

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

6
7 January 24 – 25, 2008
8
9

10 MINUTES OF MEETING
11

12
13 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a scheduled meeting
14 of the Alaska State Medical Board was held on Thursday and Friday, January 24 – 25, 2008, in Room 1270
15 of the Atwood Building, 550 West Seventh Avenue, Anchorage, Alaska.
16

17
18 **Thursday, January 24, 2008**
19

20 **Call to Order**
21

22 The meeting was called to order at 9:00 am.
23

24 **Roll Call**
25

26 Present were: David M. Head, MD, Chair William Resinger, MD
27 John T. Duddy, MD Michael J. Tauriainen
28 Edward A Hall, PA-C Jean M. Tsigonis, MD
29 Nancy Puckett
30

31 Dr. Robert Breffeilh was not yet present but was expected.
32

33 Staff Members present were Linda Sherwood, licensing examiner, and Leslie Gallant, the board's
34 executive administrator.
35

36 **Announcements**
37

38 Ms. Gallant advised the board members that the Dillingham meeting would be scheduled during a
39 busy time there and they should book their hotel and airline reservations soon.
40

41 Also, the meeting date for the April meeting was officially changed to be April 3 – 4 in order to
42 accommodate attendance at a program on physician assessment and re-entry into practice being
43 held by the Federation of State Medical Boards that the board wishes staff and a board member to
44 attend. The board members agreed that Dr. Breffeilh should attend this program as well as Ms. Gallant.
45

46 Ms. Gallant advised the board that she has been nominated to serve on the Federation of State
47 Medical Boards' board of directors. Final selection has not yet been made but it is an honor to be
48 nominated.
49

50 Additional late items for the board's consideration were distributed to be included in the meeting
51 agenda as possible.
52

53 Ms. Sherwood advised that the mileage reimbursement for the use of personal cars has been increased
54 to 50.5 cents and also that there will no longer be a state credit card used for car rentals.
55
56
57

AGENDA ITEMS

Section 1 In the Matter of Case No. 2800-07-024

MOTION **TAURIAINEN** moved that in accordance with AS 44.62.310(c)(2), the board go into executive session for the purpose of discussing the matter of Case No. 2800-07-024.

2nd **HALL**

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

Off the record at 9:12 am; on the record at 10:08 am. Dr. Breffeilh arrived at the meeting during executive session at 9:57 am.

MOTION **DUDDY** moved to reject the current memorandum of agreement as written and direct the investigations staff to make suggested changes as discussed in executive session.

2nd **HALL**

VOTE **8 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
0 Nay votes
0 Abstentions

The board also asked that Dr. Tomera be requested to appear before it later in the day if possible.

Section 2 Full Board Interview – Michael G. Oefelein, MD

Dr. Oefelein was present to meet with the board. He was offered the opportunity to go into executive session but declined.

Dr. Breffeilh had been consulted on this application and requested that Dr. Oefelein appear specifically to discuss the verifications of hospital privileges received from three of the four hospitals he listed in his application.

Dr. Oefelein told the board that his weakness is that he occasionally has negative interactions with people. He is aware of this and works to correct it. Some of these situations have underpinnings in misunderstandings, some are due to assertive personalities, and some relate to over-tasked nursing staffs. His intent is to deliver excellent patient care. He has had a positive academic career and has made positive contributions to his specialty of urology. He advised he will be working in Ketchikan on a rotation schedule with his partners.

Dr. Oefelein briefly discussed his malpractice history.

MOTION **HALL** moved to grant an unrestricted license to Dr. Michael Oefelein.

2nd **TAURIAINEN**

VOTE **8 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
0 Nay votes
0 Abstentions

Dr. Head noted for Dr. Oefelein that when three out of four hospitals indicate the same problem, there is a problem. He should take this seriously and work on treating staff well.

Off the record at 10:21 am; on the record at 10:30 am.

1 **Section 3** **In the Matter of Case No. 2800-01-086 – Donaldson, Brian, MD**

2
3 Dr. Donaldson was present to discuss his request to have his memorandum of agreement terminated.
4 He had “no opinion” on the offer to go into executive session.
5

6 Dr. Donaldson advised that his psychiatrist has on two occasions said that he is fine, no threat to himself
7 or others. His patients are doing well. He currently works a forty hour work week in Anchorage. He
8 described the current restrictions on his license including required therapy, chaperone requirement,
9 physician monitor, and limited access to controlled drugs. He advised that his current practice does not
10 require prescribing controlled drugs. He would like to be able to practice in other locations and recover
11 his board eligibility in emergency medicine as well.
12

13 Dr. Head advised that an independent psychiatric evaluation is needed. It appears that Dr. Donaldson
14 has a collegial relationship with his current treatment provider, Dr. Wolf. For that reason, an
15 independent evaluation would be necessary. Also, there were several diagnoses in the initial
16 evaluations from 2005.
17

18 Dr. Breffeilh agreed that an independent evaluation was needed and then when the report is received,
19 a teleconference could be held to consider this issue again.
20

21 Ms. Gallant asked if Dr. Donaldson could return to see Dr. Bruce Smith again since he did one of the
22 initial evaluations in 2005. Dr. Head felt that would be fine.
23
24

25 **Section 4** **SB 196 – Prescription Drug Monitoring Program**

26
27 Investigator Brian Howes was present to discuss with the board the current status of this bill in the
28 legislature. The board discussed the provisions of the bill and how it would impact both the medical
29 board and the board of pharmacy.
30

31 Mr. Howes advised that grant money has been obtained to help set up the program but funds to
32 maintain the program will have to come from licensing fees. He advised that all the boards that will
33 have to use this system are in agreement with it although the associations have not necessarily weighed
34 in. He has traveled to other boards to observe their systems and described for the board what he
35 learned. There are 33 boards with legislation passed to have such a program and 27 states have
36 actually implemented with some form of this program.
37

38 No action from the board is necessary so the board thanked Mr. Howes for his efforts.
39
40

41 **Section 10** **Application of James T. Ashley, MICP**

42
43 Dr. Head reviewed the case of Mr. Ashley. He is a nurse who wishes to become licensed as a
44 paramedic. He does not have two of the threshold requirements for licensure as a paramedic; those
45 are the DOT- approved training program and the 480 hours of field internship hours of training. Mr.
46 Ashley is requesting the board waive these requirements and recognize his training and experience as a
47 nurse and volunteer with the Girdwood Fire Department.
48

49 Dr. Duddy was concerned about going down a slippery slope with such an action.
50

51 **MOTION** **BREFFEILH moved to deny the request to waive the licensing requirements from**
52 **Mr. Ashley and to ask the EMS section for their position on making such**
53 **exceptions to the regulation.**
54 **2nd** **PUCKETT**
55 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
56 **0 Nay votes**
57 **0 Abstentions**

1 Dr. Breffeilh clarified that he would welcome an opinion from the new paramedic association.

2
3
4 **Section 11 Memoranda of Agreement**

5
6 In the Matter of Robert D. Skala, DO

7
8 Dr. Skala was unable to produce the minimum CME hours required for renewal of his license. The
9 Division paralegal negotiated a settlement with Dr. Skala that is reflected in the MOA presented to the
10 board for approval.

11
12 Dr. Head pointed out, as has been discussed by the board at past meetings, that the board prefers that
13 the civil fines not be reduced by the staff but allowed to come to the board at the full amount for the
14 board's determination of how much should be suspended, if any. Ms. Gallant will again bring this to
15 the attention of those who negotiate memoranda of agreement.

16
17 **MOTION BREFFEILH moved to approve the memorandum of agreement with Dr. Robert**
18 **Skala as written.**
19 **2nd DUDDY**
20 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
21 **0 Nay votes**
22 **0 Abstentions**

23
24
25 In the Matter of Paul M. Skan, MD

26
27 The board considered the memorandum of agreement with Dr. Skan for his failure to report a
28 malpractice settlement as required by law.

29
30 **MOTION HALL moved to approve the memorandum of agreement with Dr. Paul Skan as**
31 **written.**
32 **2nd BREFFEILH**
33 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
34 **0 Nay votes**
35 **0 Abstentions**

36
37
38 **Section 12 Board Discussion of the Practice of Medicine Outside Training Specialty**

39
40 Ms. Gallant advised for the board that the office has experienced problems with physicians who are
41 practicing outside the specialty in which they have trained.

42
43 Dr. Head felt that the statement provided from the Oregon board is very good. He would support
44 adopting that position in Alaska. He felt that doctors practicing outside their specialty should be held
45 to the same standard as those who are board certified in the area in which they are practicing. There
46 are some checks and balances in this that include lawsuits and hospital privileging committees. Those
47 who are not subject to those checks and balances and are practicing outside their scope of specialty
48 should know that they will be held to the same standard as those who are trained in the specialty.

49
50 The consensus of the board was to adopt the Oregon statement and to distribute it to physicians
51 licensed in Alaska. It could also be published in the ASMA newsletter. Ms. Gallant suggested that if the
52 board feels strongly about it, it should be included in regulation.

53
54 Dr. Tsigonis agreed that the issue is important and that the public needs to be educated about this.

1 The board directed that a place be found in its regulations where this language could be included.

2
3 Dr. Breffeilh pointed out that the regulation process will take some time; should the board proceed with
4 its efforts to get this information out to the licensing population.

5
6 Dr. Duddy expressed his concern that there will be some concern coming to the board from doctors
7 such as internists who have been doing colonoscopies being held to the same standard as
8 gastroenterologists.

9
10 Drs. Head and Tsigonis felt that they should be held to the same standard if they are performing the
11 procedures. Regulations such as is being proposed would not inhibit such practices but would more
12 clearly allow it.

13
14
15 **Section 13 False, Deceptive and Misleading Advertising - ASDS**

16
17 Dr. Head suggested looking into what other states are doing with this matter as there could be
18 unintended consequences to adopting the language proposed by the American Society for
19 Dermatologic Surgery.

20
21 Ms. Gallant advised the board that the Massachusetts board has appointed a special task force to deal
22 with these issues. She recommended the board wait until that report is released and see what they
23 recommend. She also described a recent experience with the Arizona board.

24
25 Dr. Duddy noted that a few years ago the board of plastic surgeons ran public service announcements
26 telling patients what to look for in selecting a doctor.

27
28 The board determined it would wait and see what other states do about this matter.

29
30
31 **Section 14 Reports, Ethics, Minutes, and Budget**

32
33 The board reviewed the report of the licensing examiner and had no questions.

34
35 Ms. Gallant explained the new ethics guidelines that were included in the board's meeting books. No
36 one had any ethics of conflicts of interest matters to report.

37
38 **MOTION HALL moved to approve the minutes from the meeting of October 25 – 26, 2007.**
39 **2nd Breffeilh**
40 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
41 **0 Nay votes**
42 **0 Abstentions**

43
44
45 **Application Review Dr. David Shea**

46
47 Ms. Gallant explained the background behind Dr. Shea's voluntary surrender of his retired license. He
48 retired the license in December 2006. Several months later in 2007, he contacted the office and
49 advised he wanted to return to work. He was advised of the regulatory requirements to return a retired
50 license to active status. That information is also included in the renewal form he submitted in 2006. She
51 also directed the board to the regulation in the board meeting book.

52
53 He advised he did not want to sit for the SPEX exam, mostly because he practiced radiology and he felt
54 he would fail it. He objected to having to sit for an examination he would fail and having to pay \$900 to
55 do so. His solution to this problem was to voluntarily surrender his license and then apply for a new one.

1 He was advised this would not be a good path to follow but he insisted this was what he wished to do.
2 It was explained to him that there could be ramifications for him in other states if he surrendered his
3 Alaska license. He indicated he was not concerned about other states.
4

5 The board reviewed the terms of regulation 12 AC 40.031. Before accepting the surrender, the board
6 reviewed the new application; they did not want to harm him if there was a problem in the application.
7 One hospital privileges verification was still outstanding. He had five 'yes' responses in the application.
8 He reported one malpractice and he advised that he had hospital privileges terminated by Providence
9 Portland. The report from Providence Portland indicated that Dr. Shea had a very high error rate in
10 reading and interpreting both CT scans and x-rays. The board found there were concerns in his new
11 application that could possibly cause the board to deny his new application.
12

13 Dr. Duddy advised that in reviewing other physicians for use in his hospital, they have rejected doctors
14 with far smaller error rates.
15

16 Dr. Head proposed that the board not accept the surrender until Dr. Shea resolves this matter with the
17 Portland hospital because the board would likely not re-license him with that information in his
18 application. It reflects substandard care within his specialty. He felt the board would be doing Dr.
19 Shea a disservice by accepting his surrender.
20

21 Ms. Gallant read to the board the statement that Dr. Shea submitted to the NPDB in response to the
22 report Providence Portland filed on him.
23

24 Dr. Head asked if there are places where a radiologist can go to be evaluated. Dr. Resinger indicated
25 there are and Ms. Gallant also noted that CPEP does such evaluations.
26

27 The board members discussed the options available to them in this case:

- 28 - accept the surrender but deny the application, an option they are not eager to pursue due to the
- 29 harm this would cause to Dr. Shea;
- 30 - accept the surrender and accept the new application granting a new license, something they will not
- 31 do based on the information currently contained in the application;
- 32 - deny the surrender and not consider the new application.
33

34 The board discussed if it should send a letter to Dr. Shea advising that they chose not to accept the
35 surrender of license because they have serious questions about his application to be granted a new
36 license. The board felt he should direct his attention to addressing those matters prior to surrendering his
37 license due to the adverse ramifications for him in his practice of medicine and with his other licenses in
38 the future.
39

40 Ms. Gallant advised that if Dr. Shea decided to pursue restoring his retired license to active status and
41 failed the SPEX examination except for the radiology part, then the board could enter into a consent
42 agreement with him and require that he undergo a practice evaluation before a license would be
43 granted.
44

45 Dr. Duddy asked that Dr. Shea be told that as well as it may affect his decision.
46

47	MOTION	RESINGER moved to not accept the license surrender submitted by Dr. David
48		Shea.
49	2nd	TAURIAINEN
50	VOTE	8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
51		0 Nay votes
52		0 Abstentions

1 **New Agenda Item In the Matter of Samuel H. Schurig, DO**

2
3 The board considered Dr. Ray Andreassen's request to add Dr. Jim Sanders as another supervising
4 physician for Dr. Schurig at the Delta Junction practice. There are times when he must be away from
5 the office and without another supervising physician, Dr. Schurig would not be able to continue to
6 practice.

7
8 The board members discussed Dr. Sanders and determined they had no objection to adding him as
9 long as he agrees to the requirements of a supervising physician.

10
11 **MOTION TAURIAINEN moved to approve Dr. Jim Sanders to be a second supervising**
12 **physician for Dr. Samuel H. Schurig.**
13 **2nd BREFFEILH**
14 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
15 **0 Nay votes**
16 **0 Abstentions**
17

18 The board discussed the letter from the Alaska Family Practice Residency Program regarding Dr.
19 Shayhorn. Dr. Head advised that he determined that the board had no involvement in
20 Dr. Shayhorn's sitting for Step 3 of the USMLE unless she fails it more than once.

21
22 Off the record at 12:20 pm; on the record at 1:03 pm

23
24 All board members and staff were present.

25
26
27 **Section 5 Board Discussion - Expanded Paramedic Scope of Practice**

28
29 Dr. Head advised the board regarding Dr. David Vastola's letter requesting approval for an expanded
30 scope of practice for a paramedic. This matter was discussed at the October board but the board felt
31 it would be best to discuss it with Dr. Vastola personally. Dr. Vastola was connected to the board
32 meeting by telephone.

33
34 Dr. Vastola explained that they have a paramedic in Klawock they would like to work in an expanded
35 capacity assuming duties that might more commonly be performed by a nurse in the Alicia Roberts
36 Medical Center on Prince of Wales Island. It is now a physician and mid-level clinic with permanent
37 staffing of six physicians and six mid-levels. About six years ago, the private practice doctors on the
38 island decided they would not do call anymore so the SEARHC clinic became responsible for all after
39 hours and emergent care for the approximately 5,000 people on the island. They provide all the
40 emergency care in the clinic and also 24/7 operations with either a doctor or mid-level on call every
41 day.

42
43 The clinic uses a variety of health care providers including nurses, people who used to be health aids,
44 etc. They have had tremendous difficulty recruiting and retaining nurses for the island. They really
45 need to have staff on call with the doctors and the mid-levels who are ALS trained. They get a number
46 of myocardial infarctions, motor vehicle accidents, etc. They need two ALS-capable staff on call at all
47 times. This has been challenging with the nursing staff shortages. Some time ago, they hired a PA to
48 work in the clinic and her spouse is a paramedic with a two-year degree in paramedic science and an
49 extensive resume with a lot of experience.

50
51 Dr. Vastola is seeking clarification from the board regarding the regulation 12 AAC 40.370, scope of
52 authorized activities, specifically, paragraph (d). In their situation, they would like the paramedic to be
53 on call as the second, a mid-level, and would only be working with the physician as a medical support
54 staff similar to what a nurse would be doing.

1 Dr. Head clarified that his understanding was that the intent of the regulation is to allow the paramedic
2 to practice pre-hospital medicine in the emergency room but not routinely in a clinic. He further
3 clarified his understanding that Dr. Vastola was requesting permission to work the paramedic similar to a
4 nurse who would always be working under the supervision of a mid-level or a physician.
5

6 Dr. Vastola confirmed Dr. Head's understanding that the paramedics be allowed to practice their
7 scope of practice in the clinic setting. He stated that the clinic also functions much as an emergency
8 setting.
9

10 Ms. Gallant asked only that any motion be very specific to grant approval to a specific paramedic for a
11 specific practice, in a specific setting.
12

13 Dr. Breffeilh felt this would a precedent-setting action. The paramedic would be functioning very similar
14 to a community health aide.
15

16 Dr. Vastola disagreed in that a community health aide has a much more extensive scope as a primary
17 care giver. He noted that SEARHC has moved away from that model and has gone more to using mid-
18 levels. Although the CHA has a broad scope of things they are taught to do, the paramedic performs
19 tasks that health aides are not taught to perform such as intubation.
20

21 Mr. Hall recommended that the paramedic obtain the health aide training so that he could expand his
22 ability to work.
23

24 **MOTION** **TAURIAINEN moved to authorize Rusby Clinton Crites, paramedic, to work with Dr.**
25 **Myron Fribush at the Alicia Roberts Medical Center on Prince of Wales Island in**
26 **accordance with 12 AAC 40.370(d) and to perform all scope of practice for**
27 **emergency setting in a non-emergency clinical setting.**

28 **2nd** **TSIGONIS**
29 **VOTE** **7 Yea votes (Head, Breffeilh, Duddy, Puckett, Resinger, Tauriainen, Tsigonis)**
30 **1 Nay votes (Hall)**
31 **0 Abstentions**
32
33

34 **Section 6 Full Board Interview – Elizabeth A. Clawson, MD**

35
36 Dr. Clawson was present to meet with the board to discuss her application.
37

38 **MOTION** **TAURIAINEN moved that in accordance with AS 44.62.310(c) (2), the board go into**
39 **executive session for the purpose of discussing the application of Elizabeth A.**
40 **Clawson, MD.**

41 **2nd** **PUCKETT**
42 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
43 **0 Nay votes**
44 **0 Abstentions**
45

46 Off the record at 1:34 pm; on the record at 1:45 pm.
47

48 **MOTION** **BREFFEILH moved to grant an unrestricted license to Dr. Elizabeth A. Clawson.**

49 **2nd** **TAURIAINEN**
50 **VOTE** **8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
51 **0 Nay votes**
52 **0 Abstentions**
53
54

55 While the board awaited the arrival of the next appointment, members reviewed license application
56 files.
57

1 **Section 7 Full Board Interview – Jeannette S. Anderson, PA-C**

2
3 Ms. Anderson was present to meet with the board.

4
5 **MOTION TAURIAINEN moved that in accordance with AS 44.62.310(c) (2), the board go into**
6 **executive session for the purpose of discussing the application of Jeannette S.**
7 **Anderson, PA-C.**
8 **2nd BREFFEILH**
9 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
10 **0 Nay votes**
11 **0 Abstentions**

12
13 Off the record at 2:12 pm; on the record at 2:26 pm.

14
15 **MOTION DUDDY moved to grant to Jeanette S. Anderson an unrestricted license.**
16 **2nd TAURIAINEN**
17 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
18 **0 Nay votes**
19 **0 Abstentions**

20
21
22 **Section 8 Full Board interview – Robert L. Testa, PA-C**

23
24 Mr. Testa joined the meeting to discuss his application for a license.

25
26 **MOTION TAURIAINEN moved that in accordance with AS 44.62.310(c) (2), the board go into**
27 **executive session for the purpose of discussing the application of Robert L. Testa,**
28 **PA-C.**
29 **2nd RESINGER**
30 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
31 **0 Nay votes**
32 **0 Abstentions**

33
34
35 Off the record at 2:29 pm; on the record at 2:39 pm.

36
37 **MOTION HALL moved to grant an unrestricted license to Robert L. Testa, PA-C.**
38 **2nd TAURIAINEN**
39 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
40 **0 Nay votes**
41 **0 Abstentions**

42
43
44 **Section 9 In the Matter of Brent J. Tyler, MD**

45
46 Dr. Tyler was present to discuss his situation with the board. Dr. Tyler has not formally applied for a
47 license but wishes to discuss with the board his situation and receive some guidance and direction from
48 the board.

49
50 **MOTION TAURIAINEN moved that in accordance with AS 44.62.310(c) (2), the board go into**
51 **executive session for the purpose of discussing the case of Brent J. Tyler, MD.**
52 **2nd RESINGER**
53 **VOTE 8 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
54 **0 Nay votes**
55 **0 Abstentions**

1 Off the record at 2:42 pm; on the record at 3:19 pm

2
3
4
5 **Section 1** **In the Matter of Case No. 2800-07-024**

6
7 **MOTION** **TAURIAINEN moved that in accordance with AS 44.62.310(c) (2), the board go into**
8 **executive session for the purpose of discussing the case No. 2800-07-024.**
9 **2nd** **TSIGONIS**
10 **VOTE** **8 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
11 **0 Nay votes**
12 **0 Abstentions**

13
14 Off the record at 3:20 pm; on the record at 3:45 pm. The board resumed review of application files
15 while it awaited the arrival of Dr. Tomera and his attorney.

16
17 Dr. Tomera and his attorney, Eric Sanders, were present to meet with the board to discuss his
18 memorandum of agreement.

19
20 **MOTION** **TAURIAINEN moved that in accordance with AS 44.62.310(c) (2), the board go into**
21 **executive session for the purpose of discussing the case No. 2800-07-024.**
22 **2nd** **PUCKETT**
23 **VOTE** **8 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
24 **0 Nay votes**
25 **0 Abstentions**

26
27 Off the record at 4:00 pm; on the record at 4:19 pm.

28
29 **MOTION** **BREFFELH moved to approve the memorandum of agreement with Dr. Kevin**
30 **Tomera as written.**
31 **2nd** **TAURIAINEN**
32 **VOTE** **8 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
33 **0 Nay votes**
34 **0 Abstentions**

35
36 The meeting recessed until Friday morning at 9 am.

37
38
39 **FRIDAY, January 25, 2008**

40
41 The meeting was called to order at 9:00 am.

42
43 **Roll Call**

44
45 Present were: John T. Duddy, MD, Acting Chair William W. Resinger, MD
46 Ed Hall, PA-C Michael J. Tauriainen
47 Jean M. Tsigonis, MD

48
49 Licensing examiner, Linda Sherwood, was also present along with several members of the public.

50
51 Absent were board members Dr. David M. Head and Dr. Robert A. Breffeilh and staff member Leslie
52 Gallant who was testifying in a hearing.

53
54 Ms. Nancy Puckett joined the meeting at 9:04 am.

1
2 **Section 15 License Application Review**
3

4 **MOTION** **TSIGONIS** moved to approve the following physicians for licensure in Alaska:

5		
6	Al Ammary, Fawaz Saeed	Mentzer, Kurt Donald
7	Appleyard, Ross William	Monsanto, Vivian Rosa
8	Bell, Darin McClellan	Mudafort, Eric Sarkis
9	Blum, Stephen Michael	Osterbauer, Peter John
10	Brillhart, Aaron Martin	Overdeck, Kimberlee Horton
11	Bulczak, Dariusz Piotr	Prendergast, Valerie Suzanne
12	Cant, Beth Charlotte	Rao, Srinadh Oddiraju
13	Church, Robert Dean	Roberts, Elizabeth Ann
14	Dittrich, Mary O'Kief	Samaha, Sahar Abdel
15	duPont, Nefertiti Chianti	Sasek, Dean Andrew
16	Flynn, Joseph Wayne	Schow, Adam Joseph
17	Gano, David Lee	Schulze, Keith Alan
18	Gardner, Keri Kathleen	Siddiqui, Zia Ahmed
19	Gaskill, Jill Elaine	St. Clair, Torri
20	Ghosh, Shubhranjub	Stelzer, Shelly Rae
21	Griffin, Daniel O'Connell	Stone, James Robert
22	Hassankhani, Alvand	Tseng, Tony Hsiang-Chieh
23	Koteles Jr., Michael Roy	Tucker, John David
24	Manion, Joseph Michael	Venezia, Vanessa Ann
25	Matthews, Bradford Kelly	Whitmore, Robert Earl

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29
30 **2nd**
31 **VOTE** **TAURIAINEN**
32 **6 Yea votes** (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
33 **0 Nay votes**
34 **0 Abstentions**

35
36 **MOTION** **TSIGONIS** moved to approve the following physicians for licensure in Alaska
37 pending completion of the application file:
38

Dunn, William Michael
Ghosh, Shubhranjan
Miller, James Heath
Weisner, Ronald Alan

39
40 **2nd**
41 **VOTE** **TAURIAINEN**
42 **6 Yea votes** (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
43 **0 Nay votes**
44 **0 Abstentions**

45 **MOTION** **TSIGONIS** moved to approve the following doctors of osteopathy for licensure in
46 Alaska:

47
48 Bender, John Douglas
49 Holtry, Lance David
50 Luke, Scott Andrew
51

1 **2nd** **TAURIAINEN**
2 **VOTE** **6 Yea votes** (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
3 **0 Nay votes**
4 **0 Abstentions**

7 **MOTION** **TSIGONIS moved to approve the following doctor of osteopathy for licensure in**
8 **Alaska pending completion of the application file:**
9 Nicholson, Douglas John

10 **2nd** **TAURIAINEN**
11 **VOTE** **6 Yea votes** (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
12 **0 Nay votes**
13 **0 Abstentions**

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

Claussion, Michael J	Humphrey, Megan K.
Dalton, Clifton	Kennah, Benjamin L.
Emperor, Timothy	Lewis, Anthony J.
Hallock, Richard J.	Matala, Kyra Leigh
Hanson, Brian J.	Mitchell, Brian E.
Harvey, Roderick R.	Sell, Malissa Lee
Hearn, Josh H	Sine, Richard Albert
Horton, Justin	Staten, Ryan James
	Wallace-Warbelow, Kylin M.

18 **2nd** **TAURIAINEN**
19 **VOTE** **6 Yea votes** (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
20 **0 Nay votes**
21 **0 Abstentions**

24 **MOTION** **TSIGONIS moved to approve the following physician assistants for licensure in**
25 **Alaska:**

	Korczykowski, Michael
Bartel, Molly Johanna	Lawn, Maris Aiken
Berros, Rachel Lynn	Marian, Albert Gregory
Calero, Kelly	Niell, Judith Marie
Carricaburu, Rachel C.	O'Brien, Jay Patrick
Garibaldi, Ann Marie	Rookey, Dionna Catherine
Heald, Duane Calvin	Sturley, Sharon Faye

35 **2nd** **TAURIAINEN**
36 **VOTE** **6 Yea votes** (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)
37 **0 Nay votes**
38 **0 Abstentions**

41 **Section 16** **Regulations Project**

43 Chair Dr. Duddy requested a brief review of the changes in the project.

45 Ms. Sherwood noted that the change to 12 AAC 40.025(b) was intended to clarify exactly what form
46 should be submitted for reinstatement of a lapsed license

1
2 Mr. Tauriainen and Dr. Tsigonis requested that a notice be sent to paramedics regarding the change to
3 the paramedic CME requirements in 12 AAC 40.350. Mr. Hall agreed that should be done immediately
4 since there is no grace period for the paramedics.
5

6 Dr. Duddy agreed that a letter should be sent to each paramedic advising them of this change and
7 advising them how to be included on the interested parties list.
8

9 Mr. Hall described the new process of submitting new collaborative plan documents. He also explained
10 all the efforts that have occurred to communicate this information to the licensees.
11

12 **MOTION** **TAURIAINEN moved to request Ms. Gallant send a letter to all licensed**
13 **paramedics in the state advising them of this change and giving them information**
14 **for getting on the interested parties list.**

15 **2nd** **HALL**
16 **VOTE** **6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
17 **0 Nay votes**
18 **0 Abstentions**
19

20 The board members discussed 12 AAC 40.967(28) that requires that physicians provide at least 72 hours
21 of post-surgical care to their patients. Mr. Tauriainen moved to oppose 12 AAC 40.967 unprofessional
22 conduct so that the board could discuss this proposed regulation separately. He advised that from the
23 beginning, he has been opposed to this regulation. He views this as primarily a turf battle.
24

25 Dr. Duddy stated that it is not good patient care not to follow your patients for a minimum amount of
26 time following surgery. He has received comments from doctors who also used their nurse practitioners
27 and physician assistants for post-surgical care. He recommended adding the word "exclusively" to the
28 paragraph.
29

30 Dr. Resinger agreed with Dr. Duddy's comments and expressed how difficult it is when the surgeon is not
31 available to care for his patients.
32

33 Dr. Tsigonis agreed the practice of performing these surgeries on an outpatient basis in offices [rather
34 than in a hospital] where there is no quality assurance is a huge problem.
35

36 In reviewing the public comments received regarding this proposed regulation change, the board
37 discussed the language offered by an attorney representing Alaska Native Tribal Health Consortium.
38

39 Dr. Breffeilh left written comments that in his opinion, the regulation should be passed as written.
40

41 Dr. Duddy specified that the use of the word "definitive, " would address any complications by
42 specifying treating the problem, not just simply referring the patient to the emergency room in such an
43 event. The board also discussed the elimination of the 72-hour reference.
44

45 In reviewing the remaining proposed regulations, Dr. Tsigonis pointed out a typographical error in 12
46 AAC 40.945; the word "license" should be "licensed." She further pointed out that the verb tense in the
47 paragraph did not agree with the subject. The words "are" should be "is" to match the singular subject,
48 "a physician." [The corrected paragraph will read: "Except as provided in AS 08.64.370, a physician
49 who comes to this state for the purpose of performing independent medical evaluations that involve a
50 face-to-face physician examination, regardless of the purpose of the evaluation, is practicing medicine
51 and is required to be licensed in this state."] The board members agreed with her points.
52

53 Mr. Tauriainen read the new regulation language proposed by ANTHC:
54 "12 AAC 40.967(28) ... after performing surgery, failing to continue care of their surgical patients through
55 a post-surgical recovery and healing period, either by providing such care directly, delegating such
56 care to persons who have the appropriate education, training, and licensure or certification to provide

1 definitive care, or coordinately with another qualified physician or medical professional who agrees to
2 assume responsibility for managing the patient's post-surgical care.”
3

4 **MOTION** **TAURIAINEN moved to oppose the language proposed in 12 AAC 40.967(28)**
5 **unprofessional conduct. HALL moved to amend the motion to include the**
6 **adoption of the suggested language offered by ANTHC as amended.**
7 **TAURIAINEN approved the amended motion.**

8 **2nd** **TSIGONIS**
9 **VOTE** **6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
10 **0 Nay votes**
11 **0 Abstentions**
12
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14
15 **MOTION** **TAURIAINEN moved to adopt the following regulations 12 AAC 40.025, 40.350,**
16 **40.405, 40.945, 40.946, 40.965, 40.967 as modified, and 40.981 deleting paragraph**
17 **(c) and re-lettering the remaining paragraphs in the regulation and correcting the**
18 **DES form number to read 222.**

19 **2ND** **HALL**
20 **VOTE** **6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
21 **0 Nay votes**
22 **0 Abstentions**
23

24 [The regulations were adopted as follows:

25 12 AAC 40.025 No changes;
26 12 AAC 40.405 No changes;
27 12 AAC 40.945 Changes noted above to this regulation (changed “are” to “is” in two places
28 and changed “license” to “licensed”;
29 12 AAC 40.946 No changes;
30 12 AAC 40.965 No changes;
31 12 AAC 40.967 Changes noted in previous motion;
32 12 AAC 40.981 Delete paragraph (c) and renumber remaining paragraphs accordingly.]
33
34

35 Mr. Hall left the room briefly at 10:10 am and returned at 10:16 am.
36
37

38 **New Agenda Item In the Matter of Solomon Kamson , MD**
39

40 Acting Chair Dr. Duddy advised the board that he was given a document regarding Dr. Solomon
41 Kamson that Ms. Gallant had given to him. He read to the board the explanation regarding the
42 memorandum of agreement that the board was asked to approve. The board was originally asked to
43 approve an MOA for Dr. Kamson at the October 2007 meeting. The board rejected the agreement
44 because it did not contain a civil fine. The board requested that a fine of \$2,000 be included in the
45 MOA. The investigations unit has revised the MOA and Dr. Kamson has signed it. The new agreement is
46 being returned to the board for approval.
47

48 **MOTION** **HALL moved to approve the memorandum of agreement with Dr. Solomon**
49 **Kamson.**

50 **2nd** **RESINGER**
51 **VOTE** **6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
52 **0 Nay votes**
53 **0 Abstentions**
54

55 An Anchorage board member will be asked to sign the agreement when the original is received from
56 Dr. Kamson.
57

1
2 **New Agenda Item License Application – Patrick Eitter, MD**
3

4 The board was asked to consider Dr. Eitter's application including the explanation of events that
5 occurred during his post-graduate training.
6

7 **MOTION TAURIAINEN moved to approve the application of Patrick Eitter, MD.**
8 **2nd DUDDY**
9 **VOTE 6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
10 **0 Nay votes**
11 **0 Abstentions**
12

13
14 **New Agenda Item License Application – Andrew J. Hanly, MD**
15

16 The board was asked to consider the application of Dr. Hanly. He failed to disclose eleven states of
17 licensure in his application and that he was under investigation by the Florida board regarding a
18 complaint. He has declined to voluntarily enter into an agreement that includes discipline for the failure
19 to disclose. He advised that he would withdraw the application but he has not done so.
20

21 **MOTION HALL moved to deny the application of Dr. Andrew J. Hanly [based on AS**
22 **08.64.240 and 12 AAC 40.967(2)].**
23 **2nd PUCKETT**
24 **VOTE 6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
25 **0 Nay votes**
26 **0 Abstentions**
27

28
29 **License Application – Lance D. Holtry, MD**
30

31 Ms. Sherwood explained that a verification of hospital privileges form was received with all 'yes'
32 answers. It is assumed that this is in error. A new form has been requested from hospital. The board
33 was asked to approve the application pending receipt of a corrected form that reflects there are no
34 problems with Dr. Holtry. The board members decided to wait to consider the file until the next meeting.
35

36 [While the board members were still in the meeting, a fax was received that corrected all the 'yes'
37 responses to 'no' responses.]
38

39 **MOTION TAURIAINEN moved to approve Dr. Lance Holtry for licensure in Alaska.**
40 **2nd PUCKETT**
41 **VOTE 6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
42 **0 Nay votes**
43 **0 Abstentions**
44

45
46 **Public Comment Forum**
47

48 Dr. Schurig was present and asked about his request to have Dr. Jim Sanders approved to be a
49 supervising physician. He was advised that was done on Thursday.
50

51 Dr. Tsigonis brought to the board's attention the issue of disaster preparedness for licensing physicians.
52 She would like this to be on the board's agenda at the next meeting.
53

54 There were also members of the public who made comments to the board regarding the regulation
55 concerning post-surgical patient care.
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MOTION **TAURIAINEN moved to adjourn the meeting.**
2nd **HALL**
VOTE **6 Yea votes (Duddy, Hall, Puckett, Resinger, Tauriainen, Tsigonis)**
 0 Nay votes
 0 Abstentions

The meeting adjourned at 10:35 am, Friday, January 25, 2008.

Respectfully submitted:

Approved:

Leslie A. Gallant
Executive Administrator
Alaska State Medical Board

David M. Head, MD
Chair
Alaska State Medical Board