

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING  
4

5 STATE MEDICAL BOARD  
6

7 MINUTES OF MEETING  
8 Thursday, April 9, 2020  
9

10 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a special COVID-19  
11 video-conference meeting of the Alaska State Medical Board was held on Thursday, April 9, 2020.  
12

13 Thursday, April 9, 2020  
14

15 **1. Call to Order/ Roll Call**

16 The meeting was called to order by Chair Wein at 4:02 p.m.  
17

18 **Roll Call**

19 Board members present, constituting a quorum:

20 Sarah Bigelow Hood, PA  
21 David Boswell, Public Member  
22 Larry Daugherty, MD  
23 Christopher Gay, MD  
24 Lydia Mielke, Public Member  
25 Steve Parker, MD  
26 Richard Wein, MD (Chair)  
27

28 Board staff:

29 Alysia Jones, Executive Administrator  
30 Steven Alvarado, Licensing Examiner  
31

32 The following visitors attended the meeting:

33 Harriet Dinegar Milks, Senior Assistant Attorney General, Department of Law  
34 Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing  
35 Doug Williams, Guardian Flight  
36 Steve Handy  
37

38 **2. Review Agenda**

39 The Board reviewed the agenda. The Chair announced that an agenda item had been added for staff to  
40 respond to questions raised at previous meetings.  
41

42 **On a Motion duly made by Dr. Daugherty, seconded by Mr. Boswell and approved**  
43 **unanimously, the Board approved the agenda as presented.**  
44

45 **3. Review/Approve Meeting Minutes**

46 The board reviewed the meeting minutes from the April 2, 2020 meetings.  
47

1                   **On a Motion duly made by Dr. Daugherty, seconded by Ms. Mielke, and approved**  
2                   **unanimously, the Board approved the minutes of the April 2<sup>nd</sup> meeting as presented.**  
3

4                   **4. Follow Up on Previously Asked Questions**

5                   Ms. Jones provided an update on questions asked at the previous board meeting:

- 6                   •   **Status of Other States Waiving License Fees** – FSMB pulled information regarding fee waivers  
7                   from the following charts FSMB charts: [Out-of-state licensing](#), [Reinstating inactive/retired](#)  
8                   [physicians](#), [Out-of-state telemedicine](#) charts. The listing including information from AR, IL, KS,  
9                   ME, NB, NJ, PA, UT, VT, and VA. While waivers varied amongst the states, all of the above listed  
10                  states offered some type of fee waiver for emergency temporary licenses, renewals and/or  
11                  reactivation of retired licenses.  
12
- 13                  •   **Clarification regarding Telemedicine Business Registry**- The Division submitted a request for  
14                  clarification on whether the telemedicine business registry will still be required when SB 241  
15                  goes into effect and is awaiting a response from Department of Law. At this time, registration  
16                  with the Alaska Telemedicine Business Registry is still required.  
17
- 18                  •   **SB 173 Transfer of MICPS to DHSS/ EMS** - SB 173 had been scheduled for a floor vote but was  
19                  bumped when SB 241 was introduced. If the legislature reconvenes or calls a special session,  
20                  there is a slight possibility it could be taken up again. Otherwise, it will be pre-filed next year.  
21                  Senator Revak’s staff confirmed that he still wants to sponsor it.  
22
- 23                  •   **Asset Data from Health Care Related Boards** – The Dental Board provided a list of dentists who  
24                  already have hospital privileges.  
25
- 26                  •   **Request for clarification on treatment vs. procedures** - If the existing mandates and FAQs are  
27                  not clear, and scope of practice falls under the Medical Board, it is recommended that the board  
28                  write a proposal to clarify “urgent” and “emergent” for Unified Command’s consideration.  
29                  Approved guidance and clarifications will be uploaded to the Division’s [COVID-19 webpage](#).  
30
- 31                  •   **Request for Information** – Ms. Jones submitted a request to ASHNHA on Wednesday, April 8<sup>th</sup>  
32                  to obtain information regarding staffing needs.  
33

34                  Mr. Boswell requested clarification on board-issued guidelines on telemedicine, specifically point 4,  
35                  which states:

- 36                          ○   *a physically separated physician may prescribe, dispense, or administer a controlled drug*  
37                          *only if an appropriate licensed health care provider is physically present with the patient;*  
38

39  
40                  Mr. Boswell asked who falls under an “appropriate licensed health care provider”. It was noted that the  
41                  current situation has warranted some flexibility with current policies and procedures. The Chair  
42                  requested that the topic be added to the agenda for the board’s April 17, 2020 meeting.  
43

44                  **5. Public Comment**

45                  Doug Williams, Program Director of Guardian Flight Alaska introduced himself to the board. Mr. Williams  
46                  asked about application processes for paramedics and flight nurses and potential suspension of those  
47                  processes. Ms. Jones responded that current application processes are still in place for paramedics, but

1 added that the board intended to review draft emergency regulations that would allow for a temporary,  
2 expedited license for paramedics. It was noted that the emergency license, if adopted by the board,  
3 would expire upon the governor's declaration that the emergency no longer exists or November 15,  
4 2020.

5  
6 Ms. Jones directed Mr. Williams to check with the Board of Nursing regarding applications for flight  
7 nurses. The Chair requested Mr. Williams provide the names of current paramedic applicants to Ms.  
8 Jones. He encouraged the board and its staff to expedite the process as much as possible. Mr. Williams  
9 thanked the board for responding to his questions and indicated he would follow up as directed.

## 10 11 **6. Action Requested by Federal Government**

12 The board reviewed two documents from the federal government requesting states to enact polices and  
13 waivers to minimize barriers to care during the current health emergency. The *COVID-19 Expanding*  
14 *Healthcare Capacity State & Territory Tracker* spreadsheet depicted status of states to waive policies or  
15 adopt regulations to allow additional flexibility. The *Guidance to States* document outlined  
16 recommended actions for state boards to consider, including:

- 17
- 18 • waivers and/or flexibilities related to licensure, telemedicine modality and practice standards,  
19 and scope of practice standards;
- 20 • expedited licensure and reactivations;
- 21 • guidance on liability protections;
- 22 • appropriate utilization of medical students; and
- 23 • signature-less pharmacist deliveries.
- 24

25 The board asked about licensure of respiratory therapists, listed on the tracker. Ms. Jones agreed to  
26 follow up with the board next week.

27  
28 The Chair explained several of the recommended actions would be addressed later in the agenda, noting  
29 the upcoming review of the request from the Alaska Academy of Physician Assistants (AKAPA) and  
30 review of the draft emergency regulations.

## 31 32 **7. Update on SB 241 - Extending COVID-19 Disaster Recovery**

33 **7.A. Outline of SB 241** - Ms. Jones reported SB 241 was just signed and more information would be  
34 forthcoming.

35  
36 **7.B. Review of Assets** - The board looked at a breakdown of specialties of current licensees and  
37 indicated the value of the data. In reviewing the data, the board noted the small number of certain  
38 specialties, such as hospitalists, as well as potential areas of overlap (e.g. general surgery and surgery, or  
39 pain management and pain medicine) that may affect the breakdown.

40  
41 Mr. Boswell asked if there was potential for one license to show up in multiple places. Ms. Jones  
42 explained that the data was pulled to reflect specialties, but that a licensee may indicate more than one  
43 specialty and offered to re-review the data to look for duplicates if the board wished to have that  
44 information.

45 Mr. Boswell expressed his surprise at the number of in-state vs. out-of-state licensees. The Chair  
46 explained the process for utilizing locum tenens and encouraged the board to utilize the information to  
47 better understand how medical care is delivered in Alaska.

1 **C. Request from AKAPA**

2 Ms. Bigelow Hood stated that she did not partake in the actual writing of the letter, but had been  
3 involved in discussions regarding the letters. She shared the information regarding options of  
4 collaborative plans that Ms. Jones had sent to the board following last week’s discussion of the  
5 emergency regulations and application. The options provided related to whether a collaborative plan  
6 would be required as part of the emergency courtesy license application. Ms. Bigelow Hood indicated  
7 the AKAPA Board would like to know what direction the Medical Board intends to go with collaborative  
8 plans through this emergency process.  
9

10 Ms. Mielke requested clarification that the passage of SB 241 did not specifically address collaborative  
11 plans. Ms. Bigelow Hood responded affirmatively. The Chair noted there was a similar provision in the  
12 Federal Government’s request for action that was reviewed previously.  
13

14 The Chair reminded the board that it had voted to allow physician assistants to begin working while  
15 collaborative plans were being processed. Ms. Bigelow Hood clarified that request allows for a two week  
16 “limbo” while a plan is being submitted, but that the AKAPA is looking to allow PAs to go to work for a  
17 hospital, clinic, lab, etc., but not be tied to a collaborative.  
18

19 The Chair asked about “built-in” collaborative plans through their credentialing process. Ms. Bigelow  
20 Hood responded that the collaborative plan still puts the burden of responsibility on a single physician  
21 (and listed alternate(s)) who signs the collaborative plan to be responsible. Ms. Bigelow Hood explained  
22 that physician assistants have limited options due to the collaborative plan requirements and the fact  
23 that physician assistants cannot have a collaborative plan with a nurse practitioner.  
24

25 Dr. Gay asked for additional information on collaborative plans and whether a single point person could  
26 take on that responsibility. Ms. Bigelow Hood explained the documentation requirements of a  
27 collaborative plan and one-on-one relationship between the collaborating physician and PA.  
28

29 Ms. Milks, Senior Assistant Attorney General with the Department of Law explained that the  
30 collaborative plan is a creature of the board’s regulations and that the Governor does have the authority  
31 to suspend statutes and regulations when it is perceived that the statute or regulation interferes with  
32 the states ability to cope with a disaster. Ms. Milks explained that that board may request the governor  
33 suspend regulations regarding collaborative plans, if the board determined collaborative agreements are  
34 impeding physician assistants to provide critical care during the emergency.  
35

36 Ms. Bigelow Hood thanked Ms. Milks for the information and stated that was the intent of AKAPA’s  
37 request.  
38

39 The Chair asked Ms. Milks about the legal rights of a hospital to disagree with state regulations  
40 pertaining to collaborative plans and to create their own policies.  
41

42 Ms. Milks agreed to take that question back to the Department of Law and would follow up with the  
43 board through Ms. Jones.  
44

45 Mr. Boswell asked if nurse practitioners were being hired over PAs due to the collaborative plan  
46 requirements. Ms. Bigelow Hood responded that there is a national movement, but clarified that it is  
47 separate from the current discussion related to the emergency situation.  
48

1 The board discussed the duration of the emergency regulations. Ms. Milks and Ms. Jones confirmed that  
2 emergency regulations are effective for 120 days once signed by the lieutenant governor.

3  
4 Mr. Boswell asked if there were any objections to AKAPA’s request. The Chair responded that he  
5 personally had some fundamental questions regarding billing, liability, etc. and asked the board to  
6 consider it in more detail. Ms. Bigelow Hood responded that she would take the questions and concerns  
7 back to AKAPA. Dr. Daugherty indicated he also had questions, but noted that the discussion was related  
8 to the emergency situation only and the board was being asked at the state and federal level to address  
9 this issue.

10  
11 Dr. Daugherty put forth a motion to approve the AKAPA’s request and enact necessary legislation. Dr.  
12 Gay seconded the motion.

13  
14 Dr. Parker said that the collaborative plan is protective for the PA and expressed his concerns with  
15 removing the requirement for the current emergency and potential issues of physicians working with  
16 PAs that they are unfamiliar with. Ms. Bigelow Hood explained the original request was to allow more  
17 flexibility for PAs licensed in Alaska to have more flexibility to assist where they were needed. The board  
18 and Ms. Milks discussed the current requirements and that the board may request the governor  
19 suspend that regulation or adopt emergency regulations.

20  
21 Dr. Daugherty withdrew the motion.

22  
23 The Chair turned the meeting over to the Board Secretary David Boswell. The Chair left the meeting at  
24 5:14 p.m.

## 25 26 **8. Emergency Courtesy License**

27 **8.A. Emergency Regulations** – Secretary Boswell requested the board walk through the draft emergency  
28 regulations, noting that if adopted the changes would only be in effect for 120 days after they are signed  
29 by the lieutenant governor. Changes included:

- 30 • Waive requirement for notarized signature for initial applications (12 AAC 40.10, .015, .035)  
31 during the emergency. The board agreed with the language as written.
- 32 • Repeal 12 AAC 40.045(b)(4) which stipulates physicians are part of an organized response and  
33 will not receive payment. The board confirmed this subsection should be repealed as part of the  
34 emergency regulation.
- 35 • Update 12 AAC 40.045(e) to change the expiration date to the governor’s declaration that an  
36 emergency no longer exists. The board agreed with the language as written.
- 37 • Add new subsection (j) to 12 AAC 40.045
  - 38 ○ The board requested “an organized” be struck from 12 AAC 40.045
  - 39 ○ The board confirmed physicians, osteopaths, physician assistants, and mobile intensive  
40 care paramedics were eligible to apply for an emergency courtesy license.
  - 41 ○ The board determined a retired license under AS 08.64.276 that has been issued less  
42 than two years would also be allowed to apply for any emergency license.
  - 43 ○ 12 AAC 40.045(j)(2)(B)(v) – The board decided to remove the collaborative agreement  
44 requirement for the emergency.

45 **On a motion duly made by Dr. Daugherty, seconded by Dr. Gay and approved by**  
46 **majority vote, the board removed 12 AAC 40.045(j)(2)(B)(v) from the proposed emergency**  
47 **regulations.**

1 The motion passed with Ms. Bigelow Hood, Dr. Daugherty, Dr. Gay and Ms. Mielke voting in  
2 favor and Dr. Parker voting against. Secretary Boswell abstained. Chair Wein was not present for  
3 the vote.  
4

5 The board requested collaborative plans be discussed at next week's meeting, with Ms. Milks attending  
6 as board council.  
7

8 Secretary Boswell asked the board to continue review of the emergency regulations.  
9

- 10 ○ 12 AAC 40.045(j)(2)(C)(ii) – Dr. Daugherty commented that he was a paramedic for  
11 twelve years and indicated the requirement was appropriately worded. The board  
12 agreed with the language as written. Ms. Jones noted that clearance from the National  
13 Practitioner Data Bank is currently required for paramedics and was unintentionally  
14 omitted from 12 AAC 40.045(j)(2)(C). The board agreed to add that requirement to be  
15 consistent with (A) and (B) of this subsection.  
16
- 17 ○ 12 AAC 40.963 – Extend the stale date by 6 months to one year. Ms. Jones reported that  
18 residents are experiencing issues with rotations being cancelled and/or postponed and  
19 asked the board to consider extending the longevity of the application to minimize the  
20 need for applicants to refresh and resubmit applications. The board agreed with the  
21 language as written.  
22

23 **On a motion duly made by Dr. Daugherty, seconded by Ms. Bigelow Hood and approved**  
24 **unanimously, the board adopted the proposed emergency regulations as amended per the minutes of**  
25 **the meeting.**  
26

27 **8.B. Emergency Courtesy License Application Form** – The Board of Nursing's emergency application  
28 form was provided to the board as reference.  
29

30 **9. May 21-22, 2020 Board Meeting**

31 The board re-confirmed the May 21-22 dates for their regularly scheduled meeting. The meeting will be  
32 held via teleconference.  
33

34 There being no further business, the meeting was adjourned at 6:02 p.m.  
35

36 Respectfully submitted:  
37

38 /s/ \_\_\_\_\_

39 Alysia D. Jones, Executive Administrator  
40 Alaska State Medical Board  
41

42 \_\_\_\_\_  
43

43 Date

Approved:

/s/  \_\_\_\_\_

Richard Wein, MD, President  
Alaska State Medical Board

\_\_\_\_\_

Date