

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
November 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, November 2-3 2017 in Anchorage, Alaska.

Thursday, November 2, 2017

Call to Order

The meeting was called to order by Grant T. Roderer, MD, Chair, at 9:00 a.m.

Roll Call

Board members present:

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

Board staff present: Debora Stovern, Executive Administrator

- Report from safety officer – Ms. Stovern noted appropriate emergency exits and gathering location.
- Announcements – none

Agenda Item 1 Review Agenda

The Board reviewed the agenda. Ms. Stovern noted that there was additional material included in the Board book for Case Nos. 2017-000728, 2017-000816, and 2017-0000131, as well as current financial reports for review.

Agenda Item 2 Board Business

The following Board Business was addressed:

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

- Board Guidelines, Procedures, and Policies –

The Board reviewed a proposal from the Paramedic Association of Alaska regarding the continuing medical education requirement for paramedic license renewals.

The Board directed Ms. Stovern to provide a draft regulation change for consideration at the next meeting regarding an increase in the number of allowable “correspondence” credits to 35 per renewal cycle.

Agenda Item 3 Continuing Medical Education (CME) Audit

Statistics for the audit from the last license renewal period were included in the board packet for further review. Ms. Stovern reported that there are currently 7 cases outstanding – three will be resolved with Board adoption of their agreements, one has been referred to the Divisions Paralegal, and the remainder are working with staff to provide acceptable documentation to resolve their audits.

In the Matter of Case No. 2017-000727

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

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Liu, and approved unanimously, the Board adopted the license surrender agreement, Case No. 2017-000727, signed by Robert Dingeman, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000866

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 \$2,500 suspended), a requirement to complete the deficient coursework, and a mandatory audit for the next two licensing renewals

Upon a motion duly made by Dr. Liu, seconded by Dr. Clift, and approved unanimously, the Board adopted the consent agreement, Case No. 2017-000866, signed by Steve C. Boyer, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000728

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 \$2,500 suspended), a requirement to complete the deficient coursework, and a mandatory audit for the next two licensing renewals

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Humphreys, and approved unanimously, the Board adopted the consent agreement, Case No. 2017-000728, signed by Richard S. Adler, MD.

The adoption order was signed by the Chair.

Agenda item 4 Board Actions

In the Matter of Case No. 2017-000131

Administrative Law Judge Pederson joined the meeting by teleconference.

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

The Board entered executive session at 9:27 a.m. The Board went back on the record at 10:42 a.m. It was noted that ALJ Pederson departed from the executive session after presenting the case and the Board continued their deliberation.

The Board determined to adopt the consent agreement with the following revisions to the Proposed Decision and Order:

- Paragraph A. Respondent's license is suspended from March 3, 2017 through January 2, 2018; no amount of the suspension to be stayed.
- Paragraph B. Respondents license shall be on probation for five (5) years, instead of the three (3) years proposed.
- Paragraph K. Respondent shall pay a fine of three thousand dollars (\$3,000.00; no amount of the fine to be suspended.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved by a majority vote, the Board adopted the revised consent agreement, Case No. 2017-000131, signed by Christopher J. Jensen, MD.

The motion passed with Dr. Clift, Dr. Humphreys, Dr. Liu, Mr. Mertz, Dr. Neyhart, Mr. Olson, and Dr. Roderer voting in favor, and Mrs. Carlson voting against. It was noted that the consent agreement would not be effective until or unless the Respondent agreed with the revisions. The Board directed Ms. Stovern to notify ALJ Pederson of their action with revisions.

The adoption order, with revised Consent Agreement, was signed by the Chair.

In the Matter of Case No. 2014-002023 and 2015-000287

The Board reviewed a proposed license surrender from a physician who was no longer practicing in the State of Alaska and does not wish to continue licensure under the terms of a nondisciplinary consent agreement.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Clift, and approved unanimously, the Board adopted the license surrender agreement, Case No. 2014-002023 and 2015-000287, signed by Roger William Spencer, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2017-000744

The Board reviewed a proposed consent agreement from an investigation of a physician who misrepresented or concealed her past license action in order to obtain a license and to apply for a medical job.

Upon a motion duly made by Dr. Clift, seconded by Dr. Liu, and approved unanimously, the Board adopted the consent agreement, Case No. 2017-000744 signed by Lorraine G.M. Grube, PA-C.

The adoption order was signed by the Chair.

In the Matter of Case No. 2010-000816

The Board reviewed a proposed license surrender from a physician who was no longer practicing in the State of Alaska and does not wish to continue licensure under the terms of a consent agreement.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Clift, and approved unanimously, the Board adopted the license surrender agreement, Case No. 2010-000816, signed by Dennis Lynn Mickleson, MD.

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 to review investigations and probation reports.

Agenda Item 6 Probation Monitoring

Brian Donaldson, MD

Dr. Donaldson was present for his probation interview. He declined the opportunity to enter into executive session. The probation monitoring report from the Investigations Unit indicated that he was in compliance with his agreement.

Herbert Ortiz Bote, MD

Dr. Bote was present for his probation interview. He declined the opportunity to enter into executive session. The probation monitoring report from the Investigations Unit indicated that he was in compliance with his agreement.

Olga I. Wasile, MD

Dr. Wasile was present for her probation interview. She declined the opportunity to enter into executive session. The probation monitoring report from the Investigations Unit indicated that she was in compliance with her agreement.

Peter J. Osterbauer, MD

Dr. Osterbauer was present for his probation interview. He declined the opportunity to enter into executive session. The probation monitoring report from the Investigations Unit indicated that he was in compliance with his agreement.

Dennis Lynn Mickleson, MD

Dr. Mickleson was not present for his probation interview because he had signed a license surrender (adopted by the Board during agenda item 4).

John Pappenheim, MD

Dr. Pappenheim was not present for his probation interview because he had been allowed to reschedule his (first) probation interview for the February meeting.

It was noted that the following licensees had been excused from interviews due to probation on hold status: Mark Beirne, MD (out of state); Randy Boespflug, MD (out of state); Molly Hutsinpiller, MD (out of state); Gary Kindell, MD (out of state); Laurence Lee, MD (out of state); Melia Lane Lindeke, MICP (license under suspension, will be required to interview next year when the suspension is lifted); Larry Richard Meyers, MD (out of state); Eric Youngstrom, MD (out of state).

Agenda Item 7 Malpractice Report Review

The Board reviewed malpractice reports for Case No. 12689, Case No. 3AN-16-4042-CI, Case No. 3PA-16-01753-CI, Case No. 3AN-16-07454-CI, Case No. 3AN-17-07023-CI, Case No. 3AN-16-07454-CI, Case No. WOCV2010-02208 and WOCV2011-00358.

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board accepted the malpractice reports for Case No. 12689, Case No. 3AN-16-4042-CI, Case No. 3PA-16-01753-CI, Case No. 3AN-16-07454-CI, Case No. 3AN-17-07023-CI, Case No. 3AN-16-07454-CI, Case No. WOCV2010-02208 and WOCV2011-00358, with no further action at this time.

Agenda Item 9 Board Review of Requests/Issues

In the matter of Wagih Satar, MD

The Board reviewed a request from Dr. Satar for a waiver of some verification requirements for his new license application.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board approved the request for waiver of the requirement for verification sent directly from Dr. Satar's postgraduate training programs, under the provisions of Professional Regulations 12 AAC 40.010(g),

In the matter of Steven Clair Boyer, MD

The Board reviewed a request from Dr. Boyer for reinstatement of his surrendered license, subject to the consent agreement adopted by the Board under agenda item 4.

Upon a motion duly made by Dr. Liu, seconded by Dr. Humphreys, and approved unanimously, the Board approved the application by Dr. Boyer for reinstatement of his surrendered license, subject to his signed consent agreement, Case No. 2017-000866.

Agenda Item 6 Probation Monitoring (continued)

The following licensees are not on probation, but were scheduled for an interview regarding confidential non-disciplinary consent agreements.

Roger Spencer, MD

Dr. Spencer was not present for his interview because he had signed a license surrender (adopted by the Board during agenda item 4).

Paul Patton, PA-C,

Mr. Patton was present for his interview.

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 the consent agreement, Case No. 2014-001485; with the Board executive and investigative staff remaining during the session.

The Board entered executive session at 11:25 a.m. The Board went back on the record at 11:30 a.m.

John Ditzler (MICP)

Mr. Ditzler was present for his interview.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Liu, and approved unanimously, the Board entered into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the consent agreement, Case No. 2014-001485; with the Board executive and investigative staff remaining during the session.

The Board entered executive session at 11:32 a.m. The Board went back on the record at 11:40 a.m.

Investigative staff departed from the meeting.

Recess for lunch

The Board recessed for lunch at 11:45 p.m.

The Board went back on the record at 1:00 p.m.

Board members present:

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

Board staff present: Debora Stovern, Executive Administrator

Agenda Item 14 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 directed Ms. Stovern to attend the meeting, along with Dr. Neyhart, as their voting delegate. Dr. Clift will attend in the event Dr. Neyhart is unable to attend.

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

- 1) Annual meeting information
 - Letter from Nominating Chair
 - First call for nominations
 - First call for committee appointments
 - First call for award nominations
 - First call for associate member nominations
- 2) Highlights from Board of Directors meetings
- 3) Announcement from U.S. Health and Human Services Secretary seeking nominations for Pain Management Task Force
- 4) News from Interstate Medical Licensure Compact
- 5) Advocacy information
 - Restoring Board Immunity Act
 - Advocacy News
- 6) Veterans Administration (VA) Health Updated
- 7) Information from the 2016 Consensus of Actively Licensed Physicians regarding the changing physician workforce
- 8) E-news (August – October editions)

Agenda Item 15 Correspondence

The following correspondence was reviewed by the Board:

- a) Department of Health and Social Services, Emergency Medical Services (EMS) request for comment on proposed regulations changes for EMTs – the Board did not have any comments on the proposed regulations
- b) Alaska Collaborative of Telehealth and Telemedicine inquiry/concern regarding impact of telemedicine changes on physician assistant practice – the Board noted that the recent legislative changes regarding telemedicine practice, were specific to physicians; the recent regulation change simply removed the word physician from the existing regulation because it no longer applied to physicians. Since it still applies to physician assistants, that portion of the regulation was retained for practice by physician assistants; the Board will continue to assess and evaluate physician assistant telemedicine practice
- c) Valley Allergy and Asthma Clinic inquiry regarding unlicensed assistive personnel and allergy shots – the Board noted that physicians may not delegate allergy shots to medical assistants (unlicensed assistive personnel); regardless of the training received by a medical assistant, they do not have a license or scope of practice to perform procedures that are considered the practice of medicine. In addition, physicians are prohibited by law from delegating medical procedures to unlicensed individuals.
- d) Esthetician inquiry regarding unlicensed assistive personnel and Botox injections – the Board noted that physicians may not delegate Botox injections to medical assistants (unlicensed assistive personnel); regardless of the training received by a medical assistant, they do not have a license or scope of practice to perform procedures that are considered the practice of medicine. In addition, physicians are prohibited by law from delegating medical procedures to unlicensed individuals.

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

- 1) Southcentral Foundation comments on new Prescription Drug Monitoring Program (PDMP) requirements – the Board noted that the PDMP requirements were included in recent legislation; they are working on further regulations to implement those requirements.
- 2) Acupuncture for Alaska information regarding physical therapists performing “dry needling” – the Board noted that the jurisdiction for regulating physical therapists falls under the Board of Physical Therapy and Occupational Therapy; they directed Ms. Stovern to refer the inquiry to that Board to clarify their scope of practice.
- 3) Centers for Disease Control (CDC) information regarding opioid education.
- 4) Alaska Board of Nursing resources for opioid education.
- 5) American Academy of Physician Assistants (AAPA), American Association of Nurse Practitioners (AANP), and American Society of Addiction Medicine (ASAM) information regarding buprenorphine.
- 6) American Board of Radiology notice of new certificate for Interventional Radiology and Diagnostic Radiology.
- 7) Federation of Podiatric Medical Boards (FPMB) update on Florida Board resignations.
- 8) Alaska Board of Nursing draft advisory on Botox injections by Registered Nurses – the Board noted that the advisory coordinated well with the Medical Board guidelines on this matter.
- 9) USA Today article on Veterans Administration (VA) medical errors.
- 10) National Commission on Certification of Physician Assistants (NCCPA) article on Promotion of Optimal Team Practice.
- 11) National Board of Osteopathic Examiners (NBOME) updates, newsletter.
- 12) International Association of Medical Regulatory Authorities (IAMRA) newsletter, national/international meeting notices.

- 13) International Conference on Opioids meeting notice.
- 14) Council on Licensure, Enforcement & Regulation (CLEAR) news.
- 15) State of Reform news.
- 16) Center for Telehealth (CTel) news briefs.
- 17) American Telemedicine Association (ATA) news briefs.

Agenda item 8 Full Board Interviews

John J. Delgado, MD

Dr. Delgado 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. Delgado; with Board staff remaining during the session.

The Board entered executive session at 1:35 p.m., and went back on the record at 1:50 p.m.

Upon a motion duly made by Dr. Clift, seconded by Dr. Liu, and approved by roll call vote, the Board granted a full unrestricted license to John J. Delgado, MD.

Roll Call Vote:

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

Jeffrey Carlson, DPM

Dr. Carlson 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. Carlson; with Board staff remaining during the session.

The Board entered executive session at 1:55 p.m., and went back on the record at 2:10 p.m.

Upon a motion duly made by Dr. Humphreys, seconded by Mr. Mertz, and approved unanimously, the Board granted a full unrestricted license to Jeffrey Carlson, DPM.

Agenda Item 10 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 medical assistants: The Board reviewed a proposal from Senator Giessel that would implement a licensing program for Certified Medical Assistants (CMAs), under regulations adopted by the Board, and would implement authority for the Board to set standards for delegation of routine duties to unlicensed assistive personnel.

It was noted that the Board has for some time supported a statute change to allow them to set standards for delegation of routine duties to unlicensed assistive personnel. They were pleased that Senator Giessel is interested in introducing such legislation.

The Board also noted that it has previously opposed a new licensing/registration program for medical assistants. However, the Board understands and appreciates the intent to establish jurisdiction for those that have earned a national certification and may be appropriately delegated specific, supervised duties, including acting as delegates for reviewing the PDMP. Although the Board did express concern that the cost and resources needed for such a program be carefully considered in moving forward with the legislation, they support the introduction of such legislation.

The Board was also interested in the suggestion to use the State of Washington licensing program for medical assistants as a guideline for drafting regulations to implement both pieces of legislation.

The Board directed Ms. Stovern to notify Senator Giessel of their support and comments and to thank her for her attention to the legislative issues related to their licensing programs.

Agenda Item Public Comment Forum

Visitors present included:

Dennis Spencer, President of the Alaska Academy of Physician Assistants – reported member concerns with recent changes to telemedicine practice by physician assistants; the Board noted that they will review the matter and consider any unintended consequences of the recent telemedicine legislation regarding physicians.

Anita Halterman, President of Alaska Collaborative for Telemedicine & Telehealth – followed up on her correspondence regarding concerns with recent changes to telemedicine practice by physician assistants; the Board noted that they will review the matter and consider any unintended consequences of the recent telemedicine legislation regarding physicians.

Cherice, PA-C, representing herself – had concerns with recent changes to telemedicine practice by physician assistants; the Board noted that they will review the matter and consider any unintended consequences of the recent telemedicine legislation regarding physicians.

Visitors participating by teleconference included:

Chris Dietrich, PA-C, representing himself – had concerns with recent changes to telemedicine practice by physician assistants; the Board noted that they will review the matter and consider any unintended consequences of the recent telemedicine legislation regarding physicians.

Dr. Jeff Deman, representing Allergy Clinic – had concerns with the prohibition for delegating allergy shots to medical assistants; the Board noted that physicians may not delegate allergy shots to medical assistants (unlicensed assistive personnel); regardless of the training received by a medical assistant, they do not have a license or scope of practice to perform procedures that are considered the practice of medicine. In addition, physicians are prohibited by law from delegating medical procedures to unlicensed individuals.

Other visitors were observing only, and did not wish to speak with the Board.

Public Comment period closed at 3:35 p.m.

Agenda Item 10 Regulations Information and Updates (continued)

Pending/potential regulation projects

Implementation of opioid legislation: The recently enacted House Bill (HB) 159 allows the Board to sanction a licensee that has prescribed or dispensed an opioid in excess of the maximum dosage, adds a new section limiting opioid dosage to a seven-day supply, applies the new opioid requirements to the telemedicine statute, and amends the definition of opioids. It authorizes the Board to require that a licensee review PDMP information when dispensing, prescribing, or administering Schedule II or II controlled substances. It also requires the Board to adopt regulations to implement new opioid education requirements for initial licensure of physicians and physician assistants, and new CME requirements for physicians.

The Board reviewed draft regulations changes for implementing these provisions.

Upon a motion duly made by Dr. Liu, seconded by Dr. Clift, and approved unanimously, the Board approved the proposed changes related to prescribing controlled substances, application for licensure, training requirements, and continuing medical education requirements for license renewal, to go out for public comment as a regulations project.

They approved of the following regulations changes: (Note: changes are in bold and underlined.)

12 AAC 40.975. PRESCRIBING CONTROLLED SUBSTANCES. When prescribing a drug that is a controlled substance, as defined in AS 11.71.900, an individual licensed under this chapter shall (a) create and maintain a complete, clear, and legible written record of care that includes... (b) review the information from the controlled substance prescription database under AS 17.30.200 before initially dispensing, prescribing, or administering a controlled substance designated schedule II or III under federal law to the patient, and at least once every 30 days for up to 90 days, and at least once every three months if a course of treatment continues for more than 90 days; this requirement shall not apply if the licensee is not required under AS 17.30.200

to review the information in the controlled substance prescription database before dispensing, prescribing, or administering the controlled substance to the patient;
(c) comply with the maximum dosage for opioid prescriptions under AS 08.64.363; the maximum daily dosage for an initial opioid prescription issued under AS 08.64.363(a) may not exceed 50 morphine milligram equivalents;
(d) practice pain management with sufficient knowledge, skills, and training, and in accordance with Specialty Board practice standards, with the Guidelines issued by the Federation of State Medical Boards (FSMB) in their Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain, and with the Centers for Disease Control (CDC) Guidelines for Prescribing Opioids for Chronic Pain; or refer patients to a pain management physician.

Additional authority: AS 08.64.326 AS 08.64.363 AS 17.30.200

12 AAC 40.010. APPLICATION FOR LICENSE BY CREDENTIALS.

(b) A complete application must include the following items

(1) submitted by the applicant...

(H) verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction;

(1) education must be earned in a Category I continuing medical education program accredited by the American Medical Association, or earned in a Category I or II continuing medical education program accredited by the American Osteopathic Association, or earned in a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education.

(2) if the applicant does not currently hold a valid federal Drug Enforcement Administration registration number, the verification may be waived until the applicant applies for a valid registration number.

12 AAC 40.015. APPLICATION FOR LICENSE BY EXAMINATION.

(b) A complete application for a license by examination must meet the requirements of AS 08.64.200, 08.64.205, 08.64.209, or 08.64.225 and include the following documents

(1) submitted by the applicant...

(H) verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction;

(1) education must be earned in a Category I continuing medical education program accredited by the American Medical Association, or earned in a Category I or II continuing medical education program accredited by the American Osteopathic Association, or earned in a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education.

(2) if the applicant does not currently hold a valid federal Drug Enforcement Administration registration number, the verification may be waived until the applicant applies for a valid registration number.

Additional authority: AS 08.64.200

12 AAC 40.023. ~~[RESIDENCY]~~ TRAINING REQUIREMENT FOR PODIATRY APPLICANT. In addition to meeting the application requirements in AS 08.64.209, an applicant for a license to practice podiatry shall submit to the board

(a) a certified true copy of a certificate verifying the applicant's successful completion of at least one year of surgical residency training...

(b) verification of the applicant's completions of at least two hours of education in opioid use and addiction;

(1) education must be earned in a Category I continuing medical education program accredited by the American Medical Association, or earned in a Category I or II continuing medical education program accredited by the American Osteopathic Association, or earned in a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education;

(2) in accord with AS 08.64.380, the practice of podiatry does not include pain management, therefore the board will accept only verification of the applicant's education in opioid use and addiction;

(3) if the applicant does not currently hold a valid federal Drug Enforcement Administration registration number, the verification may be waived until the applicant applies for a valid registration number.

12 AAC 40.200. GENERAL REQUIREMENTS. (a) A physician, **osteopath, or podiatrist** seeking renewal of a license shall obtain

(1) an average of 25 credit hours of continuing medical education during each year of the previous license period;

(2) at least two of these hours must be education in pain management and opioid use and addiction, unless the licensee provides a certification under 12 AAC 40.220(a) that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number.

Additional Authority: **AS 08.64.312**

12 AAC 40.210. CREDIT HOURS. (a) Except as provided in (b) of this section, a licensee may meet the continuing medical education requirements set out in 12 AAC 40.200(a) only by obtaining

(1) credit hours in a Category I continuing medical education program accredited by the American Medical Association; ~~or~~

(2) Category I or II continuing medical education hours accredited by the American Osteopathic Association; or

(3) continuing medical education hours earned from providers that are approved by the Council on Podiatric Medical Education.

(b) The board will accept the following as the equivalent of the credit hours required under 12 AAC 40.200(a)**(1)**:

(1) a current physician's recognition award from the American Medical Association, American Podiatry Association, American Osteopathic Association, or a recognized subspecialty board; or

(2) initial certification or recertification during the concluding licensing period by a specialty board recognized by the American Medical Association or the American Osteopathic Association; or

(3) participation in a residency program during the concluding licensing period.

12 AAC 40.400. PHYSICIAN ASSISTANT LICENSE.

(b) The application must contain...

(7) verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction;

(a) education must be earned in a Category I continuing medical education program accredited by the American Medical Association, or earned in a Category I or II continuing medical education program accredited by the American Osteopathic Association, or earned in a continuing medical education program approved by the National Commission on Certification of Physician Assistants (NCCPA);

(b) if the applicant does not currently hold a valid federal Drug Enforcement Administration registration number, the verification may be waived until the applicant applies for a valid registration number.

~~(7)~~ **(8)** clearance from the Board Action Data Bank maintained by the Federation of State Medical Boards; and

~~(8)~~ **(9)** clearance from the federal Drug Enforcement Administration (DEA).

Additional authority: **AS 08.64.200**

Adopted Regulation Projects

- Regulations regarding applications, telemedicine, and prescription drug monitoring program: 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 was filed with the Office of the Lt. Governor on September 8, 2017 and became effective on October 8, 2017.

Agenda Item 12 Legislative Information and Updates

The Board reviewed the following legislative items:

- SB 108 Medical Licensing – this pending legislation would allow for 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.
- HB 90 Licensing Fees and Investigative Costs – this pending legislation 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.
- HB 159 Opioids, Prescriptions, Database, Licenses – this enacted legislation allows 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 recessed at 4:20 p.m.

Friday, November 3, 2017

Call to Order

The meeting was called to order by Grant T. Roderer, MD, Chair, at 9:00 a.m.

Roll Call

Board members present:

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

Board staff present: Debora Stovern, Executive Administrator

Announcements: Dr. Roderer announced that he had recently retired from practice and had submitted his resignation from the Board to the Governor's Office, effective November 27, 2017. He will conduct an election of officers at the end of the meeting.

Agenda item 12 Full Board Interviews

Olga G. Kozlova, MD

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

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) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Dr. Kozlova; with Board staff remaining during the session.

The Board entered executive session at 9:02 a.m., and went back on the record at 9:10 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Humphreys, and approved by roll call vote, the Board tabled the application of Dr. Kozlova as incomplete, pending additional information.

Roll Call Vote:

Dr. Humphreys-Yea
Dr. Liu-Yea
Mr. Mertz-Yea
Dr. Neyhart-Yea

Mr. Olson-Yea
Mrs. Carlson-Yea
Dr. Clift-Yea
Dr. Roderer-Yea

Richard J. Martin, MD

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

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) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing the application of Dr. Martin; with Board staff remaining during the session.

The Board entered executive session at 10:00 a.m., and went back on the record at 10:12 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board granted a full unrestricted license to Richard J. Martin, MD.

Agenda Item 15 Division Update

Division Director Janey Hovenden and Division Administrative Officer Melissa Dumas joined the meeting by teleconference to review the Board financial reports and discuss the licensing fee analysis.

Ms. Hovenden recommended that the Board give serious consideration to review of the fee analysis and make a recommendation for fee increases, to prevent Board finances from going into a deficit during the upcoming years. The Board directed Ms. Stovern to re-distribute the interactive version of the fee analysis tool so they may experiment with different fee structures and conduct a mail vote to make a recommendation.

Agenda Item 5 Investigative Unit (continued)

Senior Investigator Al Kennedy joined the meeting to report on Investigative staff changes. He reported that Chief Investigator Birt had resigned and Senior Investigator Francois is Acting Chief during recruitment.

Agenda Item 13 License Application Review

Board members reviewed license application files. They declined to consider the application of Vinson Michael DiSanto, DO, pending further information.

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

Kyle Dean Aemisegger

Ariel Alexandroni

David Winslow Ashley
Courtney Weathersby Bagayoko
Randal Dons Bladel
Lars Boman
Brian Michael Bourgeois
Daniel Joseph Bristow
Emmett Herschel Broxson
Thelben Annyse Burrell
Andrea Caballero
Debra Louise Callahan
Tirza Cannon
Gina Sarice Carr
Karyn Emmanuel Catt
Scott Chunsik Chang
William Won-Sik Choi
William Thomas Chythlook
Ronald Derek Collier
Mitchell Scott Collman
Jeremy Joel Corbett
Donald Wayne Cory
Carolyn Marie D'Ambrosio
Maia Serina Danielson
Erica Ann Delsman
Myra Dimitrov
Suzanne Troup Duncan
Mary Ebueku-Smith
Steven Bryan Edson
Richard Glen Ellenbogen
Gregory Alexander Engel
Azadeh Esmaeili
Siv Lauv Fasci
Todd Allen Fellars
David Ralph Ferrell
Kristian Martin Ferry
Harkness Storm Floten
Gary Anthony Frederick
Monica Roxanne Gaskins
Carey Brent Gear
Travis Wade Gerlach
David Robert Giammar
Frederick Gleeson
Glenda Hazel Grawe
Anne Gray
Stephen Patrick Griffith
Teresa Gray Hayes
Robert Joseph Hilvers
Dale Hoekema

Kendall Maurice Jones
Peter Gayford Jones
Emily Joyce Junck
Louis Charles Keiler III
Robert P Keller
Stewart Matthew Kerr
Mujahid Akbar Khan
Bill Hoon Kim
Abigail Jeanne Klager
Hale Colin Loofbourrow
Jessica Mae Malone
Phillip Mendoza
Catherine Anne Morrison
Thomas David Mulgrew
Nellie France Nadeau
Krishna Rao Nalluri
Dana Gabriela Nego
David J Neilsen
Elizabeth Anyaegbu Onugha
Jozef Antoni Ottowicz
Jennifer Ricks Perkins
Milt G Poll
Lori Jean Porter
Daniel Eugene Propp
Ivis Quesada
Sarat Chandra Raman
Debra Jean Ravasia
Anna Elisabet Reese
Alison Marie Robinette
April Lizette Rodriguez
Eric Sandoval
Jennifer Elise Schmidt
Richard Lawrence Sellman
Alita Gonsalves Sikora
Harnek Singh
Jeffrey Peterson Stanley
Michael Robert Stewart
Jaime Dawn Stringer
Ronald Kingo Sugiyama
William Allen Surber
Baxter Dixon Tharin
Sean Timpane
Melinda M Tonelli
Louay Joseph Toni
Isaac Marc Truelson
Sara Marie Truelson
Stephen Michael Vindigni

*Felix George Vladimir
David Anthony Wonderlich
Alfred Morgan Wright
Angela Marie Wright*

*Patrick John Wright
Monica Anne Wright
Randall Curtis Zernzach*

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

*Christine Marie Bogardus
David P Bowman
Devin Todd Burrup
Nicole Whitney Collins
Calvin Bradford Davis
Kelly Jeanine Hensgen
Thomas Christopher Kelley
Derrick Anthony Mackavich
Jaron Jed Miner
Matt Tadashi Muramoto*

*David Stockton Noll
Jennifer Amy Prescott-Coraggio
Cherisa Sandrow
Kena Shah
Tavis M Shaw
Ajainder Singh Shergill
Joshua Brett Tennenbaum
Michael L Wynn
Megan Marie Young*

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

*Rachael Diane Brock
Kyla Beth Feickert
Nathan Chase Fitzgerald
Kwenda Kikora Johnson
Caroline Kuepper
Eileen Ivey Lawson*

*Jennifer D McGill
Judith Marie Neil
Maribel DelRocio Occhiuzzo
Jeri Ann Reid
Jeffrey Lee Thompson*

Upon a motion duly made by Mr. Olson, 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:

*Jarrad Dane Henry
Kenneth Cory Hughes
David Alan Madden
Zachary Thomas McNulty*

*David Emory Newton
Rebecca Lyn Shaver
Justin M Taylor*

New Business

There was no new business for discussion.

Agenda Item 19 Administrative Businesses

Financial Report

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

- Year-end Report for Fiscal Year 2017
- Division Annual Fiscal Report to the Legislature for Fiscal Year 2017

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 spoke to the physician assistant classes at the University of Alaska Anchorage regarding the licensing process and Board issues; she attended the UAA graduation ceremony for the physician assistant class; she responded to inquiries regarding telemedicine, PDMP, implementation of HB 159; she responded to inquiries regarding CME audit; she responded to inquiries regarding application timeframe and requests for expedited processing; and she responded to AIM inquiries/polls by other state boards .

Participation in activities of national organizations – Ms. Stovern attended the Administrators in Medicine (AIM) Executive Director workshop; she attended FSMB webinars (topics included eLicensing, accreditation for interprofessional continuing education); she followed the activities of the Interstate Medical Compact Commission; 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 attend 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 – Ms. Stovern assisted the Board with draft regulations for the implementation of HB 159 for Board to consider at this meeting (under Agenda Item 10). 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, new PDMP requirements, new telemedicine business registry, the process improvement project, board management processes, legislative matters, travel and hiring changes, policies, mission, and finances.

Review Minutes

The Board reviewed the minutes of their last meeting.

Upon a motion duly made by Dr. Liu, seconded by Dr. Clift, and approved unanimously, the Board approved the minutes of the August 3-4, 2017 meeting.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

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

The Board confirmed 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. It was noted that the Board's cost saving measures had resulted in half the travel cost for previous years, according to the Division's Year-end Report for Fiscal Year 2017.

Agenda Item Election of Officers

Upon a motion duly made by Dr. Liu, seconded by Dr. Neyhart, and approved unanimously, the Board appointed Dr. Humphreys as Board president.

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

The Board noted that their next election of officers would occur at their February 2019 meeting, and intend these appointments to be valid until then.

Adjournment

There being no further business, the meeting was adjourned at 1:25 p.m.

Respectfully submitted:

Approved:

/s/

Debora Stovern, Executive Administrator
Alaska State Medical Board

/s/

S. Craig Humphreys, MD, President
Alaska State Medical Board

February 2, 2018

Date

February 2, 2018

Date