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2
3 STATE OF ALASKA
4 DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
5 DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
6 STATE MEDICAL BOARD
7

8 April 16 – 17, 2009
9

10 MINUTES OF MEETING
11

12 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled
13 meeting of the Alaska State Medical Board was held on Thursday and Friday, April 16 – 17, 2009, in room
14 1270 of the Atwood Building, Anchorage, Alaska.
15

16 **Thursday, April 16, 2009**

17
18 **Call to Order**

19
20 The meeting was called to order at 9:09 am.
21

22 **Roll Call**

23
24 Present were:

25 Jean M. Tsigonis, MD, Chair

David A. Miller, MD

26 John S. Cullen, MD

David J. Powers, MD

27 Edward A. Hall, PA-C

William W. Resinger, MD

28 Kathleen Millar, Public Member

Michael J. Tauriainen, Public Member
29

30 Also present were board staff members, Linda Sherwood, Mariana Moreno-Goodwin, Lee Strout, and
31 Colleen Nelson.
32

33 The board welcomed its new members Dr. David A/ Miller, and Ms. Kathleen Millar, public member, and
34 its new staff member Mariana Moreno-Goodwin.
35
36

37 **Agenda Item 1 Board Actions**

38
39 In re Case No. 2800-08-015 - Avila
40

41 Investigator Nelson presented the case regarding Dr. Emilio Avila.
42

43 Dr. Tsigonis again asked that the investigators not negotiate fines downward but allow the board
44 to make the determination whether to suspend part of fines.
45

46 Ms. Nelson also explained that there were a couple matters that were negotiated out of the
47 agreement.
48

49 **MOTION**

**MILLER moved to approve the consent agreement with Dr. Emilio
Avila that includes a civil fine of \$6,000 with \$3,000 suspended.**

50
51 **2nd**

HALL

52 **VOTE**

**8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,
Tauriainen)**

0 Nay votes

0 Abstentions
53
54
55
56
57

1 In re Case No. 2800-09-001 - Fenner

2
3 Ms. Gallant explained that this involves Dr. Michael Fenner's failure to disclose the outcome of a
4 malpractice claim as required by law.

5
6 Mr. Tauriainen felt that this case and the next two are unreasonable and that the board would
7 be better off without this reporting requirement.

8
9 Dr. Miller disagreed with that assessment and felt that the law should remain as it is.

10
11 Dr. Cullen agreed with Dr. Miller's position on this matter.

12
13 Ms. Gallant pointed out that the reporting requirements are statutory and were put in place by
14 the legislature. Also, malpractice cases often take several years to settle; as more time goes by,
15 it becomes more and more difficult to investigate.

16
17 **MOTION** **HALL moved to approve the consent agreement signed by**
18 **Michael N. Fenner, MD.**
19 **2nd** **MILLER**
20 **VOTE** **7 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger)**
21 **1 Nay vote (Tauriainen)**
22 **0 Abstentions**

23
24 In re Case No. 2800-08-028 - Gallagher

25
26 This case also involves Dr. Lisbeth A. Gallagher's failure to disclose the outcome of a malpractice
27 claim as required by law.

28
29 **MOTION** **HALL moved to approve the consent agreement signed by Lisbeth**
30 **A. Gallagher, MD.**
31 **2nd** **MILLER**
32 **VOTE** **7 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger)**
33 **1 Nay vote (Tauriainen)**
34 **0 Abstentions**

35
36 The board would like to have a time scheduled on the July meeting agenda regarding including
37 the automatic suspension language that is included as a standard paragraph in consent
38 agreements.

39
40 In re Case No. 2800-08-029 - Helzerman

41
42 This case also involves Dr. Ralph F. Helzerman's failure to disclose the outcome of a malpractice
43 claim as required by law.

44
45 **MOTION** **CULLEN moved to approve the consent agreement signed by**
46 **Ralph F. Helzerman, MD.**
47 **2nd** **RESINGER**
48 **VOTE** **7 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger)**
49 **1 Nay vote (Tauriainen)**
50 **0 Abstentions**

51
52 In re Case No. 2802-09-002 - Impson

53
54 Ms. Gallant explained that Dr. Karen D. Impson self-reported that she had practiced medicine
55 without a license when she failed to renew her license before it expired.

1
2 **Agenda Item 2** Malpractice Case Review

3
4 For the benefit of the new board members, Ms. Gallant explained the board's malpractice case review
5 process.

6
7 Case No. 1

8
9 The case was first reviewed at the October 2008 meeting when a board member requested that
10 additional information be obtained on the case.

11
12 **MOTION** **CULLEN moved to take no action on Case No. 1.**
13 **2nd** **HALL**
14 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
15 **Tauriainen)**
16 **0 Nay votes**
17 **0 Abstentions**

18
19 Case No. 2

20 **MOTION** **MILLER moved to take no action on Case No. 2.**
21 **2nd** **HALL**
22 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
23 **Tauriainen)**
24 **0 Nay votes**
25 **0 Abstentions**

26
27 Case No. 3

28
29 **MOTION** **RESINGER moved to take no action on Case No. 3**
30 **2nd** **MILLER**
31 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
32 **Tauriainen)**
33 **0 Nay votes**
34 **0 Abstentions**

35
36 Case No. 4

37
38 There are two cases being reported by the same practitioner under this tab.

39
40 **MOTION** **HALL moved to take no action on either case under Case No. 4.**
41 **2nd** **MILLER**
42 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
43 **Tauriainen)**
44 **0 Nay votes**
45 **0 Abstentions**

46
47 Case No. 5

48
49 **MOTION** **MILLER moved to take no action on Case No. 5.**
50 **2nd** **HALL**
51 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
52 **Tauriainen)**
53 **0 Nay votes**
54 **0 Abstentions**

55
56 Case No. 6

57 **MOTION** **TAURIAINEN moved to take no action on Case No. 6**
58

1
2
3 **Public Comment Forum**
4

5 Members of the public, Theresa Obermeyer, Dr. Kim Wright, and Juliet Hildreth were present to make
6 comments to the board.
7

8 **MOTION** **HALL moved to go into executive session in accordance with AS**
9 **44.62.310(4) for the purpose of discussing the public comments of**
10 **Dr. Kim Wright.**
11 **2nd** **RESINGER**
12 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
13 **Taurialainen)**
14 **0 Nay votes**
15 **0 Abstentions**
16

17 *Off the record at 1:15 pm; on the record at 1:45 pm.*
18
19

20 **Agenda Item 5** **In the Matter of Alyce L. Garrity, MD**
21

22 Dr. Garrity and her attorney, Howard Lazar, were present to meet with the board.
23

24 **MOTION** **MILLER moved to go into executive session in accordance with AS**
25 **44.62.310(2) for the purpose of discussing the matter of Alyce L.**
26 **Garrity, MD.**
27 **2nd** **RESINGER**
28 **VOTE** **8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
29 **Taurialainen)**
30 **0 Nay votes**
31 **0 Abstentions**
32

33 *Off the record at 2:00 pm; on the record at 3:14 pm.*
34

35 Dr. Mary Ann Foland joined the meeting in executive session.
36

37 Upon returning on the record, the following direction and information was given to Dr. Garrity and her
38 attorney:
39

- 40 - The board recommends at least a one-month in-patient program for the best success.
- 41 - Dr. Foland will be attending a national meeting soon and will seek information for scholarships.
- 42 - The board recommends Dr. Garrity contact Dr. Foland.
- 43 - If continuing her current treatments, have her psychiatrist and counselor send monthly reports
- 44 to the board.
- 45 - The board requests that Dr. Garrity attend the July meeting in Valdez.
- 46 - The board requested that Dr. Garrity maintain documentation of treatment and make those
- 47 records available to the board including breathalyzer tests.
- 48 - The board recommends Dr. Garrity start a new AA group in Cordova.
- 49 - The board recommends Dr. Garrity continue to abstain from the use of alcohol.
- 50

51 Dr. Tsigonis stated that the programs for treatment that Dr. Garrity had provided to the board were not
52 acceptable to the board. She further noted that absent attendance at an approved treatment facility,
53 a strict model for treatment and therapy may not be possible in Cordova.
54
55
56
57

1 Agenda Item 6 In the Matter of Mark J. Beirne, MD

2
3 Dr. Beirne and his wife were present as well as his attorney, Linda Johnson, and assistant attorney
4 general Karen Hawkins representing Robert Auth, assistant attorney general representing the state in the
5 Beirne matter.

6
7 Ms. Gallant advised the board that their legal counsel, Gayle Horetski, was available by telephone to
8 answer any legal questions of the board in this matter. A call was placed to her and a message left for
9 her.

10
11 Ms. Gallant summarized for the board members that Dr. Beirne's application was denied in 2005; he
12 appealed the decision and that hearing was held. The administrative law judge rendered a decision
13 that Beirne could not be granted a license and the board adopted that decision. Dr. Beirne appealed
14 that decision to the Superior Court. The Superior Court judge remanded the case back to the board
15 with instructions that the board has the discretion to grant a license and that the board consider Dr.
16 Beirne's fitness to practice at this time.

17
18 Dr. Miller noted that he received ex parte communications from Dr. Beirne's father as well as a follow-up
19 email message.

20
21 Board members were asked to disclose on the record any ex parte communications they have had in
22 this case.

23
24 Mr. Hall advised that he received a telephone call from Mike Beirne; he advised Dr. Mike Beirne that the
25 call was ex parte communications and he needed to stop. He then received an email [from the staff]
26 that an envelope was being sent to the board members and to not open the envelope. He did receive
27 the envelope in the mail but did not open it. He then received a fax from Dr. Mike Beirne in which he
28 wanted to elaborate on what ex parte meant.

29
30 Dr. Miller stated that the contact he had with Dr. Beirne was very similar.

31
32 Ms. Millar reported that she received two telephone messages but she did not speak with anyone. She
33 also received the packet in the mail which she turned over to Ms. Gallant unopened.

34
35 Dr. Cullen reported that Dr. Mike Beirne had also called him and he advised Dr. Beirne that it was
36 inappropriate for him to be talking with Dr. Beirne.

37
38 Mr Tauriainen advised that he did receive a call from Dr. Mike Beirne telling him that Mark is "a good
39 guy" but it was a very short conversation. Either a letter or a fax came to his office but he did not read
40 them.

41
42 Dr. Powers reported that he had not received any communications.

43
44 Dr. Resinger advised that he received two telephone messages and the packet of documents that he
45 returned to Ms. Gallant.

46
47 Dr. Tsigonis stated that she received a message but did not return the call and she returned the packet
48 to Ms. Gallant.

49
50 Updated documents were sent to Ms. Gallant [received the day before the meeting] regarding Dr.
51 Beirne's application.

52
53 Ms. Horetski joined the meeting via teleconference at 3:38 pm.

54
55 Ms. Johnson provided to the board a copy of a hearing brief on behalf of her client.

56
57 Ms. Hawkins noted for Ms. Horetski that Dr. Beirne has requested to have his matter discussed in public.

1
2 Ms. Horetski advised the board that the Superior Court rejected the legal interpretation of the ALJ and
3 has remanded the case back to the board for further proceeding. It is up to the board as to what it
4 does or not. Due process and fairness will apply. If the board wishes to hear from both parties, they are
5 free to do so as long as both sides have the same time available. The board could also refer the matter
6 back to the same or a different hearing officer to hear additional evidence if they chose. The board is
7 also free to consider the new application at this meeting if they wish. Ms. Horetski confirmed that she
8 also received a copy of the hearing brief submitted by Dr. Beirne's attorney.
9

10 [Mr. Hall left the meeting at 3:42 pm.]
11

12 Dr. Miller asked to hear from Dr. Beirne directly.
13

14 Dr. Beirne summarized statements that he submitted with his new application. He felt he has already
15 been punished and he has true remorse for the things he has done. He asked the board to return to
16 him a limited license. September will mark eight years of sobriety.
17

18 Ms. Gallant asked if he has had any conversation with the Arizona board regarding that surrendered
19 license.
20

21 Dr. Beirne stated that he had not talked with Arizona because Alaska is his parent license; with his
22 parent license surrendered, he is prohibited from getting licensed anywhere else. He advised the board
23 he had been checking into going to an assessment and rehabilitation program like CPEP in order to re-
24 enter practice.
25

26 Dr. Miller asked if a license was required for the CPEP program.
27

28 Dr. Beirne indicated that the license was required for the clinical portion of the program so he needs a
29 limited license to allow him to work there.
30

31 Board members discussed with Dr. Beirne what options are available to him and what he wants to do.
32 The board was also asked to consider Dr. Beirne's ability to return to the safe practice of medicine in
33 light of the requirements of regulation 12 AAC 40.965. Members were also concerned about the
34 minimum amount of postgraduate training he has had.
35

36 Mr. Tauriainen offered a motion to grant a restricted license with conditions but the motion failed for
37 lack of a second.
38

39 The board then began identifying restrictions it would consider. Ms. Millar agreed that she would like to
40 see him return to work only with significant oversight.
41

42 Ms. Horetski advised the board that they would be issuing an order to return the license under certain
43 conditions. Then the first condition would be that Dr. Beirne agree that at his own expense he would
44 enter into a program similar to CPEP. Then some of the usual language included in the board order is
45 that any violation or failure to comply is grounds for taking the license back or taking further licensing
46 action.
47

48 The board identified the conditions that it would impose on Dr. Beirne with a license:

- 49 - permanent and total abstinence from the use of alcohol or drugs;
- 50 - continued therapy;
- 51 - continued AA;
- 52 - practice restrictions including supervised practice and a prohibition from solo practice;
- 53 - continued biological testing and monitoring.
54

55 Other conditions will be identified from the assessment. The board members agreed that the probation
56 would be at least 10 years. The board would permit the probation to run concurrently with another
57 state's probation monitoring as long as there were no violations.

1
2 **MOTION** **TAURIAINEN** moved to craft a consent agreement for a conditional
3 **license agreement, license to be issued upon execution of the**
4 **agreement.**
5 **2nd** **CULLEN**
6 **VOTE** **7 Yea votes (Tsigonis, Cullen, Millar, Miller, Powers, Resinger, Tauriainen)**
7 **0 Nay votes**
8 **0 Abstentions**
9

10 The board's staff will work to draft a document for consideration at the July meeting.

11
12
13 **Agenda Item 8** **Full Board Interview – Dr. Ronald L. Cole**

14
15 Dr. Cole was present to discuss his application with the board. The only issue in his application was a
16 malpractice case.

17
18 **MOTION** **MILLER** moved to grant a permanent license to Dr. Ronald L. Cole.
19 **2nd** **RESINGER**
20 **VOTE** **7 Yea votes (Tsigonis, Cullen, Millar, Miller, Powers, Resinger, Tauriainen)**
21 **0 Nay votes**
22 **0 Abstentions**
23
24

25 **Agenda Item 9** **In the Matter of Kevin M. Tomera, MD**

26
27 Dr. Tomera was present to meet with the board in accordance with the terms of his consent
28 agreement. Joining him at the meeting was his attorney, Eric Sanders.

29
30 Dr. Tomera reported he is doing well. He continues to be in compliance with his agreement. Probation
31 monitor JoAnna Williamson reports no issues with compliance or cooperation.

32
33 The board thanked Dr. Tomera for meeting with them.
34
35

36 **Agenda Item 7** **Expedited Partner Therapy**

37
38 The board reviewed the material in the books regarding expedited partner therapy and agreed it is
39 good practice and should be not only allowed but encouraged. The board was in agreement that the
40 New Mexico is an excellent guideline for physicians. The board members also discussed including
41 language similar to the Arizona board's definition of unprofessional conduct with slight modifications.
42

43 **MOTION** **MILLER** moved to draft a revision to regulation 12 AAC 40.967 to
44 **permit expedited partner therapy and return to the July meeting**
45 **with proposed language.**
46 **2nd** **CULLEN**
47 **VOTE** **7 Yea votes (Tsigonis, Cullen, Millar, Miller, Powers, Resinger, Tauriainen)**
48 **0 Nay votes**
49 **0 Abstentions**
50

51 The board recessed at 5:15 pm.
52
53

54 **Friday, April 17, 2009**

55
56
57 The meeting was called to order at 9:04 am by Chair Dr. Jean Tsigonis.

1
2 **Roll Call**
3

4 Present were:

5 Jean M. Tsigonis, MD, Chair

David A. Miller, MD

6 John S. Cullen, MD

David J. Powers, MD

7 Edward A. Hall, PA-C

William W. Resinger, MD

8 Kathleen Millar, Public Member

Michael J. Tauriainen, public member
9

10 Also present were board staff members, Linda Sherwood, Mariana Moreno-Goodwin, Lee Strout, and
11 Linette Lacy.
12
13

14 **Agenda Item 8 Full Board Interview – Dr. Charlene Abernethy**
15

16 Dr. Abernethy was present to meet with the board.
17

18 **MOTION HALL moved to go into executive session in accordance with AS**
19 **44.62.310(2) for the purpose of discussing the application of**
20 **Charlene Abernethy, MD.**
21 **2nd TAURIAINEN**
22 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
23 **Tauriainen)**
24 **0 Nay votes**
25 **0 Abstentions**
26

27 *Off the record at 9:10 am; on the record at 9:15 am.*
28

29 **MOTION MILLER moved to grant an unrestricted license to Dr. Charlene**
30 **Abernethy.**
31 **2nd HALL**
32 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
33 **Tauriainen)**
34 **0 Nay votes**
35 **0 Abstentions**
36
37

38 **Full Board Interview – Dr. Tommy Cobb**
39

40 Dr. Cobb was present to meet with the board.
41

42 **MOTION MILLER moved to go into executive session in accordance with AS**
43 **44.62.310(2) for the purpose of discussing the application of**
44 **Tommy J. Cobb, MD.**
45 **2nd TAURIAINEN**
46 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
47 **Tauriainen)**
48 **0 Nay votes**
49 **0 Abstentions**
50

51 *Off the record at 9:18 am; on the record at 9:27 am.*
52

53 **MOTION HALL moved to grant an unrestricted license to Dr. Tommy J. Cobb,**
54 **MD.**
55 **2nd POWERS**
56 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
57 **Tauriainen)**
58 **0 Nay votes**

0 Abstentions

Full Board Interview – Dr. Eric Garcia-Llorens

Dr. Garcia was present to discuss his application with the board.

MOTION MILLER moved to go into executive session in accordance with AS 44.62.310(2) for the purpose of discussing the application of Eric Garcia-Llorens, MD.

2nd VOTE TAURIAINEN
8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

Off the record at 9:30 am; on the record at 10:02 am.

MOTION MILLER moved to grant a license to Dr. Eric Garcia-Llorens under the terms of a consent agreement acknowledging his documentation error in the application to include a civil fine of \$1,000 and a reprimand.

2ND VOTE CULLEN
8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

Mr. Tauriainen stated that he reluctantly voted for the motion and it is unfortunate that this occurred.

Full Board Interview – Dr. Erick Torres-Semprif

Dr. Torres was present to discuss his application with the board.

MOTION MILLER moved to go into executive session in accordance with AS 44.62.310(2) for the purpose of discussing the application of Erick Torres-Semprif, MD.

2nd VOTE HALL
8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

Off the record at 10:13 am; on the record at 10:26 am.

MOTION HALL moved to grant a free and unrestricted license to Erick Torres-Semprif, MD.

2nd VOTE RESINGER
8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

Off the record at 10:24 am; on the record at 10:38 am.

1
2 **Full Board Interview – Matthew J. Sabelman, MICP**
3

4 Mr. Sabelman was present to discuss his application for a paramedic license in Alaska. He explained to
5 the board that he made some poor choices when he was living in California. He now has a son and is
6 working for the fire department in Homer and has turned his life around.
7

8 Board members were supportive of Mr. Sabelman and all he has achieved.
9

10 **MOTION HALL moved to grant an a full and unrestricted license to Matthew**
11 **J. Sabelman, MICP.**
12 **2nd TAURIAINEN**
13 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
14 **Tauriainen)**
15 **0 Nay votes**
16 **0 Abstentions**
17

18
19 **Full Board Interview – Jennifer Nance, PA-C**
20

21 Ms. Nance was present to meet the board and discuss her application.
22

23 **MOTION MILLER moved to go into executive session in accordance with AS**
24 **44.62.310(2) for the purpose of discussing the application of**
25 **Jennifer Nance, PA-C.**
26 **2nd RESINGER**
27 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
28 **Tauriainen)**
29 **0 Nay votes**
30 **0 Abstentions**
31

32 Off the record at 10:49 am; on the record at 10:55 am.
33

34 **MOTION HALL moved to grant a free and unrestricted license to Jennifer**
35 **Nance, PA-C.**
36 **2nd MILLER**
37 **VOTE 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger,**
38 **Tauriainen)**
39 **0 Nay votes**
40 **0 Abstentions**
41

42
43 **Agenda Item 11 Issue for Consideration – Use of Telemedicine at Pogo Mine**
44

45 The board members reviewed the material provided by Pogo Mine and Dr. Ray Andreassen.
46

47 Dr. Miller commented that he did not see adequate grounds to expand privileges in this setting
48 specifically because routine medical care can be obtained by these workers every two weeks where
49 they can be evaluated by a physician with an examination. For the purpose of telemedicine, you are
50 really dealing with a more acute injury type of scenario and for this purpose, you could use PAs or nurse
51 practitioners without making exceptions to scope of practice and dispensing for paramedics.
52

53 Mr. Tauriainen asked if this was not very similar to what the board discussed at a different location with
54 health aides.
55

1 Dr. Powers pointed out that there is a completely different education process for health aides and
 2 paramedics. The health aide education is designed to fit into a telemedicine system. Paramedics do
 3 not get the same training. In this situation they will be just standing the patient in front of a camera.
 4
 5 Dr. Cullen noted that a similar situation is developing in Valdez where a doctor in Anchorage can view
 6 his stroke patient in Valdez via video camera and give advice for treatment which should be applied.
 7
 8 Dr. Miller pointed out that is already occurring when the doctor can examine their patient, and then talk
 9 to their patient over the phone and prescribe medication for them under certain circumstances as long
 10 it is documented in their medical record. What the Pogo presentation is talking about is developing
 11 new patient encounters purely via telemedicine.
 12
 13 Dr. Cullen commented that in the situation he described in Valdez, if there were a complication, he
 14 would be the liable party because it is his patient. In the case of the paramedic at Pogo mine, it would
 15 be the paramedic who would be liable in the event of a complication, not the physician viewing the
 16 video feed. He feels that it is more important to have well trained primary care providers at the
 17 location.
 18
 19 Dr. Powers agreed and stated that telemedicine has given about 1 percent benefit from what they had
 20 before.
 21
 22 Dr. Miller commented that data is much more important to a physician than looking at a picture.
 23
 24 Dr. Cullen noted that for the amount of money that has been spent on developing telemedicine, it
 25 would have been better spent on training new providers.
 26
 27 Mr. Hall stated that this is just the first of more and more requests for other health care providers to
 28 extend their reach further and further.
 29
 30

31 **Agenda Item 8** **Full Board Interview – Benjamin Grodjesk, MICP**
 32

33 Mr. Grodjesk was present to discuss his application with the board.
 34

| | | |
|----|-----------------------|---|
| 35 | MOTION | TAURIAINEN moved to go into executive session in accordance with AS 44.62.310(2) and (3) for the purpose of discussing the application of Benjamin Grodjesk, MICP. |
| 36 | | |
| 37 | | |
| 38 | 2nd | CULLEN |
| 39 | VOTE | 8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Taurialinen) |
| 40 | | 0 Nay votes |
| 41 | | 0 Abstentions |
| 42 | | |
| 43 | | |

44 Present during the executive session were board staff Gallant, Sherwood, Moreno-Goodwin, Lacy, and
 45 Strout.
 46

47 *Off the record at 11:15 am; on the record at 12:01 pm.*
 48

49 Dr. Miller stated that he believed that the report by Investigator Lacy regarding Mr. Grodjesk provides
 50 grounds for the denial of license, for practicing medicine without a sponsor, and that grounds exist for
 51 falsifying the application. He does not support the licensure of this applicant. [Dr. Miller had to leave
 52 the meeting at this time. 12:03 pm]
 53

| | | |
|----|---------------|---|
| 54 | MOTION | HALL moved to deny the application for licensure to Benjamin Grodjesk, MICP, for failure to disclose information in the application, for unprofessional conduct, and for practicing without a physician sponsor. |
| 55 | | |
| 56 | | |
| 57 | | |

1 Dr. Tsigonis asked if the board should not require that he clean up the Arizona license as well.

2
3 Ms. Gallant agreed that this creates another conundrum for the board. Normally, the board would not
4 return a license if there was a license in another state in suspension, revocation, or surrender status. In
5 this case, Dr. Beirne still has a surrendered license in Arizona. Historically, the board has never returned a
6 license while another state license was still suspended, revoked, or surrendered. Dr. Beirne needs to
7 know that his surrendered license in Arizona is still a factor. There are still hurdles before him that are out
8 of the control of the board. If the Georgia board chooses not to license him when he applies there, he
9 may wish to return to Alaska. It is for that reason that the board must be clear on the controls it wishes
10 to impose on him if it decides to re-license him.

11
12 His temporary permit in Alaska was issued June 23, 1989, the board approved his permanent license on
13 November 16, 1989, and the permanent license was issued November 22, 1989. At the time that he first
14 applied for his Alaska license, he checked 'no' to all the questions in the application. One question
15 asked: Are you now or have you ever been treated for emotional or mental illness, drug addiction, or
16 alcoholism? He checked 'no' to that question. In April 1989, the Federation databank report was clean
17 but he was not licensed anywhere at that time. At the time he was licensed in Alaska, there was no
18 monitoring agreement. An agreement was entered into following his disclosure to the board that he
19 was in treatment in Talbot in Atlanta in December 1990. On his renewal, he indicated that he was
20 impaired.

21
22 In 1989, he was disciplined by the Arizona board for his alcoholism. In March 1991, he surrendered his
23 Arizona license. His memorandum of agreement with the Alaska board was June, 1991.

24
25 **MOTION** **TAURIAINEN** moved to direct Dr. Mark Beirne to undergo a
26 **thorough assessment by a program approved by the board within**
27 **one year from the date of the order for the purpose of determining**
28 **his fitness to re-enter the practice of medicine.**
29 **2nd**
30 **VOTE** **CULLEN**
31 **7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)**
32 **0 Nay votes**
33 **0 Abstentions**

34 Mr. Tauriainen was concerned that Dr. Beirne should receive a copy of the list of restrictions that would
35 most likely be imposed on him if the board grants a license in the future. Ms. Gallant will provide that to
36 him.

37
38 Dr. Tsigonis approved an Anchorage board member signing the order on her behalf.

39
40
41 **Agenda Item 6** **In the Matter of Mary Lou Langham, MD**

42
43 Dr. Langham has been away from the practice of medicine since 1998. She has done very little in the
44 area of continuing medical education during that time. Also included in the board's books was
45 material from various sources and boards regarding physician re-entry into practice following an
46 extended absence.

47
48 Board members discussed what options are available regarding Dr. Langham's request to return to
49 practice.

50
51 Discussion on this topic was suspended while the board went to a teleconference call that was
52 scheduled for 2 pm.

53
54
55 **Agenda Item 13** **Requested Changes to Paramedic Regulations**

1 Chuck Kuhns, assistant professor with the University of Alaska Fairbanks paramedic training program,
2 was present on the telephone to discuss with the board his letter requesting the board consider making
3 some changes to its paramedic regulations, specifically to allow paramedics to supervise other
4 paramedics activities when the supervisor is in a hospital environment as described in 12 AAC
5 40.370(b)(2). Mr. Kuhns reported that he has attempted to work with the nursing board for several years
6 and it just has not happened. The board of nursing informed him that if nurses work with paramedics,
7 they (the board of nursing) will take their licenses away.
8

9 The board discussed that the nursing board asked to remove "nurses" from the supervision language in
10 12 AAC 40.325. Following consideration of the request and its impact on paramedics, the medical
11 board chose not to make that change to its regulation. The board of nursing subsequently informed
12 their nurses that it would jeopardize their nursing license if they supervised paramedics.
13

14 Dr. Cullen felt that might be a liability problem with adding nurses to the supervisory function of
15 paramedics.
16

17 Mr. Kuhns advised that the hospital has held back in answering that question.
18

19 Mr. Kuhns' second issue for the board's consideration is to expand the paramedics scope of practice
20 under 12 AAC 40.370(d) to allow paramedics to include the word 'non-emergency' to the paragraph
21 so that they could participate in such events such as flu clinics.
22

| | | |
|----|-----------------------|---|
| 23 | MOTION | TAURIAINEN moved to revise regulation 12 AAC 40.370(b)(2) to |
| 24 | | added after the words "physician assistant" the words "mobile |
| 25 | | intensive care paramedic." |
| 26 | 2nd | HALL |
| 27 | VOTE | 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Taurialainen) |
| 28 | | 0 Nay votes |
| 29 | | 0 Abstentions |

30
31 Mr. Kuhns explained that the Fairbanks program was approached to do a flu shot clinic as part of a
32 possible effort in the event of a flu pandemic. In reviewing the language of 12 AAC 30.370(d), the
33 paramedics could not participate in such events. He asked if the board could include the word "non-
34 emergency" in this regulation paragraph. The board requested that more research be done and if this
35 matter could be returned to it at a later meeting with possible language from other state regulations
36 that are allowing paramedics to work outside their normal scope of practice.
37

38 Board members were asked if paramedics were trained to do all those additional tasks that Mr. Kuhns
39 was requesting (such as giving injections). He confirmed that the training is already there. The board
40 would like to look at some other states' language on this to see if it can be adapted for Alaska.
41
42

43 **Agenda Item 10** **In the Matter of Mary Lou Langham, MD - Continued**
44

| | | |
|----|-----------------------|---|
| 45 | MOTION | CULLEN moved that Dr. Langham should undergo a board |
| 46 | | approved assessment for fitness to practice, similar to CPEP, to be |
| 47 | | evaluated for competence before the board will consider her |
| 48 | | application for a license. |
| 49 | 2nd | HALL |
| 50 | VOTE | 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Taurialainen) |
| 51 | | 0 Nay votes |
| 52 | | 0 Abstentions |

53
54 Dr. Tsigonis noted that the Alaska board needs to develop a plan for physicians to return to practice
55 that can be utilized whenever this issue comes before the board and to maintain consistency in
56 addressing these cases.
57

1
2 Agenda Item 12 In the Matter of Samuel H. Schurig, DO
3

4 The board reviewed the memorandum of agreement under which Dr. Schurig practices and also
5 reviewed the new request for approval submitted by Dr. Ann Hupe. Dr. Schurig is adding Dr. Hupe as an
6 additional supervising physician.
7

8 **MOTION** **CULLEN moved to approve Dr. Ann Hupe to be a supervising**
9 **physician for Dr. Samuel H. Schurig.**
10 **2nd** **MILLAR**
11 **VOTE** **7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Taurlainen)**
12 **0 Nay votes**
13 **0 Abstentions**
14
15

16 Agenda Item 14 Reports, Minutes, Ethics
17

18 The board members had no reports for review at this meeting.
19

20 The minutes from the January 2009 meeting were not available for approval but would be sent out to
21 the board members for approval via mail ballot.
22

23 The chair asked the board members if they had any ethics of conflicts of interest issues to report—there
24 were none.
25

26
27 New Agenda Item In the Matter of Dr. Douglas Migden
28

29 Ms. Gallant reviewed with the board the timeline of events surrounding the situation with Dr. Migden.
30 This is a situation where Dr. Migden renewed his license via the online renewal system in inactive status
31 and failed to disclose that he had been under investigation by another state board. The office
32 received a letter dated February 1 (received February 7) wherein Dr. Migden advised that he had been
33 under investigation by the Washington board in 2008. She advised the board that the matter has been
34 referred to the investigation unit to gather additional information and to determine if a violation has
35 occurred (failure to disclose material information in the application for renewal). The question for the
36 board is, do they wish to restore his license to active status as he is currently requesting and allow the
37 investigation to continue. Also, does the board perceive a difference between online and paper
38 renewals? No one on the board felt there is any difference between online renewals and paper
39 renewals. Copies of all emails between Ms. Gallant and Dr. Migden were provided to the board.
40

41 **MOTION** **CULLEN moved to return the inactive license to active status and to**
42 **have the investigation [into an allegation of failure to disclose**
43 **material information] to continue.**
44 **2nd** **MILLAR**
45 **VOTE** **6 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger)**
46 **1 Nay vote (Taurlainen)**
47 **0 Abstentions**
48

49 Board of Pharmacy investigator Sue Winton was present to address the board.
50

51 **MOTION** **HALL moved that in accordance with AS 44.62.310(c)(4) the board**
52 **go into executive session for the purpose of discussing the matter**
53 **of a board of pharmacy investigation.**
54 **2nd** **CULLEN**
55 **VOTE** **7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Taurlainen)**
56 **0 Nay votes**
57 **0 Abstentions**

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VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

MOTION HALL moved to approve the following doctor of osteopathy for licensure in Alaska:
Goslin, III, Julius Pepper Harris, Deborah Gail

2nd CULLEN
VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

MOTION HALL moved to approve the following doctor of osteopathy for licensure in Alaska pending completion of the application file:
Spencer, Sarah Christine

2nd RESINGER
VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

MOTION HALL moved to approve the following mobile intensive care paramedics for licensure in Alaska:
Abel, Kristofer Aaron Langley, Kenneth Todd
Farnsworth, Alexandra Christyne Smith, Sarah Anne
Gehler, Beau Robert Lamp Ward, Mary Ann
Franco, Jess Joseph

2nd MILLAR
VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

MOTION HALL moved to approve the following physician assistants for licensure in Alaska:
Adams, Clark Kile, Zachary Arthur
Auer, David Thomas Kitchen, Keils Kenneth
Bradshaw, Amanda Marie Pasin, Gina Marie
Cantrell, Amy Navarre Sayers, Gregory Hans
Clark, Paula Kaye Siddall, Seamus Matthew
Gootee, Gregory Allen Varner, Jared Charles
Keller, Pamela Elizabeth Wilson, Diana Ray

2nd RESINGER
VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

