer, Dr. Liu, and Mrs. Carlson, confirmed that when they participated in the November 2015 and February 2016 consideration of the proposed consent agreements in Dr. Oliver's case, they did not know that a former board member's daughter was involved with Dr. Oliver, were not influenced by the former board member in their consideration of those proposed consent agreements, and do not believe that their former association with the former board member would affect their consideration of the Administrative Law Judge's current proposed decision in Dr. Oliver's case. Board members Dr. Clift, Dr. Neyhart, Mr. Mertz, and Mr. Olson, also confirmed that they have no conflict of interest in this matter.

Upon a motion duly made by Dr. Liu, seconded by Cr. Clift, and approved unanimously, the Board adopted the proposed decision presented by the Hearing Officer, Case No. OAH 16-1500-MED, as read onto the record.

Recess for lunch

The Board recessed for lunch at 12:45 p.m.
The Board went back on the record at 1:30 p.m.

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Sai-Ling Liu, DO
Doug Mertz, Public Member
Joy M. Neyhart, DO
Timothy Olson, PA-C
Grant T. Roderer, MD

Board member Craig Humphreys, MD, was not able to attend the meeting.

Board staff present: Debora Stovern, Executive Administrator

Agenda Item 8 Malpractice Report Review

The Board reviewed malpractice reports for Case No. 147945, Case No. 129743-2, Case No. LALA004469, and Case No. 3AN-17-065943.

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board accepted the malpractice reports for Case No. 147945, Case No. 129743-2, Case No. LALA004469, and Case No. 3AN-17-065943, with no further action at this time.

Agenda Item 9 Update on Litigation

Assistant Attorney General Megyn Greider joined the meeting. She reported that the Medical Board abortion regulations were filed on 6/29/17 and became effective on 7/19/17. Since the changes have been adopted, both parties have agreed to end the litigation and have filed a joint motion to dismiss the case.

Agenda Item 10 Federation of State Medical Boards (FSMB) Presentation

FSMB Chair Gregory B. Snyder and FSMB President and CEO Humayun J. Chaudhry joined the meeting to provide the Board with information about the FSMB, services and educational offerings, policy and advocacy updates, and an update on the Interstate Medical Licensure Compact.

Agenda Item Public Comment Forum

There were no members of the public present to speak with the Board.

Agenda Item 11 Regulations Information and Updates

Regulation Process

A Division publication regarding the steps in the regulation process was included in the Board packet for further review.

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 will consider this matter at their next meeting and will review the memo from the Department of Law, along with the delegation regulations project.

Adopted Regulation Projects

- Applications, telemedicine, and prescription drug monitoring program: The Board had identified a number of regulation changes to streamline the medical application process and improve licensure processing times by allowing applicants for more license types to submit credentials documents through the Federation Credential Verification Service (FCVS) and by providing for an expedited process for granting temporary permits. In addition, the Board was required to adopt regulations to implement Senate Bill (SB) 74 (enacted during the 2016 legislative session) including standards for “telemedicine” practice, adopting a national model policy for standard of care, and requirements for the registration and use of the prescription drug monitoring program, as well as certain exceptions. SB 74 requires these regulations to take effect by July 17, 2017.

At their May 2017 meeting, the Board adopted this regulations project which proposes to update various regulations relating to physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and to establish standards of practice for telemedicine.

The regulations project is currently under review by the Department of Law.

- Abortion regulations: At their May 2017 meeting, the Board adopted this regulations project which proposes to amend regulations to conform to current law, amend regulations regarding record keeping, repeal a consultation requirement, adopt a national practice standard for abortion after the first trimester, and update requirements for hospitals and facilities to reflect current medical practice and technology.

The State had been named in a lawsuit challenging the constitutionality of the existing abortion regulations. Although the lawsuit brought the regulations to the attention of the Board, the Board was guided by their public protection mandate, not just to resolve the litigation.

As reported by Assistant Attorney General Megyn Greider during Agenda Item 9 Update on Litigations, this regulations project was filed with the Office of the Lt. Governor on 6/29/17 and became effective on 7/19/17. Since the changes have been adopted, both parties have agreed to end the litigation and have filed a joint motion to dismiss the case.

- Telemedicine Registry: The Division was required to adopt regulations to implement Senate Bill (SB) 74 (enacted during the 2016 legislative session) to establish a telemedicine business registry for businesses performing telemedicine services for patients in the State of Alaska.

The regulations have been finalized and the program launched.

Agenda Item 12 Legislative Information and Updates

Legislative Guidance for Boards

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

Legislation Updates

- SB 108 Medical Licensing – the Board reviewed the proposed legislation related to streamlining of medical licensing, including board discretion to delegate the executive secretary to approve permanent licenses, and to delegate the executive secretary or other staff to approve temporary permits.

The Board had initially opposed the proposal because it did not believe that adding workload to medical board staff would improve efficiency; that there was not currently a delay in the approval of temporary permits, and they preferred the licensing supervisor to focus on current responsibilities (supervising and training staff, and providing hands-on assistance for increased application volume or during staffing vacancies.) In addition the Board had concerns with transferring their licensing authority and responsibility to the Department. Upon reconsideration, the board decided to support the proposed changes to the approval process, per the statute change language proposed by the Office of the Attorney General, so long as other changes are not added to that draft. These changes would allow the Board to designate approval of temporary and permanent licenses to the Executive Administrator or other staff. The changes would not allow transfer of the Board's licensing authority and responsibility to the Department.

It was noted that the bill does include some additional language to clarify the board's delegation of the approval authority and to specify that the Board adopt regulations regarding the approval delegation.

- SB 32 Prescriptions for Biological Products – the Board reviewed the proposed legislation, which would 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 had reviewed the proposed legislations at previous meetings, as well as an FDA handout regarding approved biosimilar medications, and had determined to take a neutral position on the bill, so long as the reporting requirement remains, and recommended that the reporting occur at the time of dispensing instead of three days after dispensing.

- SB 19 and HB 43 Experimental Drugs for the Terminally Ill – the Board reviewed the proposed legislation which would 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.

The Board had reviewed the proposed legislation at previous meetings, and noted that the two current bills are nearly identical, except that HB 43 includes provisions for the both the use or non-use of these drugs. The Board had determined to take a neutral position on SB 19 because it does not include the “nonuse” clause; the Board supports HB 43 as written.

- SB 36 and HB 103 Optometry Scope of Practice – HB 103 passed both the House and Senate. Despite veto efforts by opponents of the bill, it was recently signed into law. The Board reviewed the legislation which will expand the scope of practice for optometrist to perform eye surgery and to prescribe controlled substances.

The Board had reviewed the proposed legislation at previous meetings, and had 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. The Board still has concerns about this legislation.

- SB 79 and HB 159 Opioids, Prescriptions, Database, Licenses – HB 159 passed both the House and Senate, and was recently signed into law by the Governor. The Board reviewed the legislation which will allow patients to execute a Voluntary Nonopioid Directive, require healthcare licensing boards to require education in pain management and opioid use and addiction, and limit opioid prescriptions to a seven-day supply, as well as additional pharmacy and pharmacist requirements.

The Board had reviewed the proposed legislation at the last meeting. They had also discussed the Board’s participation in the drafting of the January 2017 Multi-Board Report to the Legislature, which included recommendations based on CDC and Washington State guidelines. The Board had expressed their full support for the Governor and Legislature in curbing the opioid epidemic.

However, they had noted the following:

- Concern that the proposed language limiting prescription to seven days is vague and does not define a maximum dosage.
- Whether it is appropriate to require the Pharmacy Board to define standards for over-prescribing. The Board noted that they are mandated with setting professional standards for physicians, and they do have both regulations and Board-issued guidelines regarding the prescribing of controlled substances.

- The education requirements may not exist as specified and may be difficult to enforce.

The Board reviewed the final legislation, as well as an Implementation Guide prepared by the Division (relating to the implementation of both SB 74 and HB 159.) The Board will begin work at their next meeting on implementing the legislation. They directed Ms. Stovern to provide information regarding the parts of the bill(s) relevant to the Medical Board.

- SB 91 and HB 174 Extend Disaster Emergency/Opioid Epidemic – SB 91 passed both the House and Senate, and was signed into law by the Governor. The Board reviewed the legislation which extends the State Chief Medical Officer’s authority to distribute opioid antidote drugs.
- HB 191 Maintenance of Certification/Doctors – the Board reviewed the proposed legislation which would prohibit the entities from requiring Maintenance of Certification as a condition for licensure, reimbursement, employment, or hospital privileges.

Upon a motion duly made by Dr. Clift, seconded by Cr. Neyhart, and approved unanimously, the Board determined to support House Bill 191.

- HB 54 Voluntary Termination of Life – the Board reviewed the proposed legislation which would implement “death with dignity” provisions. Board members discussed whether to oppose the legislation based on the Hippocratic Oath to do no harm. However, the Board did not take a position on the legislation.
- HB 89 Licensing Radiological Technologists – the Board reviewed the proposed legislation which would implement a new licensing program for radiological technologists.

The Board had previously considered this matter when similar legislation was introduced during prior legislative sessions. They were concerned that the bill may affect patient care negatively, creating an extra layer of bureaucracy by requiring a licensing program, and additional (proprietary) training. The Board also had concerns about vague certification processes and the impact on rural areas. It was also not clear what problem the bills were proposed to correct and there was no information to indicate that patient care was at risk.

The Board currently has the same concerns, but did not take an official position on the bill.

- HB 90 Licensing Fees and Investigative Costs – the Board reviewed the proposed legislation which would assess a surcharge to all professional licensees to cover the legal and enforcement cost of investigations, rather than covering those costs with individual program licensing fees.

The Board had previously opposed this bill because it does not promote fiscal responsibility and accountability by individual Boards and programs. The Board reconfirmed this position.

The Board recessed at 4:09 p.m.

Friday, August 4, 2017

Call to Order

The meeting was called to order by Grant T. Roderer, MD, Chair, at 9:03 a.m.

Roll Call

Board members present:

Cam Carlson, Public Member
Brück A. Clift, MD
Sai-Ling Liu, DO
Doug Mertz, Public Member
Joy M. Neyhart, DO
Grant T. Roderer, MD

Board member Craig Humphreys, MD, was not able to attend the meeting. Board member Timothy Olson, PA-C joined the meeting at 9:25 a.m.

Board staff present: Debora Stovern, Executive Administrator

Visitors present: Gregory Khoury, MD, Larry Pederson (Office of Administrative Hearings, Lisa Rosay (DHHS)

Agenda item 13 Board Actions

In the Matter of Case No. 2017-000131

Administrative Law Judge Pederson joined the meeting.

Upon a motion duly made by Dr. Clift, 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 Case No. 2017-000131; with the Board executive and ALJ Pederson remaining during the session.

The Board entered executive session at 9:05 a.m. The Board went back on the record at 10:04 a.m.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved unanimously, the Board rejected the consent agreement, Case No. 2017-000131.

Agenda item 14 Full Board Interviews

Gregory C. Khoury, MD

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

Upon a motion duly made by Dr. Neyhart, seconded by Mrs. Carlson, 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. Khoury; with Board staff remaining during the session.

The Board entered executive session at 10:10 a.m., and went back on the record at 10:35 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved by roll call vote, the Board granted a full unrestricted license to Gregory C. Khoury, MD

Roll Call Vote:

Mrs. Carlson-Yea
Dr. Clift-Yea
Dr. Humphreys-Absent
Dr. Liu-Yea
Mr. Mertz-Yea
Dr. Neyhart-Yea
Mr. Olson-Yea
Dr. Roderer-Yea

Olga G. Kozlova, MD

Dr. Kozlova was unable to attend; her interview will be rescheduled for a future meeting.

Agenda Item 15 Division Update

The following Division staff joined the meeting by teleconference: Division Director Janey Hovenden, Division Operations Manager Sara Chambers, and Licensing Examiner Dawn Hannasch.

Ms. Chambers provided an update on House Bill 159 and reviewed the Division-prepared implementation guide. She noted the effective date for the PDMP registration requirement of 7/17/17 and reported the Division is working with the Department of Health and Social Services on getting the information out to the public. She also noted the effective date of the education requirements is 7/1/18 and asked the Board to begin work on implementing those education requirements for initial and renewal licenses. She will work with Dr. Butler (Chief Medical Officer at DHSS) to compile CME resources and provide them to the Boards.

Ms. Hovenden asked for Board review of the Medical Board fee analysis, and reported that the year-end reports for Fiscal Year 2017 (which concluded on June 30) will be available in mid-October.

Division staff departed from the teleconference.

The Board reviewed the proposed Medical Board fee analysis prepared by the Division, which was updated in April to reflect the final fiscal information from Fiscal Year 2016. The Board discussed the impact on fees if HB 90 were to pass. They determined to wait for the outcome of HB 90 to reconsider

the fee analysis (at the February or May 2018 meeting), which would provide time for the Division to implement the fee changes before the next license renewal period.

The Board reviewed their position on HB 90 and reconfirmed their position as follows:

The Board opposes HB90 because the Board believes the current situation promotes fiscal responsibility and accountability by individual Boards and programs

Mr. Mertz volunteered to act as the Board “point person” on this bill. The Board directed Ms. Stovern to provide their position statement to the sponsors of the bill and members of the House Rules committee (next scheduled hearing for the bill), and to notify Mr. Mertz regarding the status of the bill.

Agenda Item 16 License Application Review

Information about the license application process and Board approval process was included in board packets for further review.

Board members reviewed license application files.

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

*Anil Reddy Aleti
Soe Myint Aung
Rebecca June Barnes
Rebecca Marie Bierden
Jesse Steffan Bond
Christian James Wayne Burrell
Kristopher McIntosh Coontz
Gwenyth Marie Crabtree
Viviana C Cuberos-Orozco
Reza Danesh
Michael Mario Di Iorio
Jonathan Joseph Dick
Anna Marie Dolezal
Megan Elizabeth Dunning
Clifford Christian Ellingson
Summer Star Engler
Justin Thomas Fowler
Darpan Gandhi
Bijiibaa Garrison
Christopher Jon Godbout
David Emerson Good
Steven Paul Gradney
Irene Greenhouse*

*Amy Lynn Gruber
Victor Sanoie Harrison
Zachary David Hartman
Rex Edward Head
Lilian Ka-Wai Ho
Richard Leslie Holve
Corina Florence Hopkins-Vacca
John Harvey Huttenlocher
Cherie Michelle Inglis
Emily Evelyn Johnston
Gloria Marie Kardong
Dana Louise Kerr
Michael E Lamar
Andrew Latimer
Mark Michael Levin
David Li
Morgan Burrell Liddell
Gwendolyn Z Lieb
Lisa Katharyn Lindquist
Jeffrey David Litzinger
Stewart McLendon Long III
Elaine R. McElhinny
Stephanie Ann McLeish*

*Atif Mian
Darren Eugene Mullins
Casandra Rosenberg Mysior
Kumar Nair
Scott Tyre Owens
David Barth Penn
Anna Jo Pfahl
Neal Prakash
Robert Pyne
Michael Luna Reyes
Carolyn Roloff
Nicholas Arthur Rosenfeld
Joelle Ivy Rosser
Lindsay Karen Rumberger
Rivera
James Patrick Rusnak-McGovern
Eugene Ritter Sansoni*

*Hani Siddeek
David Thomas Silbergelt
Novae Simper
Linnea Clare Pudwill Smith
Robert James Sollaccio
Julie Marie Stewart
Ewa Marta Szemraj
Mark Jackson Taylor-Jones
Dmitriy Tckachenko
Joshua Manabu Tokita
Brett Allen Ueeck
Stephen Thomas Walker
Richard Lee Watson
Christine White
David James Wildt
David Michael Glassman*

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

*Adrienne Deupree Fehr
Jonathan Russell Frazier
Michael David Goodwin
William Robert Harjes
Megan Sue Harman
Tracy Curtis Marchant
Stephenie Marie Matosich
David Gordon Otis
Rebecca Ann Schellinger
Matthew Scott Swain
Jawad Ul-Hassan*

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

*Elizabeth Ruth Elander
Andrew Timothy Gray
Bailey Philadelphia Green
Brenna Lynn Jensen-Stone
John Robert Lundgren
Kerri L McKee
Arthur William Roberts
Jessica Elizabeth Smith
Erin Dawn Stickels*

Upon a motion duly made by Dr. Neyhart, 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:

*Mark Bishop
Abraham Martin Boxx
Amanda Jane Dorough
Barbara Dunham
Christine Charlotte Forbes
Michael Segura
Mary Renae Spatafore*

New Business

There was no new business for discussion.

Agenda Item 17 Federation of State Medical Boards (FSMB) updates

The annual meeting of the Federation of State Medical Boards (FSMB) is scheduled for April 26-28, 2018 in Charlotte, North Carolina.

The Board expressed their thanks to FSMB Chair Gregory B. Snyder and FSMB President and CEO Humayun J. Chaudhry for the presentation on Thursday and for dinner on Thursday evening. It was noted that a gift disclosure is not required because the value for each person was well under the \$150 reportable gift amount.

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

- 1) Board of Directors meeting highlights
- 2) AMA Information
 - Report on AMA Annual Meeting
 - Changes to AMA CME credit system
- 3) Advocacy alerts and news
- 4) Updated Guidelines for Chronic Use of Opioid Analgesics
- 5) Recommendations on Improving Information Sharing and Reporting
- 6) Physician Census
- 7) Tri-regulator Symposium
- 8) IAMRA news
- 9) Federation Bylaws adopted
- 10) Duty to Report Initiative
- 11) E-news (April – July editions)

Agenda Item 18 Correspondence

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

- 1) Alaska Board of Pharmacy information on PDMP
- 2) State Telemedicine Business Registry
- 3) NPDB Compliance Report
- 4) American College of Occupational and Environmental Medicine (support Interstate Medical Licensure Compact)
- 5) American Academy of Medical Acupuncture (comment on opioid alternatives)
- 6) Accreditation Council for Continuing Medical Education (ACCME) reports, news
- 7) National Board of Osteopathic Examiners (NBOME) updates, newsletter
- 8) International Conference on Opioids (updates)
- 9) Alaska Department of Health and Social Services information, press releases
- 10) State of Reform news
- 11) Center for Telehealth (CTel) news briefs
- 12) American Telemedicine Association (ATA) news briefs

Agenda Item 19 Administrative Businesses

Financial Report

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

- Current Report – 3rd quarter of Fiscal Year 2017
- Year-end Report for Fiscal Year 2016
- Division Annual Fiscal Report to the Legislature for Fiscal Year 2016

Executive Administrator's Report

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

Outreach efforts – Ms. Stovern responded to inquiries regarding telemedicine, PDMP, implementation of SB74, media inquiries regarding Board regulations projects, inquiries regarding CME audit, inquiries regarding application timeframe and requests for expedited processing, and AIM inquiries/polls by other state boards.

Participation activities of national organizations – Ms. Stovern worked with FSMB to coordinate Alaska site visit; she attended FSMB webinars (topics included physician burnout, patient safety); she followed activities of the Interstate Medical Compact Commission; she attended CLEAR training on FTC v. NC case, and board responsibilities; 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 CTel webinar re: telehealth and e-health issues

Tracking of Board actions – a report of the Board’s recent actions (including confirmation that the actions were properly reported) was provided for Board review.

Tracking of licensing process – statistics and a detailed spreadsheet covering processing of recent applications was provided for Board review.

Status of CME Audit – Ms. Stovern has been working on CME audits for the recent renewal, reviewing submittals for approval and following up on noncompliant audits.

Status of regulations projects – the Board has adopted regulations for the implementation of SB74, expedited temporary permits and FCVS options, and has adopted changes to the abortion regulations; Ms. Stovern will update public information to reflect the changes. Ms. Stovern will continue to request assistance from the Alaska State Medical Association and interested legislators for the Board’s request regarding statutory authority for delegation of routine duties.

Board administrative tasks – Ms. Stovern continues to monitor the status of legislation, attend committee hearings, provide information to management regarding the impact on Medical Board programs, board position, etc. She continues to update the Board website, as needed (including revised forms, regulations FAQ, opioid disaster declaration, PDMP info, etc.); she 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; she regularly works with attorneys at the Department of Law on litigation, regulations projects, and noncompliant CME audits; and she regularly attends Division meetings regarding Medical Board matters, the process improvement project, legislative matters, CME audit needs, travel and hiring changes, policies, mission, and finances.

Annual Report

The Medical Board Annual Report for Fiscal Year 2017 was included in the Board packet for review.

Review Minutes

The Board reviewed the minutes of their last meeting.

Upon a motion duly made by Dr. Clift, seconded by Mr. Olson, and approved unanimously, the Board approved the minutes of the May 4-5 2017 meeting.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- November 2-3, 2017
- February 1-2, 2018
- May 3-4, 2018
- August 2-3, 2018
- November 1-2, 2018

The Board noted that they will hold the meetings in Anchorage to minimize costs. They will plan to travel to the meetings and will work with the Division to approve travel.

Adjournment

There being no further business, the meeting was adjourned at 1:21 p.m.

Respectfully submitted:

Approved:

/s/

Debra Stovern, Executive Administrator
Alaska State Medical Board

/s/

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

November 3, 2017

Date

November 3, 2017

Date