

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

STATE MEDICAL BOARD

**MINUTES OF MEETING
August 8-9, 2019**

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 8-9, 2019 in Anchorage, Alaska.

Thursday, August 8, 2019

Call to Order

The meeting was called to order by Catherine Hyndman, MD, Chair, at 9:00 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
Catherine Hyndman, MD

Board member Craig Humphreys, MD, was unable to attend the meeting.
Board staff present: Debora Stovern, Executive Administrator

There were no visitors were present.

- Report from safety officer – Ms. Stovern noted appropriate emergency exits and gathering location.

Agenda Item 1 Review Agenda

The Board reviewed the agenda.

Agenda Item 2 Board Business

Ethics Reporting –
There were no ethics conflicts reporte.

Sunset Audit

Alaska Statutes 08.03.10-.20 provide for termination, continuation and reestablishment of regulator boards in accordance with legislative oversight procedures of AS 44.66.050. The current termination (“sunset”) date for the State Medical Board is June 30, 2020.

In accordance with legislative procedures, the Division of Legislative Audit conducted an audit of the activities of the State Medical Board for the purpose of recommending whether the board is serving the public’s interest effectively, whether the board’s termination date should be extended, and developing conclusions, findings and recommendations.

That audit has recently been completed and a draft management letter has been issued to provide any significant findings, and solicit a response from the Board. Auditors will follow up with a preliminary audit report, which may or may not contain these findings, and will again solicit comments before submitted it to the Legislature. The findings are considered confidential until it is submitted to the Legislature for their consideration.

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 a confidential letter for the Division of Legislative Audit; 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 10:13 a.m.

Board president Dr. Hyndman will incorporate Board comments in her response to the auditor’s recommendations.

Board 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. The Board typically takes action at a regularly-scheduled meeting to appoint the Executive Administrator as the Board’s designee. The duties and authority of the designee is established by regulation, and Board Policies and Procedures, including the authority to approve temporary permits.

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

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 personnel issues; with Board staff remaining during the session.

The Board entered executive session at 10:25 a.m. The Board went back on the record at 10:50 a.m.

Agenda item 3 **Board Actions**

Board investigators Michelle Wall-Rood and Autumn Roark joined the meeting.

Upon a motion duly made by Mrs. Carlson, 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 investigative matters; with 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 11:25 a.m.

In the Matter of Case No. 2019-000384

The Board reviewed a proposed license suspension order for a licensee who been charged with crimes related to his practice.

Upon a motion duly made by Dr. Liu, seconded by Mrs. Carlson, and approved unanimously, the Board adopted the Voluntary Suspension Agreement, Case No. 2019-000384, signed by Robert W. McGrath, D.O.

The adoption order was signed by the Chair.

In the Matter of Case No. 2019-000011

The Board reviewed a proposed imposition of civil fine agreement for a licensee who had allowed unauthorized access to the PDMP by an unlicensed individual

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Liu, and approved a majority vote, the Board adopted the Imposition of Civil Fine Agreement, Case No. 2019-000011, signed by Marilyn B. Sandford, M.D.

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

The adoption order was signed by the Chair.

In the Matter of Case No. 2019-000361

The Board reviewed a proposed imposition of civil fine agreement for a licensee who failed to disclose required information on new license application

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board adopted the Imposition of Civil Fine Agreement, Case No. 2019-000361, signed by Kevin E. Steel, D.O.

The adoption order was signed by the Chair.

In the Matter of Case No. 2019-000393

The Board reviewed a proposed imposition of civil fine agreement for a licensee who failed to disclose required information on new license application

Upon a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board adopted the Imposition of Civil Fine Agreement, Case No. 2019-000393, signed by John L. Ritter, M.D.

The adoption order was signed by the Chair.

In the Matter of Case No. 2019-000401

The Board reviewed a proposed imposition of civil fine agreement for a licensee who failed to disclose required information on new license application

Upon a motion duly made by Mr. Olson, seconded by Dr. Clift, and approved unanimously, the Board adopted the Imposition of Civil Fine Agreement, Case No. 2019-000401, signed by Peter J. Swarr, M.D.

The adoption order was signed by the Chair.

Agenda Item 4 Investigative Unit

Investigative Reports

Inv. Roark presented the investigative report. Investigators opened 43 matters and closed 56 matters; 69 matters remain on-going and under active investigation or are pending litigation. Matters opened by the

Inv. Homestead will attend the meeting on Friday to present the probation report.

Investigators departed from the meeting.

Agenda Item 5 Malpractice Report Review

The Board reviewed malpractice reports for Case No. 3PA-18-1478-CI (a), Case No. 3PA-18-1478-CI (b), Case No. STKCVUMM2014010, Case No. BC599365, Case No. CACE-16-00951 (09), Case No. 2013-0195, Case No. 3:18-cv-00215-TMB, Case No. 3AN-17-4384, and Case No. 2018-0483

It was noted that Case No. 3PA-18-1478-CI (a), Case No. 3PA-18-1478-CI (b) had been reviewed by the Board at previous meetings, and the Board had requested additional information. The licensee have recently provided additional information for further review and recommendation by the Board

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

The Board entered executive session at 11:36 a.m., and went back on the record at 11:40 a.m.

Upon a motion duly made by Dr. Neyhart, seconded by Dr. Clift, and approved unanimously, the Board accepted the malpractice reports for Case No. 3PA-18-1478-CI(a), Case No. 3PA-18-1478-CI(b), Case No. STKCVUMM2014010, Case No. BC599365, Case No. CACE-16-00951 (09), Case No. 2013-0195, Case No. 3:18-cv-00215-TMB, Case No. 3AN-17-4384, and Case No. 2018-0483, with no further action at this time.

Agenda Item 2 Board Business (continued)

Board Disciplinary Guidelines

The Board has well-established policies and procedures to investigate complaints and malpractice settlements, and take disciplinary action as appropriate. The Board has worked with its investigative staff to develop specific disciplinary guidelines in order to mete out consistent and effective sanctions when violations occur.

The Board previously adopted regulations to implement statutory requirements regarding the registration and use of the Prescription Drug Monitoring Program (PDMP), and professional standards for prescribing controlled drugs.

At the May meeting, the Board implemented changes to the disciplinary guidelines for violations related to registration and use of the Prescription Drug Monitoring Program (PDMP) and violations related to unauthorized access to the PDMP database. The final draft was included in the Board packet for further review.

Board Policies and Procedures

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 conducted their annual review current policies, procedures, and guidelines; discuss, and considered revising and/or updating:

- At the May meeting, the Board directed staff to confirm compliance with the PDMP registration requirements by reviewing all new license applications, and conducting a random audit of renewals. Licensees will be given 30 days to come into compliance and to confirm that they have not issued prescriptions that require review of the PDMP. Investigative referrals will be made for those that do not come into compliance within 30 days and those that have issued prescriptions that require review of the PDMP. Ms. Stovern provided a draft procedure for ensuring compliance with the PDPM registration requirements.

- At the May meeting, the Board determined that the opioid education requirement for new license applicants must have been completed within the two years preceding the application. Ms. Stovern provided a draft procedure to implement this requirement.
- The Board reviewed their procedure regarding second review of decided matters, along with a draft revision to reflect the current Board and Division practice of not reconsidering matters that have been closed by a voluntary agreement that was adopted by the board to resolve a violation or alleged violation.

Upon a motion duly made by Dr. Clift, seconded by Dr. Liu, and approved unanimously, the Board accepted the proposed revisions the procedures for ensuring compliance with PDMP registration requirements, procedure for accepting required opioid education for new applications, and procedure regarding second review of decided matters.

Prescription Drug Monitoring Program (PDMP) Reports

A reports from the PDMP was included in the board packet for further review, along with a Prescriber Reports Whitepaper.

Recess for lunch

The Board recessed for lunch at 12:00 p.m.
The Board went back on the record at 1:05 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
Catherine Hyndman, MD

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

Board staff present: Debora Stovern, Executive Administrator

Agenda item 6 Full Board Interviews

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 scheduled Board interviews; with Board staff remaining during the session.

The Board entered executive session at 1:05 p.m., and went back on the record at 1:10 p.m.

Ryan J. McDonough, D.O.

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

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

The Board entered executive session at 1:12 p.m., and went back on the record at 1:17 p.m.

Upon a motion duly made by Dr. Liu, seconded by Dr. Clift, and approved unanimously, the Board granted a full unrestricted license to Ryan J. McDonough, D.O.

Steven Albrich, PA-C

Mr. Albrich was present to discuss his license application with the Board.

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

The Board entered executive session at 1:20 p.m., and went back on the record at 1:25 p.m.

Upon a motion duly made by Dr. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board granted a full unrestricted physician assistant license to Johannes Steven Albrich, PA-C.

Agenda Item 8 Continuing Medical Education (CME) Audit

Audit status

Statistics for the audit from the last license renewal period were included in the board packet for further review; one audit remains outstanding and has been referred to the Division Paralegal who is working to resolve it.

Ms. Stovern reported that notices had been sent to those randomly selected for the audit of the most recent license renewal period, and she will be reviewing those submittals for approval or follow-up.

Audit Process

The Board Policies and Procedures regarding the audit process was included in the Board packet for further review.

Agenda Item 9 Regulations Information and Updates

Potential regulation projects:

- Graduates of unaccredited foreign medical schools – The Board has been reviewing their requirements regarding graduates of international medical schools. The Board had previously adopted regulations setting requirements for graduates of foreign medical schools, which are not accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association. The Board had determined that it was imperative to ensure that an applicant’s medical education meets appropriate minimum standards, regardless of the quality of their postgraduate training. Because there is no accrediting body for foreign medical schools, and because the Board did not have the resources to adequately vet foreign medical schools, it chose to accept the California Medical Board’s vetting process, and adopted a regulation (12 AAC 40.016) requiring an applicant who is a graduate of an unaccredited foreign medical school to have graduated from a school on the October 11, 2006 list titled Medical Schools Recognized by the Medical Board of California. As required by the Office of the Attorney General, the Board adopted the specific version of the California list that was current at that time (2006.) Note: The Board’s authority to adopt the California list was challenged in a 2013 Alaska Superior Court case; the court upheld the Board’s authority to adopt the regulations, and also denied alleged violations of equal protection guarantees.

At previous meetings, Ms. Stovern reported that it has come to the attention of staff there may be some potentially unintended consequences of relying on the 2006 California list. For example: An applicant may have graduated from a foreign medical school that is or was on the California list at the time of attendance and graduation, but was not on the 2006 California list. Or an applicant may have graduated from a foreign medical school at a time when the school was not on the list, but the school is on the 2006 list. At that meeting, the Board discussed the potential options, including adopting a more current version of the California list (which may or may not correct the issue), or requiring that the school appear on the list that was current as of the time they attended and graduated from the school (which may be problematic in determining whether the school was on the list at that time.)

Ms. Stovern had also reported her contact with the California Board, and learned that they would be discontinuing their evaluation of foreign medical schools and increasing the requirements for graduates of foreign medical schools, effective January 2020. A copy of the current California list of approved foreign medical schools had been provided, and could be adopted by the Alaska Board, if desired. The list does include some inclusive and exclusive dates, but does not indicate when a school was approved and added to the list, nor are there other records to verify that information.

At the May meeting, the Board determined to change the Alaska requirements for graduates of foreign medical schools, similar to the new requirements being implemented by the California Board including: the medical school must be included in the International Medical Education Directory, require a one-year period of accredited postgraduate training in a general medicine program, at least three years of accredited postgraduate training with a minimum of 24 continuous months completed in one program, successful passage of the required licensing exam (USMLE, NBME, or FLEX) with no substitutes or exam combinations accepted, and ECFMG certification.

It was noted that the new requirements will be consistent with the Interstate Medical Licensure Compact and participating states, including California. Ms. Stovern provided draft changes to the following regulations to implement the new requirements:

- 12 AAC 40.010. Application for license by credentials
- 12 AAC 40.015. Application for license by examination
- 12 AAC 40.016. Application for license by foreign medical graduates
- 12 AAC 40.040. Recognized hospital

Upon a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved unanimously, the Board approved the proposed regulations changes regarding graduates of unaccredited foreign medical schools, to go out for public comment as a regulations project.

- Physician Assistant (PA) telehealth – the Board reviewed draft regulations to implement the recently revised statutes that add PAs as authorized practitioners of telemedicine. It was noted that, at the time of the meeting, the bill had been transmitted to the Governor and was awaiting signature.

Ms. Stovern provided draft changes to the following regulations to implement the new provisions:

- 12 AAC 40.940. Standards of practice for recordkeeping
- 12 AAC 40.967. Unprofessional conduct

It was noted that no change is required for 12 AAC 40.943, Standards of practice for telemedicine, because this regulation pertains to any health care provider engaging in telemedicine practice under AS 08.64.364, and it does not need revision to add physician assistants.

It was also noted, that the Board's additional intent regarding changes to 12 AAC 40.967(29) is to restore the previously sanctioned exceptions to the physical examination requirement to allow for emergency treatment, expedited partner therapy, or in response to an infectious disease investigation, public infectious disease outbreak, or act of bioterrorism; in addition to the practice of telemedicine by a physician or physician assistant under AS 08.64.364.

Upon a motion duly made by Dr. Clift, seconded by Mr. Olson, and approved unanimously, the Board approved the proposed regulations changes regarding physician assistant telehealth practice, to go out for public comment as a regulations project, subject to the legislation becoming law.

Approved regulation projects:

The Board has proposed changes to various regulations. As published in the public notice, this regulations project includes changes relating to training requirements for podiatrist applicants, board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, codes of ethics, and establishing standards for delegation of routine medical duties to assistive personnel, including the following:

- 12 AAC 40.023. Training requirements for podiatry applicant, is proposed to be changed to amend the application requirements for a license to practice podiatry.

- 12 AAC 40.035. Temporary permit application requirements, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary physician permit.
- 12 AAC 40.036. Locum tenens permit application requirements, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a locum tenens permit.
- 12 AAC 40.038. Residency permit, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a residency permit.
- 12 AAC 40.045. Courtesy license, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a member of the board to issue a courtesy license.
- 12 AAC 40.058. Review of applications, is proposed to be changed to amend the provisions related to review of applications, and to adopt by reference the updated checklists used for review of applications by a board member, the executive secretary, or a person designated by the board to issue licenses or permits to applicants meeting certain requirements.
- 12 AAC 40.355. Temporary permits, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary mobile intensive care paramedic permit.
- 12 AAC 40.405, Temporary license, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary physician assistant license.
- 12 AAC 40.480. Exemptions, is proposed to be changed to amend the provisions related to exemptions for medical office employees.
- 12 AAC 40.905. Meetings, is a proposed new section that establishes criteria for board meetings.
- 12 AAC 40.910. Delegation of authority to the board's designee, is proposed to be changed to add board discretion to delegate authority to another employee of the division to issue temporary permits to applicants who meets certain requirements.
- 12 AAC 40.920. Standards for delegation of routine duties, is a proposed new section that establishes standards and conditions under which a licensed physician, osteopath, podiatrist, or physician assistant may delegate the performance of routine medical duties to their assistive personnel.
- 12 AAC 40.955 Ethical standards, is proposed to be changed to reflect the current version of the code of ethics that the board adopts by reference for licensed physicians, osteopaths, podiatrists, physician assistants, and mobile intensive care paramedics.

In considering the proposed regulations project, the Board reviewed and considered public comments received in support of the proposed changes from: Ponekham Kantiyavong, William W. Resinger MD, Donald A. Balasa on behalf of the Alaska Medical Assistants Society and the American Association of Medical Assistants, Robin Holmes MD, Nicole Worrall CMA, Catherine Brankin, Kimberly Schumacher DO, Amy Samuel CMA, and Diane Moore CCMA,

The Board does not expect the regulations change to incur cost to private persons, or to require an increased appropriation.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved unanimously, the Board adopted the proposed regulation changes relating to training

requirements for podiatrist applicants, add board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and to establish standards for delegation of routine medical duties to assistive personnel, as written and publicly noticed.

The adoption order was signed by the Chair.

Regulation Process

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

Agenda Item 10 Legislative Information and Updates

Guidance for Board Members

A Division publication regarding participation in the Legislative process was included in the Board packet for further review.

Legislative Updates

The Board reviewed the following proposed legislation:

- SB 44 PA Telehealth – would add Physician Assistants (PAs) as authorized practitioners of telemedicine. The Board reviewed the bill at their February 2019 meeting and took a position in support. A copy of the bills, sponsor statements, and Board letter in support, were included in the Board packet for further review. It was noted that SB 44 had passed, and been transmitted to the Governor for signature.
- HB 89 Opioid Prescription warning – would require specific patient education on the risk of opioid dependence and alternative treatments prior issuing a prescription. The Board had previously opposed similar legislation. A copy of the bill, sponsor statement, and the Board's previous opposition letter were included in the Board packet for further review. The Board determined to review it at their next meeting.
- HB 91 Naturopathy – would expand the scope of practice and prescriptive authority for naturopaths. A copy of the bill, sponsor statement, and opposition letter from the Alaska State Medical Association (AMSA) were included in the Board packet for further review, as well as a history of the Board's previous opposition to similar legislation. The Board also reviewed literature published by the American Medical Association (AMA) comparing training and scope of practice for various health care practitioners. The Board considered opposing this bill, but Board determined to review it at their next meeting. Mr. Olston volunteered to research the issue and provide additional information for consideration.
- SB 120 Psychotropic Medications – would provide for the administration of psychotropic medication to a patient in a crisis situation without the patient's informed consent. It was noted that this bill is specific to Title 47, Welfare, Social Services, and Institution, does not impact medical board statutes. The Board did not take a position on this bill.

- Potential legislation related to Prescription Drug Monitoring Program (PDMP) – the Board supports any efforts to change the statutory requirement that PDMP delegates must be licensed.
- Interstate Medical Licensure Compact – the Board continues to support the Interstate Medical Licensure Compact for physician licensure, which would create an additional pathway to licensure for the most highly qualified applicants. The Board supported legislation previously introduced to implement the Compact. Although the legislation did not pass, the Board expects to support future legislation if something similar is introduced. Board members volunteered to contact their legislators for a potential sponsor.

Agenda Item Public Comment Forum

The public teleconference line was opened.

Visitors present by teleconference included:

- Alyson Currey representing Planned Parenthood Northwest – is interested in Board regulations projects.

Visitors present included:

- Dustin Larma of the Residential Youth Center in Ketchikan (in person) – supports the Board regulations project to change licensing requirement for graduates of a foreign medical school. His letter to the Board was also included in the Correspondence section of the Board packet for further review.

Public Comment period closed at 3:25 p.m.

New Business

The following new business was discussed:

- Board investigative training – Investigator Roark has the opportunity to attend the FSMB Board Attorney Workshop. Investigator Wall-Rood attended last year and reported that the training was valuable. The Board supports this training.
- PA collaboration with a physician with a conditioned license – in consultation with the Board president, Ms. Stovern recently approved a collaborative plan submitted by a PA in good standing, who had listed a primary collaborating physician in good standing, and an alternate collaborating physician with a current license that is under probation (compliant with all conditions of the consent agreement). In accordance with 12 AAC 40.410(h): “A physician who wishes to establish a collaborative relationship with a physician assistant must hold a current, active, and unrestricted license to practice medicine in this state and be in active practice of medicine.” Absent a specific definition for a restriction on a license, the Board agreed that it was acceptable to approve this physician should be fine as an alternate (not as the primary). The Board did not establish a guideline

on this, but determined that such submittals should be considered as this one, on a case-by-case basis with a Board member recommendation.

- License application professional fitness questions – the Board discussed the application questions, and how to minimize any stigmatizing terminology and close potential loopholes with the current questions. The Board determined to discuss further at their next meeting.

Agenda Item 16 Administrative Businesses

Financial Reports

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

- Current report (3rd quarter of FY 2019)
- Year-end Report for Fiscal Year 2018
- Division Annual Fiscal Report to the Legislature for Fiscal Year 2018

It was noted that the Year-end reports for Fiscal Year 2019, which ended on June 30, 2019, would be available in October.

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 CME and renewals, PDMP, opioid education requirements; she responded to inquiries regarding fee changes, she responded to inquiries regarding application timeframe and requests for expedited processing; and she responded to AIM inquiries/polls by other state boards.
- Participation activities of national organizations – Ms. Stovern attended FSMB webinars (topics included GME accreditation, ECFMG changes); she followed 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 attended CTeL webinar re: telehealth and e-health issues
- Tracking of board actions – Ms. Stovern provided a report of the Board's recent actions (including confirmation that the actions were properly reported), which was included in the Board packet for further review.
- Tracking of licensing process – Ms. Stovern provided statistics and a detailed spreadsheet voering processing of recent applications, , which was included in the Board packet for further review.
- Status of CME audit – Ms. Stovern worked with the Division Paralegal on resolving noncompliant audits from previous audit; she sent out notices regarding audit of December 31, 2018 renewals, and will be reviewing submittals for approval, following up on noncompliant audits, and working with the Division Paralegal on resolving noncompliant audits.
- Status of regulations projects – Ms. Stovern worked on updating applications, checklists, and the Board website to implement new opioid education requirements for new and renewal applications,

PDMP requirements, and new fees; she worked with the Division Regulations Specialist to public notice the Board-approved regulations for implementation of recent legislation including delegation to medical assistants, medical licensing process, physician assistant licensing, codes of ethics, podiatrist residency requirements, meeting requirements.

- Board administrative tasks – Ms. Stovern monitored the status of legislation, attended committee hearings, and provide information to the Division regarding the impact on Medical Board programs, board position, etc.; she updated the Board website, as needed (including revised forms, regulations, FAQ, opioid education requirements, PDMP info, online application instructions, etc.); she update the Board’s policies and procedures, as needed; she updated and distributed new member orientation manual, as needed; she work with the Attorney General’s office on litigation, regulations projects; she worked extensively with Legislative auditors on the Medical Board sunset audit; and she attended Division meetings regarding the legislative session, hiring/training/supervising medical staff, new database and online application processes, PDMP program and requirements, OnBoard software, board management processes, medical process changes, medical staff changes, etc.

Annual Report

The Board’s annual report for the recent fiscal year was included in the Board packet for further review.

Sunset Audit

The Board will plan to review and respond to the Sunset Audit report at their next meeting.

Review Minutes

The Board reviewed the minutes of their last meeting.

Upon a motion duly made by Dr. Clift, seconded by Dr. LiuNeyhart and approved unanimously, the Board approved the minutes of the May 9-10, 2019 meeting, as presented.

Record of mail votes since the last meeting

There were no mail votes.

Meeting Scheduling

The Board confirmed the schedule for upcoming meetings:

- November 7-8, 2019 in Anchorage
- February 6-7, 2020 in Anchorage
- May 7-8, 2020 in Anchorage
- August 6-7, 2020 in Anchorage
- November 5-6, 2020 in Anchorage

The Board recessed at 4:27 p.m.

Friday, August 9, 2019

Call to Order

The meeting was called to order by Catherine Hyndman, MD, Chair, at 9:00 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
Catherine Hyndman, MD

Board member Timothy Olson, PA-C, arrived at 9:53 a.m.; Board member Craig Humphreys, MD, was unable to attend the meeting.

Board staff present: Executive Administrator Debora Stovern. Senior Investigator Sonia Lipker, and Investigator Billy Homestead.

There were no visitors present.

Announcements:

- The Division had been informed by the Office of Attorney General of a scam targeting physicians in the States of Washington and California. It appears to be an extortion scheme involving calls to physicians from individuals posing as Medical Board personnel or DEA agents, claiming a problem with the physician's DEA registration, and demanding payment to keep the license from being suspended. The Board supports the Alaska Prescription Drug Monitoring Program (PDMP) issuing a mass email warning notice to PDMP participants.
- It was noted that Governor Dunleavy has requested all agencies to perform a review of statutes and regulations to identify and revise anything that is outdated, ineffective, and which does not meet the mission of protecting the public interest while getting people to work.

The Board noted that they regularly review their statutes, regulations, disciplinary guidelines, and policies and procedures. They typically pursue a comprehensive regulations project annually or semi-annually, as needed, to include "housekeeping revisions" based on regular reviews and identified in the process of regular business. The Board has also recently implemented comprehensive regulations projects in response to the Division-wide streamlining project, and recent legislative changes. The Board also performs an annual review of their policies, procedures, and guidelines (as recommended by Legislative auditors in the 2012 sunset audit report); and they perform regular review of their statutes, regulations, disciplinary guidelines, and policies and procedures when preparing their annual report, and during their periodic sunset audit process.

The Board reviewed the following items during the current meeting in the context of the Governor's mandate: adoption of a comprehensive regulations project, consideration of regulations changes to update licensing requirements and implement new legislation related to telehealth, annual review of the Board policies, procedures, and guidelines, consideration of sunset audit recommendations, and review of their annual report.

Agenda Item 4 Investigative Unit (continued)

Investigative Reports

Inv. Homestead presented the probation report, which confirmed licensee compliance with their agreements.

Agenda Item 7 Board Review of Requests

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

The Board entered executive session at 9:00 a.m., and went back on the record at 10:25 a.m.

Note: Dr. Jensen called in for a part of the executive session to discuss confidential information regarding his request for reinstatement of his suspended license.

In the Matter of Christopher J. Jensen, MD

The Board reviewed a request from Dr. Jensen to reinstate his suspended license, along with documentation of his completion of the required rehabilitation and retraining programs and those program recommendations (including a recommendation for proctored surgeries), as well as an investigative report of his compliance with the Consent Agreement.

Upon a motion duly made by Dr. Clift, seconded by Mrs. Carlson, and approved by a majority vote, the Board agreed to reinstate Dr. Jensen's suspended license, subject to compliance with all terms and conditions of his Consent Agreement and Addendum to Consent Agreement, and subject to his undergoing proctored supervision of at least ten (10) surgeries including a variety of complex surgeries; the proctor shall be an Alaska licensed surgeon approved by the Board; the required proctoring of surgeries shall remain in place until lifted by the Board; the Board will consider lifting the proctoring requirement upon review of a report from the proctor after completion of at least ten (10) proctored surgeries. All other terms and conditions of the Consent Agreement remain unchanged.

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

Mrs. Carlson stated her opposition for the record: She believes that Dr. Jensen's license should have been revoked after the second and/or third violations of his consent agreement; and that the Board previously ordered his license to be suspended for two years, due to his drug and alcohol impairment problem, so does not believe the Board should consider lifting the suspension until at least two years of suspension (January 2020.)

In the Matter of Brian Donaldson, MD

The Board considered a request from Dr. Donaldson to pre-review his petition to change the conditions of his consent agreement. In accordance with Board policy, the Board determined that no further information is needed and will consider the petition at the November meeting,

All visitors departed from the meeting.

Agenda item 7 Full Board Interviews

There were no further interviews scheduled.

Agenda Item Division Update

Division Director Sara Chambers joined the meeting by teleconference; Division Deputy Director Sharon Walsh joined the meeting in-person

Financial Reports

The Board reviewed financial reports prepared by the Division, including the current report (3rd quarter of FY 2019), Year-end Report for Fiscal Year 2018, and Division Annual Fiscal Report to the Legislature for Fiscal Year 2018. Year-end reports will be provided by the Division in October.

“Right Touch” Regulations

Governor Dunleavy has requested all agencies perform a review of statutes and regulations that are outdated, ineffective, and which do not meet our mission of protecting the public interest while getting people to work. Division-prepared documents were included in the Board packet for further review, including a “Right Touch Regulations” PowerPoint summary and a “Licensing Regulatory Activity Workbook.”

Moving Executive Administrator position to Juneau

Ms. Chambers reviewed the Division's plan for moving the Board's executive administrator from the Anchorage office to the Juneau office, in the best interest of the licensing program and the agency, the Division feels is necessary for administrative oversight of the program. The Board expressed their concerns and opposition to the move, noting that Alaska statutes provide for Board direction of the executive administrator's role. The Board also express their concern with the cost to the Board and to licensees of such a move, and the potential fiscal and work process impact of such a move, including the

disruption to the program and lack of access to the executive (by board members, Anchorage-based investigative staff, Southcentral hospitals, facilities, education programs, professional associations, and practitioners). The Board also expressed concern that the Division has failed to consider their continuing request to consolidate Board staff from the Juneau to the Anchorage office. The Board stated that their concerns should be primary, particularly given the Board's statutory authority, the necessary functions of the executive administrator position, and lack of metrics to measure the impact of such a move versus the effectiveness of the Board.

Ms. Chambers departed from the meeting.

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) and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing personnel matters; with Board executive staff and Division Deputy Director remaining during the session.

The Board entered executive session at 12:05 p.m., and went back on the record at 12:35 p.m.
Note: Ms. Walsh departed from the meeting during the executive session, at 12:10 p.m.

The Board reviewed the authorizing statute for the executive administrator position:

AS 08.64.103. Investigator; executive secretary. (a) After consulting with the board, the department shall employ two persons who are not members of the board; one shall be assigned as the investigator for the board; the other shall be assigned as the executive secretary for the board...
(b) The executive secretary is the principal executive officer of the board and shall perform duties as prescribed by the board...

Upon a motion duly made by Dr. Liu, seconded by Dr. Clift, and approved unanimously, the Board ordered that, as authorized by Alaska Statute 08.64.103, the executive secretary is the principal executive officer of the board and shall perform duties as prescribed by the board. The board ordered that duties shall be performed by the executive secretary only at the direction of the board. The board further ordered that duties shall be performed by the executive secretary only at the board's current Anchorage office, unless otherwise directed by the board. Duties prescribed by the board shall include:

- 1) managing the operations of the board and the efficient function of the board office;**
- 2) referring potential violations and complaints against licensees to medical board investigators; representing and communicating the board's interest during the preparation of disciplinary agreements and other legal documents related to investigations;**
- 3) monitoring investigative complaints and cases through the final disposition and reporting to the board about required board action reporting;**
- 4) approving issuance of licenses in accordance with board delegation; making recommendations to the board regarding licensure of applicants when licensure authority has not been delegated; reviewing and responding to applications that include discrepancies or adverse or derogatory information;**

- 5) **representing the Board at local and national meetings of regulatory agencies and professional associations, as well liaison with the organizations that write or administer examinations required for licensure; researching and reporting on statewide and national issues of importance to the profession;**
- 6) **disseminating information to the public about board activities, services, laws and licenses; representing the board to the media, professional organizations, employers and educational institutions; developing and conducting educational activities and speaking engagements explaining licensing and regulation;**
- 7) **reviewing, proposing and drafting revisions to statutes, regulations, procedures and guidelines; drafting regulations and policy proposals at the board's request;**
- 8) **monitoring legislative proposals relevant to the medical profession in the legislature, and testifying before the legislature on behalf of the board;**
- 9) **coordinating board meetings; preparing agendas and support information; providing guidance to the board to assist with orderly action, compliance with laws, and historical precedent for board actions; drafting meeting minutes and implementing decisions made by the board; educating new and continuing board members about the duties and powers of the board;**
- 10) **drafting the board's annual report;**
- 11) **conducting audits of continuing medical education requirements, PDMP registration compliance, and PA records of assessment, as directed by the board;**
- 12) **providing input to the department on program fee recommendations in consultation with the board, monitoring department financial reports and expenditures, and reporting to the board on financial status;**
- 13) **the executive secretary may use the working title "principal executive officer" or "executive administrator."**

Travel Policy

The Board previously discussed concerns regarding Division travel restriction which would limit Board travel in the upcoming fiscal year to only one in-person meeting. Other required or necessary meetings would need to be conducted by teleconference or video conference.

The Board remains committed to holding four in-person meetings per year. This is in addition to the extensive work done by Board members year-round, and the Board business conducted by mail vote or special teleconference meetings as appropriate for a single or less complex action. The Board noted that it is essential that they meet in-person quarterly, as required by statute, to conduct complex business and address multiple topics, which is problematic by teleconference. Each quarterly meeting has a full two-day agenda and includes required in-person interviews with 4-6 applicants for initial licensure, annual probation interviews with licensees under consent agreements, consideration of disciplinary actions for adoption, review of required malpractice reports, review of approximately 150 new license applications for approval, consideration of public comments and adoption of regulations to implement legislation or make necessary changes or updates, review investigative and fiscal reports from Division staff, reports from the FSMB annual meeting (including interstate medical licensure compact, prescription drug monitoring programs, the opioid epidemic, impairment issues, etc.), and conduct regular Board business.

The Board has implemented cost saving measures which have greatly reduced travel costs, including holding meetings at inexpensive location (instead of remote sites), meeting at no-cost locations, working

through lunch on day two to adjourn in time for afternoon departures, and using electronic meeting materials. In addition, several members regularly decline travel reimbursement to further reduce travel costs.

The Board noted that their volunteer work as members of the State Medical Board have a value exceeding \$500,000 annually.

Ms. Stovern had previously reported that the Board may request a travel waiver through the Governor's Office of Boards and Commissions. Dr. Hyndman, as president of the Board, will follow up to request a travel waiver.

Based on Ms. Chambers instruction, the Board directed Ms. Stovern to also request travel approval for all Board meetings scheduled in 2019-2020 under the Division's travel policies and procedures, and to copy all Board members with that request.

Agenda Item 13 Federation of State Medical Boards (FSMB) updates

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

- 1) Board Meeting highlights
 - July 2019
 - April 2019
- 2) Advocacy Information
- 3) Invitation to Tri-Regulator Symposium
- 4) Press release: Harris Poll re: physician misconduct
- 5) on USMLE Scoring update and recommendation
- 6) Pandemic and All-Hazards preparedness
- 7) Digital credentials
- 8) E-news (May - July editions)

Agenda Item 15 Correspondence

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

- 1) Accreditation Council for Continuing Medical Education (ACCME) reports, news
- 2) National Board of Osteopathic Medical Examiners (NBOME) news, exams, annual report
- 3) Federation of Podiatric Medical Boards (FPMB) news
- 4) International Association of Medical Regulatory Authorities (IAMRA)
- 5) International Conference on Opioids (ICCOO) news

- 6) Alaska Department of Health and Social Services (DHSS) information, press releases
- 7) State of Reform news
- 8) Center for Telehealth (CTel) news briefs
- 9) American Telemedicine Association (ATA) news briefs

The Board also considered the following:

- Inquiry regarding the regulations adopted under Agenda Item 9 (standards for the delegation of routine medical duties to unlicensed assistive personnel), including a question regarding delegation of vaccines under the new standards. The Board determined that the language of the regulation does not preclude delegation of multiple vaccinations - each vaccine would be considered a single intramuscular injection that may be delegated individually, subject to the required training and oversight.
- Mr. Larna's proposal for regulations change regarding licensing requirements for graduates of unaccredited foreign medical schools.

Recess for lunch

The Board recessed for lunch at 1:00 p.m.
The Board went back on the record at 1:15 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
Catherine Hyndman, MD

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

Board staff present: Debora Stovern, Executive Administrator

Agenda Item 12 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.

Dr. Hyndman departed from the meeting at 1:30 p.m. Dr. Neyhart chaired the remainder of the meeting.

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

*Ahmed Sami Ali Abuzaid
Nitin Naresh Aggarwal
Garrett Dale Alcorn
Holly Varnell Alfrey-Van Dyk
Paul Stephen Basel
Travis Marc Bellville
Nathaniel James Bell
Sean Bhagat
Sean Michael Biggs
Joyce Marie Brackebusch
Daniel William Brown
Carla Michelle Cartagena De
Jesus
Tina Yin Chang
Jonathan Hans Chen
Lucia Szu-En Cheng
Michael Chung-Hou Chiang
Jonathan Chow
Sheryl Sue Cohen
Shawn Michael Cole
Jennifer Vengkatraman Collins
Bryan Andrew Cothren
Robert Hayes Crawford
Torijaun D'Aundre Dallas
Christine M. Daly
Stephen Andrew Dawkins
Shawn Michael Degler
Michelle Marie DeNault
Vekata Durga Prasad Diddi
Ian Daniel Dobbe
Wendy Ellen Doran
Richard H. Ellsasser
Elizabeth Todd Embick
Benjamin Luis Egusquiza
Nabila Syeda Farooq
Joshua Judd Fite
Kamau Foderingham
Umberto G. Fontana
Erica Catalano Foster
Mary Patricia Fox
Rabun Samuel Fox
Richard Dale Frishman*

*Ellen Marie Gallant
Caleb Pressman Gardner
Zoran Gatalica
Brittany Gerken
Jessica Lynn Goldberger
Meghan Greenfield
Brianna Michelle Grigsby
Eric Andrew Gustafson
Eric Mark Hammerberg
Julia Lynn Herbert
Marier Hernandez Perez
Lisa Hertz
Tyson James Hickle
Heather Marie Hockenberry
Jenny Cheng Hoffmann
Jerry Donald Howard Jr
Chad Joseph Hruska
Andrew Timothy Ingram
Shari Marie Jackson
Przemyslaw L. Kapalczynski
Dmitriy Nicolas Kazimirko
Scott Herbert Kennedy
Ann Therese Kessel
Jay Won Kim
Avery Jennings Knapp Jr
Andrew Berk Kopstein
Katerina Kurteeva
Richard Kwun
Teresa Sze-En Lam
Thomas A. Lamperti
Nicholas Scott Larson
Jacob Don Light
Ryan Joseph Longfellow
Dean Kevin Lurie
Javaneh Lyons
Yi Mao
Sadie Marie Marden
Daniel Joel McCulley
Andre-Paul Michaud
Bernard Aron Michlin
Sheilaja Mittal
Robert Mark Mordkin*

*Sheridan Alexander Morgan
Emmett Wayne Mosley
David Lee Murphy
James Lee Murray III
James John Murtagh
Nausheen aveed
Adam Akira Nishimura
Seong Jeong Noh
Brian James O'Grady
Mark Oluwatobi Owolabi
Dwight Andrus Parker
Jason Ryan Parks
Robert Michael Peppercorn
Tzlil Perahia
Mary Linley Phillips
Elaine Clark Pigman
Troy Lane Potthoff
Suneet Nitin Purohit
Nora Tuy Quiason
Mordechai David Raskas
Peter Thomas Reissmann
Beth Anne Ridgway
John Lawrence Ritter
Elizabeth Fleming Robertson
FranciscoBernardo Rodriguez IV
Omaira Colon Rodriguez
Alan Frederick Rope
Manfred Rothstein
Praveen Kumar Roy
Douglas Andrew Russell*

*Timothy William Ryan
Anirudh Saronwala
Richard Benton Schultz
Michael Lee Schwalbe
Andrew G. Shacklett
Aditi Sharma
Tarvinder Pal Singh
Emmaleigh Madeline Smith
Jacob Clark Smith
Kelly Anne Smith
Shauna Marie Smith
Steven R. Steinhubl
Sean Michael Stone
Shauna Patrice Stupart
Ana Suarez
Umashankar Subramanian
Peter James Swarr
David Allen Tenenberg
Rebecca Touger
Haley J. Turner
David B. Weiss
Mary A. Wemple
David Howard Williams
Michael J. Wolfe
Lye-Ching Wong
Kimberlee Ann Yeargin
Mark Lowell Yelderman
Duke Gotthard Yim
David Hal Zonies
Crystal Joy Beal*

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

*Carly Anne Allen
Alexandria Paige Boley
Melaina Diane Chandou
Stephen Michael Daquino
Amber Nicole Figueroa
David Douglas Fink
Brendan James Fowler
Chad Ryan Greene
Shannon Lynn Henning
Matthew Mark Huckabee
Logan Friedt Huff*

*Sally Jane Mangum
Bryce David Olsen
Ravikumar K. Patel
Ray-Bernard Portier
Gregg Wendell Schellack
Michael Allen Sheflo
Krystine Rene Spiess
Kevin Erik Steel
Chi Quynh Truong
Eric Henry Weppler
Joss Robin Wertz*

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

*Shara Lyn Albrich
Dennis Michael Brennan
Kathryn Elizabeth Burke
Jon Bryan Christensen
Siobhan Maura Conley
Scott Philip Deaton
Kai Thomas Englert
Anita Hopkins Godwin
Adam Forrest Klawonn
Curt Andrew Litton*

*John William McAtee
Ryan Lamont Morrill
Nancy Pagan
Lauren Ashley Poulsen
Blake Reza Shahlaie
Rachel C. Stadler
David Charles Turro Jr
Matthew Gunnar Wark
Stefanie Nanette Winder
James Richard Zimmerman*

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:

*James Asa Samuel Combs
Linsay Kathryn Gannon
Faith E. Clida
Tanner M. Loewe
Richard Ernest Schuster*

Adjournment

There being no further business, the meeting was adjourned at 2:12 p.m.