

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

6 MINUTES OF MEETING

8 April 12 - 13, 2007

10
11 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a scheduled meeting
12 of the Alaska State Medical Board was held on Thursday and Friday, April 12 - 13, 2007, in Conference
13 Room C of the State Office Building, 333 Willoughby Street, Juneau, Alaska.

14
15 **Thursday, April 12, 2007**

16
17
18 Call to Order - Roll Call - On the record at 9:05 am.

19
20 **ROLL CALL**

21
22 Present were: David M. Head, MD, Chair Nancy Puckett
23 Robert A. Breffeilh, MD Michael J. Tauriainen
24 John T. Duddy, MD Kevin M. Tomera, MD
25 Edward A. Hall, PA-C Jean M. Tsigonis, MD
26

27
28 Staff members present were Linda Sherwood and Colleen Wilson, licensing examiners, and Leslie
29 Gallant, the board's executive administrator. Visitors Tim Pampusch and Tom Dale, physician assistants,
30 were also present.

31
32 Ms. Colleen Wilson was introduced and welcomed to the board. Ms. Wilson is the board's new licensing
33 examiner.

34
35
36 **AGENDA ITEM 1** In the Matter of John A. J. Winczura, PA-C

37
38 **MOTION** TOMERA moved to approve the revised board order for John Winczura as
39 corrected changing the wording to reflect that the Etg is a urine test and not a
40 blood test.
41 **2nd** BREFFEILH
42 **VOTE** 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
43 0 Nay votes
44 0 Abstentions
45

46 Dr. Head reported to the board that Mr. Winczura is no longer employed at the practice in Palmer and
47 while he has not reported this to the board, it does not appear there are any requirements in his MOA to
48 report such events.

49
50
51 **AGENDA ITEM 2** Board Actions for Consideration

52
53 **In the Matter of Case No. 2801-05-004** Robert J. Boucek, MD

54
55 Dr. Head noted that the fine in this proposed MOA has had half of the fine imposed suspended. Ms.
56 Gallant advised the board members that she has requested the investigators include the standard fines

1 in proposed memoranda of agreement and give the board the option of reducing or eliminating the
2 fine rather than making the presumption that the fine will be altered in some way.
3

4 Dr. Head and Mr. Hall questioned why this MOA has a suspended fine and others in the book did not
5 have the fines reduced. Ms. Gallant explained that this is why she requested that the investigators not
6 automatically suspend fines; that is a decision the board should make, not the investigators.
7

8 **MOTION** **TOMERA moved to accept the memorandum of agreement with Robert J. Boucek.**
9 **2nd** **BREFFEILH**
10 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
11 **0 Nay votes**
12 **0 Abstentions**
13
14

15 **In the Matter of Case No. 2800-06-010** **Richard F. Buchanan, MD**
16

17 **MOTION** **BREFFEILH moved to accept the voluntary surrender of license signed by Richard**
18 **F. Buchanan, MD.**
19 **2nd** **TAURIAINEN**
20 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
21 **0 Nay votes**
22 **0 Abstentions**
23
24

25 **In the Matter of Case No. 2807-07-001** **James T. Ferguson, PA-C**
26

27 Dr. Head recused himself from this matter. He asked the board members to read the letter that Mr.
28 Ferguson wrote regarding the circumstances of his practice without a valid license. Dr. Duddy, as
29 secretary of the board, assumed the chair.

31 **MOTION** **TOMERA moved to approve the memorandum of agreement with James T.**
32 **Ferguson, PA-C, with \$500 of the fine suspended.**
33 **2nd** **BREFFEILH**
34 **VOTE** **6 Yea votes (Breffellh, Duddy, Hall, Puckett, Tomera, Tsigonis)**
35 **1 Nay vote (Tauriainen)**
36 **0 Abstentions**
37 **1 Recusal (Head)**
38
39

40 **In the Matter of Case No. 2852-05-002** **Wendy L. Stiles, MD**
41

42 Dr. Stiles was placed on six months' probation during her postgraduate training program for
43 "...difficulties relating to interpersonal interactions." She failed to disclose the disciplinary action in her
44 application. Dr. Stiles responded 'no' to all questions in the application. The residency program director
45 provided copies of the peer review discussions with her at the time that documented an indefinite
46 period of probation.
47

48 **MOTION** **TOMERA moved to approve the memorandum of agreement with Wendy L. Stiles,**
49 **MD.**
50 **2nd** **DUDDY**
51 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
52 **0 Nay votes**
53 **0 Abstentions**
54

55 The board also advised they would add her name to the list for approval on Friday and approve her
56 application for license pending receipt of updated application documents.
57

1 In the Matter of Case No. 2850-06-007 Rush A. Youngberg, MD

2
3 MOTION TOMERA moved to approve the memorandum of agreement with Rush A.
4 Youngberg, MD.
5 2nd TAURIAINEN
6 VOTE 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
7 0 Nay votes
8 0 Abstentions
9

10
11 In the Matter of Case No. 2800-07-011 Cindy H. (Nguyen) Sirois, MD

12
13 MOTION TOMERA moved to approve the memorandum of agreement with Cindy H. Sirois,
14 MD.
15 2nd HALL
16 VOTE 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
17 0 Nay votes
18 0 Abstentions
19

20
21 In the Matter of Case No. 2800-07-006 David B. Robinson, MD

22
23 MOTION TOMERA moved to approve the memorandum of agreement with David B.
24 Robinson, MD.
25 2nd BREFFEILH
26 VOTE 7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tomera, Tsigonis)
27 1 Nay votes (Tauriainen)
28 0 Abstentions
29

30
31 In the Matter of Case No. 2800-07-003 Jayne S. Fortson, MD

32
33 MOTION TOMERA moved to approve the memorandum of agreement with Jayne S.
34 Fortson, MD.
35 2nd BREFFEILH
36 VOTE 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
37 0 Nay votes
38 0 Abstentions
39

40
41
42 In the Matter of Case No. 2800-07-012 Jacqueline Silkey, MD

43
44 Ms. Gallant explained that Dr. Silkey was an applicant who disclosed that she was being monitored by
45 the Arizona board for drug diversion and chemical dependency. She went for treatment for addiction
46 in Arizona and is under an agreement with the Arizona board at this time. The Arizona board reports she
47 is in compliance there. The [Alaska] memorandum of agreement is not a disciplinary action but places
48 her under probation and monitoring similar to the Arizona agreement. She was referred to Mary Ann
49 Foland, MD [Alaska Physician Health Program] to get her into the program here.
50

51 Dr. Head noted that the Arizona agreement included a prohibition against eating poppy seeds; we
52 have never seen that before. He thought it was a good idea to include in our agreements.
53

54 Mr. Hall asked if the board could request a full board interview should they approve the MOA. Ms.
55 Gallant responded that if the board wished to have a full board interview, then a decision on all of the
56 documents (application and MOA) should be tabled until the time of the full board interview.
57

1 Dr. Duddy noted that the board could grant a temporary license pending a full board interview.
2

3 Dr. Breffeilh commented that she is already under an agreement in another state and is in compliance.
4 He moved to accept the MOA [and grant a license]. The motion was seconded by two board
5 members. Ms. Gallant confirmed that the board could approve a temporary permit and interview her
6 at the July meeting.
7

8 Dr. Head confirmed that there is a requirement in the proposed MOA that she appear for periodic
9 interviews.
10

11 Board members discussed the various options available with regard to licensing Dr. Silkey. Dr. Head
12 expressed the desire to have Dr. Silkey come and meet with the board for a full board interview in
13 October.
14

15 Dr. Tsigonis felt her problem is a critical one and that Dr. Silkey should meet with the board to discuss it.
16

17 Ms. Gallant advised that she did not see the file at the meeting and it was possibly still in Anchorage.
18 She suggested the board could vote to approve the memorandum of agreement and approve the
19 issuance of the temporary permit now. This would be pending the review of her file [since it was
20 thought the file was in Anchorage at the time] by an Anchorage board member. The staff could issue
21 the temporary permit under the terms of the MOA and with the requirement that she appear for a full
22 board interview at the October meeting.
23

24 Dr. Breffeilh agreed to accept that suggestion and amended his motion. The second, Dr. Tomera,
25 agreed with the amendment.
26

27 **MOTION** **BREFFEILH moved and amended his motion to approve the memorandum of**
28 **agreement with Jacqueline Silkey, MD, and to grant her a temporary permit with**
29 **a request she appear for a full board interview in October.**
30 **2nd**
31 **VOTE** **TOMERA**
32 **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
33 **0 Nay votes**
34 **0 Abstentions**

35 Ms. Gallant will give the application file to an Anchorage board member for review and to have the
36 temporary permit signed off. [It was thought at this time that the file was still in Anchorage and not at
37 the meeting.]
38
39

40 **AGENDA ITEM 3** **Malpractice Case Review**

41
42 The board discussed the requirements for reporting malpractice settlements to both the state and the
43 National Practitioners Data Bank.
44

45 **Case 1**

46
47 **MOTION** **TOMERA moved to take no action regarding malpractice case No. 1.**
48 **2nd** **BREFFEILH**
49 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
50 **0 Nay votes**
51 **0 Abstentions**
52

53 **Case 2**

54
55 **MOTION** **TOMERA moved to take no action regarding malpractice case No. 2.**
56 **2nd** **BREFFEILH**
57 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**

1 0 Nay votes
2 0 Abstentions

3
4 Case 3

5
6 **MOTION** TOMERA moved to take no action regarding malpractice case No. 3.
7 **2nd** BREFFEILH
8 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
9 0 Nay votes
10 0 Abstentions

11
12 Cases 4 and 5

13
14 Ms. Gallant advised the board that the physician involved in cases No. 4 and 5 was in the process of
15 surrendering her license. Neither of the cases were reported to the board as required by law so the
16 physician involved indicated to the investigator she would surrender her license rather than be
17 disciplined.

18
19 **MOTION** TOMERA moved to take no action regarding malpractice case Nos. 4 and 5
20 **pending acceptance of a surrender of license agreement.**
21 **2nd** HALL
22 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
23 0 Nay votes
24 0 Abstentions

25
26 Case No. 6

27
28 **MOTION** TOMERA moved to take no action regarding malpractice case No. 6.
29 **2nd** DUDDY
30 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
31 0 Nay votes
32 0 Abstentions

33
34
35 AGENDA ITEM 11 Nomination to Trauma System Review Committee

36
37 **MOTION** TAURIAINEN moved to approve the nomination of Mary Thompson to the Trauma
38 **System Review Committee.**
39 **2nd** HALL
40 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
41 0 Nay votes
42 0 Abstentions

43
44
45 AGENDA ITEM 8 Reports, Minutes, Ethics, Budget

46
47 Reports

48
49 The board members reviewed and discussed the licensing examiners' report.

50
51 Minutes

52
53 **MOTION** DUDDY moved to accept the minutes of the January 25 – 26, 2007 board meeting.
54 **2nd** BREFFEILH
55 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
56 0 Nay votes
57 0 Abstentions

1
2 Ethics

3
4 Board members advised they had no ethics or conflicts of interest issues to report.

5
6 Budget

7
8 There was no budget report provided for this meeting.
9

10
11 NEW AGENDA ITEM CSHB 113

12
13 Dr. Breffeilh advised the board that he recently testified on CSHB 113, a bill that expands the scope of
14 practice for optometrists. He advised that he was commenting on the bill as a physician and not as a
15 board member.

16
17 The board returned to the review of reports. The staff will obtain copies of CSHB 113 for the board's
18 review later in the day.
19

20
21 AGENDA ITEM 9 Special Applications for Consideration

22
23 Sarah M. Dobbs, MD

24
25 **MOTION** **DUDDY moved to grant a license to Dr. Sarah Dobbs under the authority of as**
26 **08.64.325(B)(2) and regulation 12 AAC 40.016(c)(3).**

27 **2nd** **TOMERA**

28 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Taurialinen, Tomera, Tsigonis)**

29 **0 Nay votes**

30 **0 Abstentions**
31

32
33 At this time, Senator Don Olson joined the board in its meeting to discuss issues of concern in the
34 legislature that relate to the board or the practice of medicine. Senator Olson commented on the
35 following:

36
37 - There has been much discussion on the WWAMI program and increasing funding to get more
38 physicians in Alaska.

39
40 - The Alaska Family Practice Residency Program at Providence Hospital has requested several
41 million dollars from the legislature.

42
43 - There is another bill in the legislature this year that provides for the licensure of radiologists.

44
45 - There has been a supplemental budget request for a sizable amount of money for autism. He
46 told the board he was asked for his opinion and he wanted to hear from the medical board members
47 about this.

48
49 Dr. Tomera stated that each resident in the program is paid for by Medicare. The program receives
50 around \$100,000 and the resident is paid around \$30-40,000. They also do third party billing for services
51 provided. He felt that requesting money from the state was "triple dipping."
52

53 Senator Olson noted that the request for funding from the residency program is for new money coming
54 into the state because of the "PTP" situation. The problem is that once you give money out, people
55 come back every year requesting more saying, 'well, you funded it last year.'
56

1 Dr. Tsigonis asked for more information about the autism issue. She stated it is a pretty rare diagnosis
2 that has received a lot of news. It seems like the money should be spent on more global public health
3 matters. While autism is a sad situation, it is really rare.
4

5 Senator Olson said the legislators are being told that 6 out of 10,000 children are diagnosed with autism.
6

7 Dr. Head advised that as far as the Native population goes, current studies show there is no autism in
8 true Native children. It appears in Native children who are part white, but has not been found in true
9 Native children.
10

11 Dr. Duddy applauded the WWAMI program but stated that it is a long term solution to the physician
12 shortage in Alaska. Increasing the number of residency slots will begin to address that shortage within
13 three years.
14

15 Dr. Head agreed and stated that according to Dr. Harold Johnston, Alaska's sole residency program is
16 one of the few that does not receive state funding. Dr. Johnston has stated that the most they could
17 increase the residents to would be 12 doctors. They could look at starting pediatrics or psychiatry
18 residencies but family practice could not absorb any more than 12 because the attendings would not
19 be able to absorb any more than that. He also stated that he did not know how much of the requested
20 new funding was to support the existing program and how much was to increase the program. He
21 suggested to Senator Olson that before he acted on the information provided by Dr. Tomera regarding
22 funding sources and billing practice, Senator Olson may wish to talk with Dr. Johnston.
23

24 Senator Olson stated that the program is threatening to pull its rotating residents out of the rural sites,
25 particularly Bethel.
26

27 Dr. Tomera believes the program sold a bill of goods to the Anchorage community by saying that these
28 residents would go to rural Alaska. What has happened is that the family medicine program has
29 targeted areas like south Anchorage where there are people with insurance. If you call for an
30 appointment as a Medicare patient, they will advise you that their next available appointment is in
31 twelve months. He questioned how many residents are actually going out in to the rural communities to
32 work.
33

34 Dr. Breffeilh expressed his concerns about the optometrists' bill and advised that he was hoping to get a
35 resolution from the board in opposition to the bill.
36

37 Senator Olson stated that he tends to be in favor of expanding the scope of practice of optometrists.
38

39 Dr. Head asked if anything was happening with the naturopath bill from a couple years ago. Senator
40 Olson advised it will come up again.
41

42 Ms. Gallant asked Senator Olson if he could support the creation of a statewide database system for
43 controlled substances. Many states already have such programs and the issue is being discussed within
44 the Division and the medical board.
45

46 Senator Olson agreed that drug seeking patients are a real problem. His big concern would be not to
47 overburden the solo practitioner.
48

49 Senator Olson and the board members also discussed the current legislation regarding licensing
50 radiology technicians. Dr. Duddy related anecdotally his experiences between certified and non-
51 certified radiology technicians. Mr. Hall advised that the PA academy is in favor of training RTs but not
52 in favor of licensing. The bill leaves a lot of questions unanswered.
53

54 The board thanked Senator Olson for coming to meet and talk with them.
55
56
57

1 AGENDA ITEM 9 Special Applications for Consideration - Continued

2
3 Frederick T. Waller, MD

4
5 **MOTION** **BREFFEILH moved to grant a license to Dr. Waller upon the successful execution of**
6 **a memorandum of agreement that restricts his practice to performing**
7 **independent medical evaluations and office based consults only.**
8 **2nd** **HALL**
9 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Taurialnen, Tomera, Tsigonis)**
10 **0 Nay votes**
11 **0 Abstentions**

12
13 The board agreed that an Anchorage board member could sign off on the MOA with Dr. Waller for the
14 board chair.

15
16
17 AGENDA ITEM 4 Co-Management of Post-Surgical Patients

18
19 Ms. Gallant pointed out to the board her first draft regulation, and Dr. Carl Rosen's proposed revision.
20 Also, Frank Bickford was present representing the Alaska Ophthalmologic Society and distributed
21 language for a proposed regulation from the American Association of Ophthalmologists to the board
22 members for consideration. The proposed regulation read:

23
24 Failure by an operating surgeon to continue care of their individual patients
25 through the post-surgical recovery and healing period or routine designation by
26 the operating surgeon of postoperative responsibilities to non-medical or
27 osteopathic physicians, except when the surgeon involved travel to a rural area
28 of the state for occasional practice of medicine, or travel to an area of the state
29 designated as a physician shortage area by the State Medical Board.

30
31 Board members had difficulties with the proposed language specific to the reference to osteopathic
32 physicians, a need for a definition of "rural" as used in the proposed, and the reference to "physician
33 shortage area."

34
35 Connected to the meeting via teleconference were Dr. Carl Rosen in Anchorage and Michael Leavitt,
36 Washington DC, with the American Association of Ophthalmologists.

37
38 Dr. Tomera asked if the word "naturopathic" should have been where the word "osteopathic" appears
39 in the proposal. Mr. Leavitt and Dr. Rosen agreed that was correct. He also questioned the intent
40 behind the use of the word "rural." Mr. Leavitt responded that the provisions of this proposed language
41 would apply to areas where there is adequate access, but not to remote or "rural" areas of the state.

42
43 Dr. Head agreed that the definition is too vague for the use of those words in a regulation. It would
44 require very specific definition if used in a regulation. The language is going in the right direction
45 though.

46
47 Dr. Breffeilh asked if a new proposal could be distributed to the board by email so this project does not
48 need to be unnecessarily delayed.

49
50 Dr. Tsigonis felt there are two issues: 1) the type of physician providing follow-up care, and 2) does the
51 type of person doing the follow-up care differ between urban and rural practices.

52
53 Dr. Rosen added another component and that was who can provide the care under routine
54 circumstances and who can provide care under urgent or emergency circumstances. Co-
55 management should be the exception rather than the rule.

1
2 Dr. Bill Worrall addressed the board about how severe the problem is with pain management. About
3 once a month, they have a patient because of a suicide attempt or acute suicide risk related to
4 prescription opioid dependence. Drs. Love and Harvey reviewed cases for the board that
5 demonstrated the problems involved with narcotics prescribed for patients who have other issues
6 besides pain management.

7
8 Dr. Head asked what the API physicians can suggest to solve these issues.

9
10 Dr. Love commented that typically, a physician has no way of knowing what medications the patient is
11 taking other than what the patient chooses to tell them. She proposed that the board look into
12 implementing a controlled substances monitoring program that would allow physicians to see what
13 medications the patient is taking and if their management of controlled substances being used for pain
14 management is effective or if possibly the patient is diverting the drugs. She noted there are federal
15 grants to support such programs that include electronic records. It would allow the provider to make
16 sure the patients are not doctor-shopping.

17
18 Dr. Head felt that these solutions are connected in that one is to establish some type of model policy for
19 controlled substances in the treatment of pain and also to establish a state-wide monitoring system
20 where all the pharmacies are connected and you can see where the patients are getting their drugs
21 and how much.

22
23 Dr. Worrall pointed out that they do like the guidelines the Federation of State Medical Boards published
24 but it does little good if there is no way to check to see what the patient is getting from other doctors.

25
26 Dr. Head believed these are two completely separate issues: the proper use of controlled substances
27 for pain management and a state-wide prescription monitoring system.

28
29 Dr. Duddy agrees the board should vigorously pursue a policy on pain management that can be
30 adopted into law.

31
32 Mr. Tauriainen asked if this would be a policy or adopted into a law.

33
34 Ms. Gallant advised that other states have adopted policies and adopted policies into law.

35
36 Dr. Head stated that the board needs to move forward on drafting laws on pain management and also
37 work on the creation of a prescription monitoring program for Alaska.

38
39 Ms. Gallant advised that Brian Howes, Investigator, has been working on a prescription monitoring
40 program and can advise the board on that project. She requested the board review the laws adopted
41 by other states to see if there are parts that can be used.

42
43 Dr. Head felt the model act of the Federation is a good start. He also confirmed that with the callers on
44 the telephone. He asked Ms. Gallant to move forward with drafting a regulation for Alaska on pain
45 management and invite Mr. Howes to meet with the board on creating a prescription monitoring
46 program.

47
48 Ms. Geissel advised that she had talked with Mr. Howes and can confirm that he is working on a grant
49 for the funding of this project and he is looking for a legislator to carry a bill forward on this. She also
50 noted for the board that the Board of Nursing voted to support a prescription monitoring program as
51 well.

52
53 Board members discussed the querying requirements that would be imposed on physician and the
54 burden that would create. The monitoring systems being utilized in other states will be reviewed.

55
56 Other boards will be involved in the prescription monitoring project including pharmacy, nursing, and
57 possibly dental boards. This will be returned to the board at the July meeting.

1
2 AGENDA ITEM 4 Co-Management of Post-Surgical Patients - Continued

3 A proposed resolution was distributed to the board members for consideration regarding CSHB 113.
4

5 Dr. Tomera recommended removing the second from last paragraph and in paragraph 4, changing
6 the word "will" to "may." Other board members agreed with the suggested changes.
7

8 Dr. Tsigonis suggested changing the word "would" to "may" in the last paragraph. Board members
9 elected to leave the word "would" as it is written in the proposal.
10

11 **MOTION** **TOMERA moved to approve the proposed resolution, as amended.**
12 **2nd** **PUCKETT**
13 **VOTE** **6 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tomera)**
14 **1 Nay votes (Tauriainen)**
15 **1 Abstentions (Tsigonis)**
16
17

18 AGENDA ITEM 10 Application Review
19

20 Board members continued with their review of application files.
21
22

23 AGENDA ITEM 6 Full Board Interviews
24

25 Leslie Ballard, MD
26

27 Dr. Ballard was present to meet with the board to discuss her application. Dr. Head offered her the
28 opportunity to go into executive session; Dr. Ballard declined.
29

30 Dr. Head asked Dr. Ballard to comment on the issues that were raised in the hospital privileges
31 verifications received from Multi-Care Health Systems and Samaritan. He read to her from those reports.
32

33 Dr. Ballard explained that she was told that the events at Multi-Care were part of peer review so she
34 was a little surprised to hear about the report.
35

36 Dr. Tomera recommended that she go into executive session. Dr. Ballard agreed.
37
38

39 **MOTION** **TOMERA moved that in accordance with AS 44.62.310(c)(2), the board go into**
40 **executive session for the purpose of discussing the application of Leslie Ballard,**
41 **MD.**
42 **2nd** **TAURIAINEN**
43 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
44 **0 Nay votes**
45 **0 Abstentions**
46

47 Off the record at 2:40 pm; on the record at 2:48 pm.
48

49 **MOTION** **TOMERA moved to approve the license application of Dr. Leslie Ballard.**
50 **2nd** **HALL**
51 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)**
52 **0 Nay votes**
53 **0 Abstentions**
54
55
56
57

1 Jane Sonnenburg, PA-C

2
3 Ms. Sonnenburg joined the meeting via telephone to discuss her application with the board. Dr. Head
4 commented that the board met with Ms. Sonnenburg in January 2007 and requested she undergo an
5 evaluation. The report from that evaluation is in the board's materials for review.

6
7 **MOTION** **TOMERA moved that in accordance with AS 44.62.310(c)(2), the board go into**
8 **executive session for the purpose of discussing the application of Jane**
9 **Sonnenburg, PA-C.**

10 **2nd** **BREFFELH**
11 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialnen, Tomera, Tsigonis)**
12 **0 Nay votes**
13 **0 Abstentions**

14
15 Off the record at 2:54 pm; on the record at 2:59 pm.

16
17 **MOTION** **TOMERA moved to grant a license to Jane Sonnenburg, PA-C**
18 **2nd** **HALL**

19 **VOTE** **8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialnen, Tomera, Tsigonis)**
20 **0 Nay votes**
21 **0 Abstentions**

22
23 The board authorized the release of the report from her evaluation.

24
25 Board members returned to their review of application files. Dr. Head also reminded the board
26 members of the dates of the July and October board meetings.

27
28 Off the record at 3:15 pm; on the record at 3:38 pm.

29
30
31 Allan Bree, PA-C

32
33 Mr. Bree was present to discuss with the board his application for a license. Dr. Head offered him the
34 option of going into executive session for the board's discussion. Mr. Bree stated he had no secrets.
35 The discussion remained on the record.

36
37 Mr. Hall commented on the application and documents of explanation since he was the reviewing
38 board member. He requested Mr. Bree elaborate further on the explanations he gave in the
39 application.

40
41 Mr. Bree told the board about his past struggles with depression due to hardships in his personal life. The
42 depression got to the point where it compromised his ability to work so he stopped working and sought
43 treatment.

44
45 Dr. Duddy asked Mr. Bree what his diagnosis was and Mr. Bree responded 'depression.' Dr. Duddy
46 pointed out that he did not disclose that in his application. Mr. Bree denied having been diagnosed
47 with depressive neurosis or major depression.

48
49 Dr. Tomera asked about his response to question 39 in the application where he did not disclose that he
50 had taken antidepressants.

51
52 Ms. Gallant advised Mr. Bree that had he disclosed his past health issues, the board could have
53 obtained a letter from his treating physician that would have help answer many of the questions the
54 board would have for him. Without the disclosure, the board does not have that information.

1 Dr. Head asked Mr. Bree questions about his past employment history and issues he had at various
2 places of employment. Mr. Bree explained what occurred and how he lost confidence in the physician
3 working in the hospital where he worked.
4

5 Dr. Tsigonis asked him if he just left the job or if he was asked to leave. Mr. Bree stated that he was
6 asked to leave. Mr. Bree advised that he has a job lined up on the North Slope in Alaska.
7

8 Mr. Bree pointed out that the episodes in the emergency rooms occurred 20 years ago when he was
9 much younger.
10

11 Dr. Head agreed but stated that the areas where he was concerned were his history of depression and
12 determining if the board needs more information from his treating physician. Mr. Bree noted it was an
13 official patient visit and there would be a medical chart. His treating physician is located in Vacaville,
14 California.
15

16 Mr. Bree advised that he has been working as a locum tenens physician assistant for the past couple
17 years.
18

19 Dr. Head reviewed the options available to the board in considering Mr. Bree's application.
20

21 Dr. Tsigonis suggested that his treating physician be asked to tell exactly what code he gave to Mr. Bree
22 when he was being actively treated.
23

24 Dr. Head asked to add general depression and seasonal effective disorder (SAD) to the questions in the
25 applications. Other board members agreed.
26

27 **MOTION** **TSIGONIS moved to grant a temporary permit until the next board meeting and to**
28 **get additional medical information from his treating physician.**
29 **2nd** **TAURIAINEN**
30 **VOTE** **7 Yea votes (Head, Breffellh, Duddy, Puckett, Tauriainen, Tomera, Tsigonis)**
31 **0 Nay votes**
32 **1 Abstentions (Hall)**
33

34 Dr. Head reiterated during follow-up discussion that this is the sort of depression that the board wants to
35 know about. He definitely wants SAD added to the application.
36

37 The meeting recessed at 4:10 pm.
38
39

40 **FRIDAY, April 13, 2007**
41

42 The meeting returned on the record at 9:02 am.
43

44 Present were: David M. Head, MD, Chair Nancy Puckett
45 Robert A. Breffellh, MD Michael J. Tauriainen
46 John T. Duddy, MD Kevin M. Tomera, MD
47 Edward A. Hall, PA-C Jean M. Tsigonis, MD
48

49 Also present were staff members Linda Sherwood, Colleen Wilson, and Leslie Gallant.
50

51 Visitor Tim Pampusch, PA-C, was also present.
52
53

54 **AGENDA ITEM 14** **In the Matter of Samuel H. Schurig, DO**

55 Dr. Schurig was present to discuss with the board his petition to have his license restored to him. His
56 attorney, Thomas Van Flein, was connected to the meeting via telephone.
57

1
2 Dr. Head explained executive session to Dr. Schurig and offered him that option. Mr. Van Flein was
3 consulted. Dr. Schurig elected to go into executive session.

4
5
6 **MOTION** TOMERA moved that in accordance with AS 44.62.310(c)(2), the board go into
7 executive session for the purpose of discussing the petition for the return of his
8 license to Samuel H. Schurig, DO.
9 **2nd** TAURIAINEN
10 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
11 0 Nay votes
12 0 Abstentions

13 Off the record at 9:07 am; on the record at 10:05 am.

14
15 During the board's discussion of the proposed motion offered by Dr. Tomera, Dr. Schurig clarified that
16 when the board stated "on-site supervision" that the supervision physician must be present in the
17 building when he is practicing. Board members confirmed that understanding.

18
19 Dr. Head advised Dr. Schurig that he must be very careful to comply exactly with every requirement of
20 the memorandum of agreement. Should he deviate from the MOA, the board will have no difficulty in
21 taking his license away. There are members of the board, both past and present, who believe he
22 should never be allowed to practice again because of the grievous nature of his violations. Dr. Head
23 warned him that he needs to be extremely careful in following the MOA to a "T." He advised that Dr.
24 Schurig maintain his support with his church, his family, and his friends and that he keep every aspect of
25 his life in order.

26
27 **MOTION** TOMERA moved to grant Dr. Schurig's request for reinstatement of his license
28 under the terms of a memorandum of agreement to include the following
29 provisions:
30 1 No prescriptive authority for schedules II or III controlled substances;
31 2 Onsite supervision by a licensed physician approved by the board
32 (currently identified as Dr. Maury Oswald);
33 3 That a female chaperone be present for all female patients;
34 4 That a sign be posted that a female chaperone is required
35 5 May not supervise physician assistants;
36 6 Required quarterly reports from treating physicians including psychiatrists
37 (or psychologists);
38 7 Periodic interviews with the board not less than annually;
39 8 That the term of the probation will be ten (10) years; and
40 9 No remote practice.
41 **2nd** TAURIAINEN
42 **VOTE** 8 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
43 0 Nay votes
44 0 Abstentions

45
46 Dr. Schurig advised that he will need to arrange for an alternate supervising physician besides Dr.
47 Oswald. Dr. Head agreed. Dr. Schurig further advised the board members that he will be happy to
48 demonstrate to the board that he will use good judgment and will not let the board down.

49
50
51 **AGENDA ITEM** Regulations Project

52
53 A regulation project was distributed to the board members at the beginning of the meeting for the
54 board's consideration. The purpose for reviewing these regulations was for public comment. The
55 Department of Law has not yet reviewed them. Involved are regulations 12 AAC 40.010(b)(2), 12 AAC
56 40.010 (k), 12 AAC 40.015(b)(2), 12 AAC 40.015(g), 12 AAC 40.017, 12 AAC 40.020(b), 12 AAC 40.955(d),

1 12 AAC 40.965(a)(2)(B), and 12 AAC 40.990(b). The board reviewed each regulation in the project.
2 [The project is attached to the minutes as Exhibit A.]
3

4 **MOTION** **TOMERA** moved to move the regulations project on for public comment.
5 **2nd** **TAURIAINEN**
6 **VOTE** **8 Yea votes** (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
7 **0 Nay votes**
8 **0 Abstentions**
9

10 Dr. Breffellh left the meeting at 10:20 am.
11
12

13 AGENDA ITEM 10 Application Review
14

15 **MOTION** **TAURIAINEN** moved to approve the following physicians for licensure:
16

17	Archer, Sarah Bridgforth	Kimmins, Mark Hamish
18	Barclay, Thomas Joseph	Larson, Anthony Karl
19	Boucek, Robert Joseph	Lee, Julia Lynn
20	Brown Jr., Richard Calvin	Lockhart, Dale Allen
21	Cahalan, David Daskam	Lopez, John Anthony
22	Cambron, Kathryn Ann	Lunt, Shaun Anthony
23	Cavin, Lillian Whitley	Lutz, Thomas William
24	Chamberlin, William Mann	Moczygemba, Roger Michael
25	Chan, Alan Dong Shing	Montesano, Peter John
26	Chia, Dennis Jay	Morgan, Shari Denise
27	Cho, Parina Gupta	Norris, Kyra Tameka
28	Davae, Ketan Chandrakant	Oliver, Thomas Arthur
29	Davenport, David Gregory	Osberg, Arthur Guyer
30	DeMartini, Joseph Rowell	Schwartz, John Curtis
31	Dykema, Daron Jacob	Shands, Patricia Angel
32	Evans, Justin Paul	Sirois, Cindy H. (Nyugen)
33	Fleming, James Lee	Stambaugh, Lloyd Edwin
34	Fu, Aaron Yiu-Kai	Stiles, Wendy Laura
35	Harmon, Ben Hugh	Stoane, Jason Marsh
36	Haydon, Frank Armstrong	Studley, Matthew Thomas
37	Hayes, Elizabeth Jo	Sweeney, Jason
38	Higgins, Gregory Lee	Takaki, Mark Thomas Takeo
39	Holder, Devon Lee	Toews, Warren Henry
40	Hoy, John Franklin	Torres, Mary Ellen
41	Keil, Karen Haller	Williams, William Thomas
42	Khauv, Meng Kong	Youngberg, Rush Alexander
43	Bax, Stacy Joseph	MacGregor, John Forbes
44	de Schweinitz, Peter Alan	Zoltani, John Gregory
45	Glasheen, Joseph Raymond	

37 **2nd**
38 **PUCKETT**
39 **VOTE**

40 **0 Nay votes**
41

42 **MOTION**

46 **2nd**
47 **TOMERA**
48 **VOTE**

49 **7 Yea votes** (Head, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
50 **0 Nay votes**
51 **0 Abstentions**
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MOTION **TAURIAINEN** moved to approve the following doctor of osteopathy for licensure in Alaska:

Dudley, Matthew James

2nd
VOTE **PUCKETT**

7 Yea votes (Head, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
0 Nay votes
0 Abstentions

MOTION **TAURIAINEN** moved to approve the following mobile intensive care paramedics for licensure in Alaska:

Breitkreutz, David D.	Raber, Tristan Christopher
Dunn, Joel Douglas	Roberts, Terry A.
Ellis, Donald James	Tambornino, Michael James
Ford, Jeremy B.	York, Cynthia Diane
Jimenez, Robert	Young, Robert Chris
Nasitka, Michael Francis	

2nd
VOTE **TOMERA**

7 Yea votes (Head, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
0 Nay votes
0 Abstentions

MOTION **TAURIAINEN** moved to approve the following physician assistants for licensure in Alaska:

Dowty, ReNeva June	Hamm, Jr., Ronald Luther
Foley, Rita Roantree	Long, Stephen Roger

2nd
VOTE **TOMERA**

7 Yea votes (Head, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
0 Nay votes
0 Abstentions

MOTION **TAURIAINEN** moved to approve the new collaborative plans for the following physician assistants:

Alvarez, Ruth Singleton (2)	Huntington, Mathilda
Andrulli, James Robert	Koponen, Heather
Brown, Patricia Jean (2)	Love, John Allen
Carbone, Jean Marie (2)	May, Fredrick George (2)
Carlson, Ingrid Marie	Miller, Jo Anne
Catalano, Laura Michele	Morris, Scott Kimberly
Eaton, Marilyn Suzanne	Myers, Brandon Keith
Fenger, Jesse Thomas	Roberts, Lindsay Leland
Fitzpatrick, Nancy Jo	Samuels, Tracey Renata
Galiano, Kendra Sue	Whaley, Jason William
	Winklmann, John J.

2nd
TOMERA

VOTE **7 Yea votes** (Head, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
0 Nay votes
0 Abstentions

1 The board recessed at 10:29 am; returned on the record at 11:34 am.

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PUBLIC COMMENT FORUM

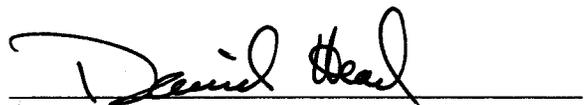
Only one individual, Mrs. Theresa Obermeyer, was present via teleconference to address the board on HB 102.

MOTION	TAURIAINEN moved to adjourn this meeting of the Alaska State Medical Board.
2nd	PUCKETT
VOTE	7 Yea votes (Head, Duddy, Hall, Puckett, Tauriainen, Tomera, Tsigonis)
	0 Nay votes
	0 Abstentions

Off the record at 11:48 am.

Respectfully submitted:

Approved:



Leslie A. Gallant, Executive Administrator
Alaska State Medical Board

David M. Head, MD, Chair
Alaska State Medical Board

19 July 2007
Date

7-19-07
Date

Chapter 40. State Medical Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 40.010(b)(2) is amended to read:

(2) **except as provided in (k) of this section**, requested by the applicant from appropriate agencies and sent directly to the division office:

12 AAC 40.010 is amended by adding a new subsection to read:

(k) Instead of meeting the requirements of (b)(2) of this section, an applicant for licensure by credentials may submit the credentials verification documents through the Federation Credentials Verification Service of the Federation of State Medical Boards, sent directly to the department from FCVS. (Eff. 12/30/70, Register 36; am 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/17/97, Register 143; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am ___/___/___, Register ___)

Authority: AS 08.64.100 AS 08.64.210 AS 08.64.250
AS 08.64.200 AS 08.64.225 AS 08.64.255
AS 08.64.205 AS 08.64.240

Editor's note: Information on the verification process described in 12 AAC 40.010(k) may be obtained from the Federation of State Medical Boards, P.O. Box 619850, Dallas, TX 75261-9850, phone: 817-868-4000; website at www.fsmb.org

12 AAC 40.015(b)(2) is amended to read:

(2) **except as provided in (g) of this section**, requested by the applicant from appropriate agencies and sent directly to the division office:

12 AAC 40.015 is amended by adding a new subsection to read:

(g) Instead of meeting the requirements of (b)(2) of this section, an applicant for licensure by examination may submit the credentials verification documents through the Federation Credentials Verification Service of the Federation of State Medical Boards, sent directly to the department from FCVS. (Eff. 7/29/83, Register 87; am 3/30/84, Register 89; am 4/10/88, Register 106; am 6/28/97, Register 142; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am ___/___/___, Register ___)

Authority: AS 08.64.100 AS 08.64.205 AS 08.64.225
AS 08.64.180 AS 08.64.209 AS 08.64.240
AS 08.64.190 AS 08.64.210 AS 08.64.255

Editor's note: Information on the verification process described in 12 AAC 40.015(g) may be obtained from the Federation of State Medical Boards, P.O. Box 619850, Dallas, TX 75261-9850, phone: 817-868-4000; website at www.fsmb.org

1 12 AAC 40 is amended by adding a new section to read:

2 **12 AAC 40.017. Denial of application.** The board may deny an application for licensure if the applicant is subject
3 of an unresolved investigation, complaint review procedure, or other disciplinary proceeding undertaken by a certifying or
licensing agency in another state, or territory of the United States or other country. (Eff. ___/___/___, Register ___)

5 Authority: AS 08.64.100 AS 08.64.240

7 12 AAC 40.020(b) is amended to read:

8 (b) The minimum passing **score for step 1 of the USMLE examination is 176 in the three-digit scoring system**
9 **and 75 in the two-digit scoring system. The minimum passing score for step 2 of the USMLE examination is 167 in**
10 **the three-digit scoring system and 75 in the two-digit scoring system. The minimum passing score for step 3 of the**
11 **USMLE is 177 in the three-digit scoring system and 75 in the two-digit scoring system** [GRADE FOR EACH STEP OF
12 THE USMLE IS A SCORE OF 75].

13 (Eff. 12/20/70, Register 36; am 8/29/73, Register 47; am 3/30/84, Register 89; am 5/18/85, Register 94; am 5/1/94, Register
14 130; am 4/27/97, Register 142; am 11/7/98, Register 148; am 4/2/2004, Register 169; am ___/___/___, Register ___)

15 Authority: AS 08.64.100 AS 08.64.210 AS 08.64.220

17 12 AAC 40.955(d) is amended to read:

18 (d) The **June 2006** [1998] edition of the Code of Ethics of the Physician Assistant Profession of the American
19 Academy of Physician Assistants is adopted by reference as the ethical standards for physician assistants and applies to all
20 physician assistants subject to this chapter.

21 (Eff. 12/16/99, Register 152; am 4/2/2004, Register 169; am ___/___/___, Register ___)

22 Authority: AS 08.01.070 AS 08.64.107 AS 08.64.326
23 AS 08.64.100

24 12 AAC 40.965(a)(2)(B) is amended to read:

25 (B) evidence of at least **50** [34] hours of continuing medical education credits earned within the
26 two years immediately before the date of application for reinstatement of the surrendered license for a physician, a
27 podiatrist, or an osteopath;

28 (Eff. 1/7/99, Register 149; am ___/___/___, Register ___)

29 Authority: AS 08.01.075 AS 08.64.100 AS 08.64.331
30 AS 08.01.100 AS 08.64.107 AS 08.64.334

32 12 AAC 40.990(b) is amended by adding a new paragraph to read:

33 **(5) for the purposes of AS 08.64.326(a)(9), sexual misconduct as defined in this section includes**
34 **misconduct directed at patients or key third parties; key third parties are defined as individuals who have influence**
35 **over the patient including patients' spouses, children, parents, legal guardians, or surrogates.** (Eff. 8/29/73, Register
36 47; am 1/13/80, Register 73; am 9/30/81, Register 79; am 7/4/84, Register 90; am 3/12/89, Register 109; am 8/24/90,
37 Register 115; am 4/27/97, Register 142; am 6/28/97, Register 142; am 8/17/97, Register 143; am 5/16/98, Register 146; am
38 11/7/98, Register 148; am 8/9/2000, Register 155; am 9/5/2002, Register 163; am 10/14/2006, Register 180; am ___/___/
, Register ___)

40 Authority: AS 08.64.100 AS 08.64.107 AS 08.64.326