

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

**MINUTES OF MEETING
January 20-21, 2011**

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, January 20-21, 2011, State Office Building, 9th Floor Conference Room A, Juneau, Alaska.

Thursday, January 20, 2011

Call to Order

The meeting was called to order by Dr. Jean Tsigonis, Chair, at 9:00 a.m.

Roll Call

Present were:

Jean M. Tsigonis, MD, Chair	David A. Miller, MD
John S. Cullen, MD	William W. Resinger, MD
Edward A. Hall, Physician Assistant	Michael J. Tauriainen, Public Member
Kathleen Millar, Public Member	

Board member David J. Powers, MD, was unable to attend the first day of the meeting.

Also present were board staff members: Debora Stovern, Executive Administrator; Sher Zinn, Licensing Supervisor; Michelle Johnston, Licensing Examiner; and Nate Vallier, Licensing Examiner.

Agenda Item 1 Review Agenda

The Board reviewed the agenda. Ms. Stovern reported that there may be a Consent Agreement for Board consideration to be added at 10:40am on the Friday schedule.

Board members were satisfied with the electronic Agenda packets provided for this meeting and would like to continue to receive them on CDs. They would also like to continue to have a paper copy of the packet for use during the meetings.

Agenda Item 2 Board Business

Announcements

The Board discussed rescheduling the April meeting to May 12-13 in Anchorage. The annual election of officers will occur at that meeting.

It was noted that the public member seat held by Mr. Tauriainen will be expiring and he is not eligible for reappointment.

Ethics Reporting

There were no ethics conflicts to report.

Delegation of Authority

In accordance with 12 AAC 40.910, the Board must take formal action annually to identify a primary designee and an alternate to perform duties on behalf of the Board.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Miller, and approved unanimously, it was:

RESOLVED to appoint Debora Stovern as the primary designee.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Miller, and approved unanimously, it was:

RESOLVED to appoint the Licensing Supervisor as the alternate designee.

It was noted that the duties and authority of the designee is set out in regulations. Specifically, the authority to approve temporary licenses is contingent upon meeting the requirements of the 2006 applications checklists, in accordance with 12 AAC 04.058. The Board determined to review the checklists and submit suggestions for revisions to Ms. Stovern.

Agenda Item 3 Board Actions

In the Matter of Case No. 2010-001132 – Tab A

Ms. Stovern presented a signed Non-disciplinary Consent Agreement regarding an extension of time to complete the required continuing medical education. It was noted that his circumstances would have qualified for an exemption of the missing hours. However, he had only requested the extension of time.

Upon a motion duly made by Dr. Cullen, seconded by Mr. Tauriainen, and approved unanimously, it was:

RESOLVED to accept the consent agreement signed by Charles Frank Burgess, MD.

The adoption order was signed by the Chair.

In the Matter of Case No. 2010-000976 – Tab B

Senior Investigator Susan Winton joined the meeting by teleconference to discuss the proposed consent agreement.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing Case No. 2010-000976.

The Board entered executive session at 9:32 a.m.; staff remained for the session.
The Board went back on the record at 9:50 a.m.

Upon a motion duly made by Mr. Tauriainen, seconded by Dr. Cullen, and approved by roll call vote, it was:

RESOLVED to reject the consent agreement for Case. No 2010-0000976, with no further action.

Roll Call Vote:

Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Absent
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea

Discussion of Malpractice Reporting Requirements

The Board discussed the procedure for handling malpractice reports by licensees. In accordance with Alaska Statute (AS) 08.64.345 and Professional Regulation 12 AAC 40.930, a report of a malpractice settlement must be submitted on the Board's form within 30 days of the date of settlement. It was noted that the Board was expending investigative resources resulting in excessive discipline for violations that are essentially oversights or paperwork errors, rather than focusing disciplinary action on concealment of a settlement or standard of care concerns.

The Board determined to change the procedure for malpractice report handling by the Executive Administrator to apply the 30-day time reporting limit beginning with the first notice of a settlement – whether the notice is received through a renewal application, NPDB report, or other means. The Executive Administrator will write to the licensee requesting completion of the report on the appropriate form. Reports received within 30 days of that notice will be considered timely. If notice is unsuccessful, or the licensee fails to respond to the notice, then the case will be referred to the Investigative Unit to be handled following current procedures. Discipline for referrals will be consistent with past Board actions.

Ms. Stovern will draft the revised procedure for review and approval by the Board during the Friday meeting session.

The Board also noted that there is a difference in malpractice information required on the new application and the renewal application. The new application requires an explanation of any malpractice claim, whether there was a settlement or not. This allows the Board to review a full practice history when considering an application for a new license. Licensees are required by statute to report only claims resulting in a settlement. Therefore, the renewal application requires disclosure of only malpractice claims that have resulted in a settlement.

Dr. Miller will continue to review large malpractice settlement reports regarding surgical issues; Dr. Cullen volunteered to review those reports regarding non-surgical issues.

In the Matter of Case No. 2010-000962 – Tab C

Ms. Winton presented a proposed Imposition of Civil Fine regarding an applicant who neglected to list all states of licensure on an initial license application; the undisclosed licenses had not been disciplined and were in good standing.

Ms. Stovern noted that this is the first case for Board action under the new category established in their Disciplinary Guidelines at the October 2010 meeting. The new category allows for a fine without a reportable reprimand for violations involving technical or paperwork errors regarding non-patient-care issues.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Miller, and approved by roll call vote, it was:

RESOLVED to accept the Imposition of Civil Fine signed by Charles C. Baldwin, MD.

Roll Call Vote:

Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller – Yea
Dr. Powers – Absent
Dr. Resinger – Yea
Mr. Tauriainen – No
Dr. Tsigonis – Yea

The order was signed by the Chair.

Ms. Stovern presented the license application file of Dr. Baldwin for consideration by the Board.

Upon a motion duly made by Mr. Tauriainen, seconded by Dr. Cullen, and approved unanimously, it was:

RESOLVED to approve the license application for Charles C. Baldwin, MD.

Agenda Item 4 Investigative Unit

Investigative Report

Ms. Winton reviewed the investigative report she had provided to the Board. The report included 32 open medical cases, 2 closed medical cases, 6 open PA cases, 1 closed PA case, and 2 license actions. She also reported that there are 13 open and 18 closed complaints not listed on the report.

Review Disciplinary Guidelines

The current Disciplinary Guidelines were included in the agenda packet for review by Board members. It is one of the tools used by investigators, covering various complaint categories and proposed disciplinary sanctions. The Board had previously determined to review the guidelines on a regular basis and edit or update it as necessary. Ms. Stovern will provide an electronic copy to Board members, who will review and submit suggestions for revisions to her.

Agenda Item 5 Malpractice Case Review

The Board reviewed the following malpractice reports: Case Number 3KN-08-00172 CI, 3AN-10-5403 CI, 3KO-08-312 CI, 5500000052633874, and 3AN-08-1268 CI.

Upon a motion duly made by Dr. Cullen, seconded by Mr. Tauriainen, and approved unanimously, it was:

RESOLVED to accept the malpractice reports with no further action.

The Board was concerned with one of the reports involving an infant death that occurred after complications with a midwife-supervised birth were referred to the emergency room. Although the Alaska State Medical Board does not have jurisdiction over the practice of Direct-Entry Midwives, they would like to encourage the establishment of collaborative practice with local consulting physicians, especially in remote communities. Drs. Cullen and Tsigonis will work with Ms. Stovern to draft a letter to the Board of Direct-Entry Midwives.

Agenda Item 14 Correspondence

Participation by Chiropractors on Sports Medicine Advisory Committee

The Board reviewed a letter from Dr. Keller to the Alaska State Board of Chiropractic Examiners inquiring about the chiropractic scope of practice regarding sports medicine. Ms. Stovern reported that the Chiropractic Board reviewed their scope of practice and determined that it does allow the specific procedures noted in the letter; and many Chiropractors have additional training and certification as sports physicians and are uniquely qualified to provide this type of athletic care. The Chiropractic Board encouraged the inclusion of appropriately licensed and credentialed chiropractors on the Sports Medicine Advisory Committee.

Board members noted that they do not have jurisdiction over the chiropractic scope of practice, but there was concern regarding care on the field, diagnosing and treating trauma, and the narrow, less-global focus of chiropractic care. However, the Board does support the inclusion of appropriately credentialed chiropractors on the Sports Medicine Advisory Committee. Ms. Stovern will respond to the inquiry from Dr. Keller.

Patient Records

The Board reviewed an inquiry regarding handling patient records from a closed medical practice. The Board noted that patients must have access to their records and the physicians involved in the practice must work together to ensure that access. The procedures and details are not of concern to the Board.

Pharmacy Board issue re: ADS Machines

The Board had previously reviewed an inquiry from the Alaska Board of Pharmacy regarding a definition for "physician dispensing" in relation to automatic dispensing systems (ADS). Board members were not familiar with these systems and requested additional information from the Pharmacy Board.

Additional information was included in the Board packet for review. Mary Kay Vellucci, Licensing Examiner for the Pharmacy Board, joined the meeting to discuss the issue. She reported that the DEA has concerns about the ADS, and that the National Association of Boards of Pharmacy is

conducting research on use of the machines. She noted that some states require registration with their Pharmacy Board.

The Board noted the following concerns:

- Physicians using the ADS may not represent themselves as a pharmacist or as having a pharmacy on site.
- Physicians are responsible for use of the ADS under their scope of practice and must follow the same standards as their normal authority to dispense.
- Use of the ADS must not present a financial conflict of interest – that would be a clear ethics violation.
- Proper procedures must be followed to prevent issues with expired drugs, accuracy of prescription filling and labeling, security for stocking the machines (especially for controlled substances), and prescription counseling.

Ms. Stovern volunteered to attend the February 17-18 meeting of the Pharmacy Board to continue dialogue regarding this issue.

Out-of-state reviews

The Board reviewed an inquiry regarding licensure requirements for an out-of-state pathology lab that receives Alaska specimens for diagnosis. They understand that the pathologist making the diagnosis must hold an Alaska license, but requested advice on licensing requirements for a second opinion by another pathologist in the lab. The Board determined that the second pathologist needs to hold an Alaska license if there is a fee charged for his opinion; if he is only offering a “curbside opinion” at no charge, then he would not need the Alaska license.

Ms. Stovern reported receiving similar inquiries from out-of-state radiology services. The Board noted that radiology reading is considered a diagnosis and requires an Alaska license.

Ms. Stovern will provide a response to these inquiries.

Use of PinPointe Foot Laser

The Board reviewed a letter requesting that they send a letter to licensees regarding authorized use of their laser product. The Board determined that this is an FDA issue, as that is the agency that issues the authorization. Ms. Stovern will respond to the inquiry, referring them to the FDA and directing them to contact the investigative unit if they have a specific complaint about unauthorized use.

Recess for lunch

The Board recessed for lunch at 12:06 p.m.

The Board resumed the meeting at 1:15 p.m. All attending Board members and staff were present.

Agenda Item 6 Full Board Interviews

Penny Marilyn Palmer, MD – Tab I

Dr. Palmer was present to discuss her license application with the board.

Upon a motion duly made by Dr. Resinger, seconded by Mr. Tauriainen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the application of Dr. Palmer.

The Board entered executive session at 1:17 p.m.; staff remained for the session.
The Board went back on the record at 1:28 p.m.

Upon a motion duly made by Dr. Miller, seconded by Mr. Hall, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted license to Penny Marilyn Palmer, MD.

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Absent
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

Renee Rumler, MD – Tab J

Dr. Rumler was present to discuss her resident permit application with the board.

Upon a motion duly made by Dr. Miller, seconded by Ms. Millar, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the application of Dr. Rumler.

The Board entered executive session at 1:32 p.m.; staff remained for the session.
The Board went back on the record at 1:44 p.m.

Upon a motion duly made by Dr. Miller, seconded by Mr. Hall, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted resident permit to Renee Rumler, MD.

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Absent
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

Gregory Louis Vrabel, MD – Tab K

Dr. Vrabel cancelled his interview with the board due to out-of-state work obligations. Ms. Stovern reported that he will not be pursuing licensure in Alaska.

Agenda Item 7 In the Matter of Mark J. Beirne, MD

Dr. Beirne was present to discuss with the Board his request for reinstatement of his surrendered license. Assistant Attorney General Gayle Horetski, legal counsel to the Board, was present to assist with any legal or procedural questions.

The Board considered Dr. Beirne's petition for relicensure at their April 2009 meeting and identified some of the provisions they would require in any potential Consent Agreement. The first provision was that he complete an approved assessment program. Then the Board would review the assessment report and determine whether to proceed or not. If they determine to consider relicensure under terms of a Consent Agreement, the report would help to confirm whether the initial provisions are appropriate, or to identify other provisions that may be necessary.

Dr. Beirne declined the opportunity to go into executive session to discuss potentially confidential issues. He provided the Board with additional letters of reference for their consideration.

The Board reviewed the Phase I and Phase II evaluation reports from the Physician Assessment and Clinical Education (PACE) program completed by Dr. Beirne at the University of California San Diego Medical Center. They also reviewed the relicensure provisions previously considered, the requirements for reinstatement of a surrendered license of Professional Regulations 12 AAC 40.965, and the history of Board action regarding Dr. Beirne's license.

The PACE report assessed Dr. Beirne with a "Clear Pass" for clinical skills, knowledge and judgment, which "signifies a good to excellent performance in most or all areas measured and is consistent with safe practice and competency." However, there was Board concern regarding comments in the report recommending that Dr. Beirne refresh his general knowledge through continuing medical education due to his being out of practice for approximately 15 years.

Board members were willing to consider relicensure for Dr. Beirne under terms of a Consent Agreement with the previously identified conditions, including a ten-year probation period, permanent and total abstinence from the use of alcohol and drugs, continued therapy, continued AA participation, practice restrictions include supervised practice and a prohibition on solo practice, and continued biological testing and monitoring. They also determined to add a provision requiring Dr. Beirne to obtain additional postgraduate training equivalent to one year of residency in order to resume practice in Alaska.

Upon a motion duly made by Mr. Hall, seconded by Dr. Miller, and approved by roll call vote, it was:

RESOLVED to draft a consent agreement for the purpose of reinstating Dr. Beirne's license, with a teleconference for Board approval following signature of the agreement.

Roll Call Vote:

Dr. Cullen – Yea

Mr. Hall – Yea

Ms. Millar – Yea

Dr. Miller - Yea

Dr. Powers – Absent

Dr. Resinger – Yea

Mr. Tauriainen – Yea

Dr. Tsigonis – Yea

Mr. Hall was designated as the Board representative to work with the investigative unit to draft the agreement.

Agenda Item Public Comment Forum

Visitors present for public comment forum:

- Jim Minnery, representing Alaska Family Council
- Don Habeger, Director of the Division of Corporations, Business and Professional Licensing;
- Senator Don Olson

Senator Olson introduced himself, thanked Board members for their service, and offered his legislative assistance for Board needs.

Mr. Minnery reported on the status of Proposition 2 (regarding parental notice for abortion), the court challenge of constitutional issues, and a recent court ruling that redacted the civil and criminal penalties for violations. He suggested that, as a result of the court ruling, Board sanctions remain as the only enforcement mechanism. Board members discussed concerns with HIPPA requirements, right to privacy issues, and emancipation status of pregnant teenagers. They also noted that the final outcome of the court case may impact Professional Regulations 12 AAC 40.060 - .070 regarding termination of pregnancy and informed consent.

Ms. Stovern noted that there is already an investigative process in place, including an online complaint procedure, and anyone with knowledge of any violation should contact the investigative unit with their specific complaint. She also suggested that the State Medical Association may be a resource for providing information to the profession about this issue.

Agenda Item 8 Discuss Regulations

CME Requirements – Tab M

The Board reviewed the Continuing Medical Education requirements of Professional Regulations 12 AAC 40.200 – .240. They had previously discussed the difference between Category I and Category II continuing education credits, noting that American Osteopathic Association (AOA) Category II programs are equivalent to American Medical Association (AMA) Category I programs. Professional Regulation 12 AAC 40.210 requires continuing education credit to be AMA Category I programs or AOA Category I or II programs.

The Board discussed Professional Regulation 12 AAC 40.200, which requires “an average of 25 credit hour of continuing medical education during each year of the previous license period.” The Board confirmed that the intention is to require a total of 50 credit hours, but not necessarily to require that a minimum number of hours be completed each year.

Criminal History Records – Tab N

The Board had previously expressed an interest in researching an application requirement for criminal history records. Although the Board does not have statutory authority to require applicants to submit to a fingerprint background check, they do have authority to require that an applicant provide criminal history records as part of the application process. A sample of language used by other Boards was included in the Board packet for review.

The Board determined to table the discussion, pending further research regarding the number of other states requiring background checks, the average cost of a criminal history check, and FSMB research on the issue.

Foreign Medical Graduates – Tab O

The Board reviewed the licensing requirements for foreign medical graduates. In accordance with Professional Regulations 12 AAC 40.016, those applicants are required to be a graduate of a medical school approved by the California Medical Board, as well as either completed a three-year residency or completed three years of active, licensed medical practice in another state. The Board may be interested in replacing these requirements with a simple ECFMG (Education Commission for Foreign Medical Graduates) certification requirement. It was noted that the FSMB is researching this issue and expect them to have information available by the April national FSMB meeting. The issue was tabled until the next meeting.

Agenda Item 9 CME Disciplinary Issues

Division Paralegal Karen Wilke joined the meeting to review the Board’s guidelines regarding continuing medical education (CME) audits and to discuss standard suspension language used in consent agreements.

Review Guidelines

Ms. Wilke discussed the audit process and her role as Paralegal for the Division. She stated that she uses the Board guidelines when negotiating agreements with licensees who have not complied with the CME audit requirements. The Board reviewed a copy of the current guidelines, which include the following requirements:

- Completion of the deficient CME
- Mandatory audit for two future renewals
- Reprimand
- License suspension until CME is made up or satisfied
- Civil fines – \$3,500 maximum to include \$2,500 for falsification (all or part may be suspended depending on the gravity of the offense) PLUS \$200 per credit hour lacking (\$1,000 maximum)

The Board determined the current guidelines were appropriate and recommended no changes.

Discuss Suspension Language

The Board had previously discussed the standard language used in consent agreements that allow for automatic license suspension if the licensee violates any federal, state or local laws. Mr.

Tauriainen has named this the “jaywalking clause” and has routinely voted against accepting agreements because of his objection to license actions that may not be related to licensing issues.

An excerpt from the January 22, 2010 meeting minutes summarizing a discussion with Assistant Attorney General Robert Auth regarding this issue was included in the Board packet for further review.

Ms. Wilke reported that the Division has been eliminating that language when it is not appropriate. Standard language includes requirements for compliance with provisions of the agreement and compliance with licensing requirements, with automatic suspension for violations. However, the standard “jaywalking clause” is no longer routinely included.

Ms. Wilke also noted that the agreements are negotiated with the respondent, and they have agreed to the terms and provisions, even when the “jaywalking clause” have been included. She also reminded the Board that they have the final approval on language in any agreement under consideration.

Agenda Item 16 Board Business

Financial Report

The Board’s Financial Report, prepared by the Division Administrative Officer, was included in the Board packet for further review.

Review Minutes

The Board reviewed the minutes of October 28-29, 2010 meeting.

Upon a motion duly made by Mr. Hall, seconded by Dr. Cullen, and approved unanimously, it was:

RESOLVED to approve the minutes of the October 28-29, 2010 meeting, as presented.

The Chair signed the approved minutes.

Confirm 2011 Meeting Schedule

The board confirmed the 2011 meeting schedule:

- May 12-13 in Anchorage
- July 28-29 in Dutch Harbor
- October 27-28 in Anchorage

The annual meeting of the Federation of State Medical Boards (FSMB) is scheduled for April 28-30, 2011 in Seattle. Dr. Resinger and Ms. Stovern will attend as FSMB scholarship recipients. If Division travel funding is available, then Ms. Millar will also attend.

The meeting was recessed at 4:18 p.m.

Friday, January 21, 2011

Call to Order

The meeting was called to order at 9:07 a.m.

Roll Call

Present were:

Jean M. Tsigonis, MD, Chair	David A. Miller, MD
John S. Cullen, MD	David J. Powers, MD
Edward A. Hall, Physician Assistant	William W. Resinger, MD
Kathleen Millar, Public Member	Michael J. Tauriainen, Public Member

Also present were board staff members: Debora Stovern, Executive Administrator; Michelle Johnston, Licensing Examiner; and Nate Vallier, Licensing Examiner.

No visitors were present.

Agenda Item Malpractice Reporting

Pursuant to the earlier Board discussion regarding the handling of malpractice reports, Ms. Stovern presented a revised procedure for consideration. The new procedure shall read:

If the report is incomplete, or notice was received through a renewal application, NPDB report, or other means, the executive administrator will write to the licensee requesting completion of the report on the appropriate form. Reports received within 30 days of receipt of notice by the executive administrator will be considered timely. If notice is unsuccessful, or the licensee fails to respond to the notice, the executive administrator will refer it to the investigator. Only complete reports will be presented to the board.

Upon a motion duly made by Mr. Tauriainen, seconded by Dr. Cullen, and approved by unanimous consent, it was:

RESOLVED to approve the revised policy for handling malpractice reports, as read into the record.

Agenda Item 10 In the Matter of Brian R. Donaldson, MD

Dr. Donaldson had requested that the Board revise his Memorandum of Agreement. Investigator Jasmin Bautista joined the meeting by teleconference to report on his compliance with the agreement.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential matters.

The Board entered executive session at 9:24 a.m.; staff remained for the session.
The Board went back on the record at 9:39 a.m.

Dr. Donaldson joined the meeting by teleconference to discuss his request.

Upon a motion duly made by Dr. Cullen, seconded by Mr. Tauriainen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing confidential matters with Dr. Donaldson.

The Board entered executive session at 9:42 a.m.; staff remained for the session.
The Board went back on the record at 10:04 a.m.

Upon a motion duly made by Dr. Cullen, seconded by Dr. Powers, and approved by roll call vote, it was:

RESOLVED to change the Memorandum of Agreement with Dr. Donaldson, to include: annual reporting instead of quarterly, removal of chaperone sign requirement, release DEA restriction, and annual in-person interviews with the Board beginning at the October 2011 meeting in Anchorage.

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller – Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

Ms. Stovern and Ms. Bautista will work on drafting the changes to the agreement.

Agenda Item 11 Full Board Interviews

Sze Kim Pang, MD – Tab P

Dr. Pang was present to discuss her license application with the board.

Upon a motion duly made by Mr. Tauriainen, seconded by Dr. Cullen, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the application of Dr. Pang.

The Board entered executive session at 10:14 a.m.; staff remained for the session.
The Board went back on the record at 10:22 a.m.

Upon a motion duly made by Mr. Hall, seconded by Mr. Tauriainen, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted license to Sze Kim Pang, MD.

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

Cynthia Langmade, PA – Tab Q

Ms. Langmade was present to discuss her PA application with the board. She declined the opportunity to enter into executive session to discuss her application. The Board requested further explanation of the “yes” answer on her application regarding past employment issues. She reported that she left her previous position due to philosophical differences over clinic focus on generating income over patient care. She also reported that she was pleased to accept employment that allowed her to return home to Alaska.

Upon a motion duly made by Dr. Miller, seconded by Mr. Tauriainen, and approved by roll call vote, it was:

RESOLVED to grant an unrestricted physician assistant license to Cynthia Langmade.

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

Deepak Kumar, MD – Tab R

Dr. Kumar was unable to attend due to travel difficulties. His interview will be rescheduled for the May meeting.

Tonya Townsend, MD – Tab S

Dr. Townsend was unable to attend due to travel difficulties. Her interview will be rescheduled for the May meeting.

Agenda Item Board Actions

In the Matter of Case No. 2800-07-029 (OAH No. 08-0475-MED)

Assistant Attorney General Gayle Horetski, representing the State Department of Law, and Attorney Tony Shulty of Faulkner Banfield, joined the meeting to present a proposed Consent Agreement. The matter was regarding an applicant who neglected to list all states of licensure on an initial license application; the undisclosed licenses had not been subject to any adverse actions. The applicant had declined to enter into a disciplinary agreement with the Board, resulting in a license denial, the denial was upheld through the administrative appeals process, and his appeal in Superior Court is pending. The Board has since altered the guidelines to allow for a fine without a reprimand for such cases. The proposed Consent Agreement was drafted in accordance with these new guidelines. However, the Board noted that the application is outdated, and determined to revise the final section of the agreement (page 4 of 5) to require the receipt and approval of a current application in order to issue an unrestricted license.

Upon a motion duly made by Dr. Miller, seconded by Mr. Tauriainen, and approved by roll call vote, it was:

RESOLVED to accept the Consent Agreement with Dr. Sykes, as amended to read “contingent upon receipt and approval of a current application.”

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller - Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

The amended order was signed by the Chair.

Agenda Item 12 Board Review of Proposed Decision by Hearing Officer

In the Matter of Douglas R. Migden, DO, OAH Case #10-0376-MED

Jeffrey A. Friedman, representing the Office of Administrative Hearings, joined the meeting by teleconference to present the Proposed Decision after hearing the case. His Proposed Decision, along with the Division’s Proposal for Action and the Respondent’s Proposal for Action, were included in the Board packet for review.

Upon a motion duly made by Mr. Tauriainen, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the proposed decision of the hearing officer.

The Board entered executive session at 11:01 a.m.; board staff did not remain for the session and Dr. Tsigonis recused herself from the session. The Board went back on the record at 11:30 a.m.; Dr. Tsigonis and board staff returned to the meeting.

Mr. Hall reported that the Board would like to change the sanctions in the Proposed Decision from “a non-reportable civil fine of \$500” to “a civil fine of \$1000” to be consistent with reporting requirements and with other Board actions of this type.

Upon a motion duly made by Dr. Miller, seconded by Dr. Resinger, and approved by roll call vote, it was:

RESOLVED to select Non-adoption Option B in the matter of Douglas R. Migden, DO, revising Section IV to impose “a civil fine of \$1,000.”

Roll Call Vote:

**Dr. Cullen – Yea
Mr. Hall – Yea
Ms. Millar – Yea
Dr. Miller – Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Abstain**

The order was signed by Mr. Hall.

Agenda Item 15 License Application Review

Discuss Application Process

A flowchart for the application process was included in the Board packet for review.

Review Applications for Approval

Board members reviewed license application files.

Dr. Cullen and Ms. Millar left the meeting at 11:45 a.m. to catch their airline flights home.

Upon a motion duly made by Mr. Tauriainen, seconded by Dr. Miller, and approved unanimously, it was:

RESOLVED to approve the following physicians for licensure in Alaska:

Paul Joseph Anderson II	Julia Havlovic
Maria Adora Armstrong-Murphy	Kristen Marie Iagulli
Erin Marie Arthur	Renata Antunes Joffe
Geoffrey Stuart Baird	Gregory Edward Kenyaherz
Benjamin Hong-Yu Bak	John Kennon Kirk
David E. Baker	Diana Lee Kovacich
Michelle Margaret Barnes	Mangala S. Kurada
Charles Franklin Barnett	Jenny Rose Lessner

Carol Ann Blum
Chester Upton Bradstreet
Brian Burgoyne
Molina Mo Wah Chan
Sam Joseph Chelmo
Todd William Clover
Clifford Gene Crafton
Valerie Christina Cluzet
Kate Doyle
Richard Edward Evans
Matthew Donald Freeman
Carl Clifton Garner Jr.
Leslie Gonsette
Melinda Sue Greer
Joshua David Gutman
Garth Howland Harley

Keegan Michael Lyons
Brain Robert Mahon
Kelly Johnson Powers
Troy Kent Richey
Christopher Eugene Rickman
Mohammad Hossein Saboorian
Thomas John Spinuzza
Rae Lee Stevenson
Tara Leigh Taylor
Brian Chan Troung
Sarah Taliaferro Truitt
Elsa Felicita Velasquez
Gary Lynn Wade
John Bacon Whitaker
Claire Marie Wilson
Romel Christopher Wrenn

Upon a motion duly made by Mr. Tauriainen, seconded by Mr. Hall, and approved unanimously, it was:

RESOLVED to approve the following physicians for licensure in Alaska, pending completion of their application files:

Raymond Wesley Wilson
Denise Marie Wurth

Upon a motion duly made by Mr. Tauriainen, seconded by Mr. Hall, and approved unanimously, it was:

RESOLVED to approve the following doctors of osteopathy for licensure in Alaska:

Patrick Eugene Ballard
James Wayne Cagle Jr.
Catherine Ann Crowe

Upon a motion duly made by Mr. Tauriainen, seconded by Mr. Hall, and approved unanimously, it was:

RESOLVED to approve the following doctors of osteopathy for licensure in Alaska, pending completion of their application files:

David Jones
Michael Ogden Stratton

Upon a motion duly made by Mr. Tauriainen, seconded by Mr. Hall, and approved unanimously, it was:

RESOLVED to approve the following mobile intensive care paramedics for licensure in Alaska:

Aaron Michael Allison
Katie Lynn Bauer
Lisa Ann Behrens
Lucas Chandler
Evan Welch Corral
Ashley Estelle Cunnington
David M. Daniell
Darrel Foister Jr.
Gary Lynn Helms
Teresa Lynn Hofer
Thomas Paul Jones
Benjamin Kirt Lewis

Jonah Ean Lloyd
Breanna Krystal Love
Timothy Justin Mahon
Honnen Marie McLeod Booth
Kyle James Murdock
Cindy Rose Pratt
Melia Lane Renfer
Kiser Nicole Rae Smith
Bradley James Sudz
Donald Ray Wade III
Michael James Wolcott

Upon a motion duly made by Mr. Tauriainen, seconded by Mr. Hall, and approved unanimously, it was:

RESOLVED to approve the following physician assistants for licensure in Alaska:

Lindsey Ackles
Dawn Back
Kendel Bormann
Charles Gregory Butterick
Josh Coates
Alyssa Condon
Catherine Engibous
Megan Elaine Engler
Kevin Barry Fitzgerald
Billiana Hardy
Joshua Dana Hedberg
Jerry Wayne Leisure
James Leo Lontine

Kim Irene Loran
Kristopher James Miller
Steven George Milligan
Kristina Louise Mullen
Lisa Maurer Must
Sarah Elizabeth Niecko
Ambria Marie Ptacek
Lauren Grace Ricci
Avee (Burnette) Runser
Dennis Marvin Synnes
Robert Francis Thomann
Eric Matthew Tilley
Jack Alexander Vitvitsky

Recess for lunch

The Board recessed for lunch at 12:38 p.m.

The Board resumed the meeting at 1:02 p.m. All Board members and staff were present, except for Dr. Cullen and Ms. Millar.

Agenda Item 14 Correspondence

Parental Consent Case

Following up on his public comment during the Thursday meeting, Mr. Minnery delivered a letter to the Board from Attorney Kevin Clarkson of Brena Bell & Clarkson regarding the emancipation issue as it relates to parental consent. The Board noted that the letter is more an opinion, as it does not cite the statutes supporting his statements. They also reiterated that there is already an investigative process for violations.

Agenda Item 13 Full Board Interviews

Robert P. Warren, MICP – Tab P

Mr. Warren was present to discuss his mobile intensive care paramedic license application with the board.

Upon a motion duly made by Mr. Tauriainen, seconded by Mr. Hall, and approved unanimously, it was:

RESOLVED to enter into executive session in accordance with AS 44.62.310(c) for the purpose of discussing the application of Mr. Warren.

The Board entered executive session at 1:04 p.m.; staff remained for the session.
The Board went back on the record at 1:13 p.m.

Upon a motion duly made by Dr. Miller, seconded by Mr. Hall, and approved by roll call vote, it was:

RESOLVED to grant an MICP license to Robert P. Warren.

Roll Call Vote:

**Dr. Cullen – Absent
Mr. Hall – Yea
Ms. Millar – Absent
Dr. Miller – Yea
Dr. Powers – Yea
Dr. Resinger – Yea
Mr. Tauriainen – Yea
Dr. Tsigonis – Yea**

Agenda Item New Business

There was no new business.

Adjournment

Upon a motion duly made by Dr. Miller, seconded by Dr. Resinger, and approved unanimously, it was:

RESOLVED to adjourn the meeting of the Alaska State Medical Board.

The meeting adjourned at 1:12 p.m.

Respectfully submitted:

Debra Stovern, Executive Administrator
Alaska State Medical Board

Date

Approved:

Jean M. Tsigonis, MD, Chair
Alaska State Medical Board

Date