

ALASKA STATE MEDICAL BOARD

AGENDA

Thursday – July 16

July 16 – 17, 2009

09:00 am

Providence Valdez
Medical Center

Valdez, Alaska

09:00 am	Call to Order - Roll Call - Announcements	
09:15 am	In the Matter of Matthew J. Morrison, PA-C	Section 1
09:45 am	In the Matter of Case No. 2852-09-001	Section 2
10:15 am	Alaska EHR Alliance Request for Survey Questions in Renewals	Section 3
10:45 am	Board Discussion: Fees for Medical Records	Section 4
11:30 am	Lunch	
01:15 pm	In the Matter of John A. J. Winczura, PA-C	Section 5
02:00 pm	In the Matter of Alyce L. Garrity, MD	Section 6
02:30 pm	In the Matter of Jacqueline S. Silkey, MD	Section 7
02:45 pm	Board Actions	Section 8
03:00 pm	In the Matter of L. Dennis Mickleson, MD	Section 9
03:45 pm	Proposed New Regulations	Section 10
04:00 pm	Board Discussion: Telemedicine within Alaska	Section 11

Friday – July 17

09:00 am	Call to Order	
09:15 am	License Applications – Full Board Interviews/Special Applications for Consideration	Section 12
	Braswell, Robert R., MD	09:15 am
	Lundeen, Elizabeth B., MD	09:45 am
	David S. Shea, MD	

Hooper, MD

11:00 am	Public Comment Forum	
11:15 am	Minutes, Ethics	Section 13
11:30 am	Meeting Schedule for 2010	Section 14
12 Noon	Lunch with Physicians and Tour of Facility	
01:30 pm	License Application Review	Section 15

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

July 16 - 17, 2009

MINUTES OF MEETING

By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting of the Alaska State Medical Board was held on Thursday and Friday, July 16 - 17, 2009, in the conference room of the Providence Valdez Medical Center, Valdez, Alaska.

Thursday, July 16, 2009

Call to Order

The meeting was called to order at 9:07 am.

Roll Call

Present were: Chair Dr. Jean Tsigonis
John S. Cullen, MD
Edward Hall, PA-C
Kathleen Millar, public member
David Miller, MD
David Powers, MD
William Resinger, MD
Michael J. Tauriainen, public member

Also present were staff members Leslie Gallant, Mariana Moreno-Goodwin, and Linda Sherwood. Visitors present were Monalisa Mullick, MD, and Jim Lipinski, PA-C.

Mr. Tauriainen asked about the issue of automatic suspension language being included in consent agreements. At the April board meeting, the board requested that this issue be included on the meeting agenda for this meeting. Ms. Gallant advised that she forgot to include that matter on the agenda; however, it might be better discussed at the October meeting in Anchorage so that investigators and assistant attorneys general could be present to discuss it with the board.

Dr. Tsigonis felt that basically the board would like to see a template so that everything is covered and consistent. She agreed that she would also like to know more about the powers of the investigators.

Dr. Miller agreed that it would be good to table further discussion until October when others could be present.

Agenda Item 1 In the Matter of Matthew J. Morrison, PA-C

The board reviewed the proposed decision from the administrative law judge in the case of Matthew J. Morrison, PA-C.

MOTION HALL moved to adopt the administrative law judge's proposed decision in
the matter of Matthew J. Morrison, PA-C.
2nd TAURIAINEN

(Dr. Mullick returned to the meeting and requested to be heard again. The board recessed briefly at 10:04 am; returned on the record at 10:18 am.)

MOTION MILLER moved to direct the staff to draft a regulation, using the Maine-Medical example, that provides that physicians may charge a fee of \$30 for the first 20 pages of a medical record and 50¢/page over 20 pages.

2nd MILLAR

VOTE 6 Yea votes (Tsigonis, Cullen, Millar, Miller, Powers, Resinger)
2 Nay votes (Hall, Tauriainen)
0 Abstentions

As a policy, the board would like to periodically review this regulation to insure that the costs are appropriate.

(Dr. Mullick again interrupted the meeting to discuss her agreement and license application. The board declined to speak further with her.)

Agenda Item 5 In the Matter of John A. J. Winczura, PA-C

The board reviewed a letter Mr. Winczura submitted immediately before the April board meeting. He is requesting a response to his letter.

(Dr. Mullick again interrupted the meeting to advise that she had spoken with her attorney and wished to withdraw her file. Dr. Tsigonis advised that the board was discussing another topic.)

MOTION HALL moved to send a letter to Mr. Winczura commending him on his continued sobriety but advising that the board is unwilling to make changes to his memorandum of agreement as currently amended. Further include in the letter to advise Mr. Winczura that the civil fine that the board imposed for his violation of his MOA has not yet been paid and that he has 30 days from the date of the letter to pay the fine or his license will be suspended.

2nd TAURIAINEN

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

Mr. Tauriainen raised the question if the board overlooked Dr. Mullick's attorney's letter. Dr. Miller stated that he did not overlook the letter and that he asked Dr. Mullick specifically earlier in the meeting if she intended to withdraw and she replied 'no.' He did not feel that board needed to re-visit this matter. Other board members concurred that the matter had been thoroughly discussed.

Dr. Mullick repeatedly interrupted to ask that the board take no action on her application; that she did not want a license issued. She was advised that the board had already addressed her case.

Off the record at 11:00 am; on the record at 11:16 am.

New Agenda Item Application of James Cooper, MD

The board considered this application at the January meeting but requested that additional information be obtained. That information was contained in the board books.

Dr. Powers was concerned that the complaints against Dr. Cooper are all similar and seem to represent a pattern of behavior.

MOTION **MILLAR** moved that in accordance with AS 44.62.310(c)(2), the board go into executive session for the purpose of discussing the application of James C. Cooper, MD.
2nd **CULLEN**
VOTE **8 Yea votes** (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
 0 Nay votes
 0 Abstentions

Off the record at 11:22 am; on the record at 12:10 pm.

MOTION **POWERS** moved to grant Dr. James C. Cooper a license subject to his providing new updated application documents and under the terms of a consent agreement that include a reprimand and \$1,000 civil fine for his failure to disclose the reprimand action that occurred at Lakenheath Hospital in the UK [a violation of 12 AAC 40.967(2)].
2nd **HALL**
VOTE **8 Yea votes** (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
 0 Nay votes
 0 Abstentions

It is the board's position that should Dr. Cooper decline to agree to the consent agreement, the board will consider his application to be denied.

Off the record at 12:15 pm; on the record at 1:03 pm

Agenda Item 14 Meeting Schedule 2010

The board members selected the following dates and locations for its meetings in 2010:

January 21 - 22	Anchorage	July 15 - 16	Nome
April 15 - 16	Juneau	October 28 - 29	Anchorage

Agenda Item 7 In the Matter of Jacqueline S. Silkey, MD

MOTION **TAURIAINEN** moved to release Dr. Silkey from the terms of her agreement with the Alaska board.
2nd **MILLER**
VOTE **8 Yea votes** (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
 0 Nay votes
 0 Abstentions

Ms. Gallant confirmed that the order approved by the board at the October 2008 meeting was issued to Mr. Winczura and he was notified of the civil fine. Unfortunately the letter notifying him of the fine did not include a deadline. Mr. Hall asked that information regarding the payment of the fine be included in the board's letter to him discussed earlier.

Agenda Item 8 Board Actions

In the Matter of Jay P. O'Brien, PA-C

MOTION **HALL** moved to adopt the consent agreement signed by Jay P. O'Brien, PA-C that includes a reprimand and civil fine for practicing without a collaborative plan in place.

2nd **MILLER**

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

In the Matter of David L. Barnes, DO

Investigators Lee Strout and Brian Howes joined the meeting via teleconference to discuss the case of Dr. David L. Barnes with the board members.

MOTION **HALL** moved to approve the consent agreement with David L. Barnes, DO.

2nd **RESINGER**

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

Agenda Item 6 In the Matter of Alyce L. Garrity, MD

Dr. Garrity was present to talk with the board.

MOTION **CULLEN** moved that in accordance with provisions of AS 44.62.310(2)(c) the board go into executive session for the purpose of discussing the case of Alyce L. Garrity, MD.

2nd **HALL**

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

Off the record at 1:55 pm; on the record at 2:40 pm.

MOTION **CULLEN** moved to restore Dr. Garrity's license to her with the following restrictions:

- 1 - may practice no more than four hours per day, five days per week;**
- 2 - will submit to a breathalyzer each day when she reports to work;**
- 3 - will continue with weekly counseling with reports to the board;**

- 4 - will participate in daily online AA meetings with attendance documented to board;
- 5 - will continue with monthly visits with psychiatrist with reports to board;
- 6 - permanent and total abstinence from use of alcohol;
- 7 - participation in the Physician Health Program with reports to the board; and
- 8 - random biological testing.

2nd
VOTE

MILLAR

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

Dr. Garrity was advised that in order to restore her license, she will need to pay the balance of the licensing fees, requested FSMB clearance report, and submit documentation of satisfying the CME requirements. CME from 2009 will be accepted to satisfy the licensing requirements for renewal of license.

Agenda Item 9 In the Matter of D. Lynn Mickleson, MD

Dr. Mickleson was present to meet with the board.

MOTION

MILLER moved that in accordance with provisions of AS 44.62.310(2)(c) the board go into executive session for the purpose of discussing the case of D. Lynn Mickleson, MD.

2nd

RESINGER

VOTE

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

Off the record at 2:50 pm; on the record at 3:31 pm.

MOTION

CULLEN moved to return the license to D. Lynn Mickleson, MD, under the following conditions:

- 1 - continued participation in the Physician Health Program;
- 2 - random biological testing for drugs and alcohol;
- 3 - attendance at a minimum of three AA meetings each week with attendance to be documented;
- 4 - continued therapy with Dr. Halverson or another psychiatrist approved by the board with reports to the board;
- 5 - continued regular therapy visits with Dr. Herndon with reports to the board;
- 6 - no solo practice or remote practice;
- 7 - will not serve as collaborating physician or sponsor physician for physician assistants or paramedics; and
- 8 - continued monthly reports to the board.

2nd

TAURIAINEN

VOTE

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

0 Abstentions

Off the record at 3:34; on the record at 3:42 pm.

Agenda Item 11 Board Discussion: The Practice of Telemedicine within Alaska

Dr. Robert Lada and Christie Artuso were present to discuss with the board the use of telemedicine within Alaska, particularly the use of telemedicine in the treatment of strokes by the Neuroscience Services department at Providence Hospital in Anchorage. Dr. Lada's comments were also specific to the relationships and responsibilities between the doctors at either end of the telecommunications. The board appreciated their taking the time to come and make this presentation to them for their information.

Agenda Item 10 Proposed New Regulations

MOTION **MILLAR** moved to adopt proposed regulation 12 AAC 30.490(6) [use of the designation "doctor" by a non-physician] as presented in the board books.

2nd **CULLEN**

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

MOTION **MILLER** moved to adopt the proposed new regulation entitled "standard of care" as written in the board books.

2nd **RESINGER**

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

MOTION **POWERS** moved to adopt the revision to regulation 12 AAC 30.370 (b)(2) as written in the board books.

2nd **HALL**

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

MOTION **MILLER** moved to adopt the proposed new regulation pertaining to the licensure requirements for Fifth Pathway candidates with the amendment that paragraph (3) in the proposed language will be deleted.

2nd **CULLEN**

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

Dr. Cullen moved to approve proposed language to regulation 12 AAC 40.967 with minor modification but the board wanted to discuss this further. Further action on this regulation was tabled until Friday, July 17.

Off the record at 5:28 pm.

Friday, July 17, 2009

Call to Order

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

Roll Call

Present were: Chair Dr. Jean Tsigonis	David Miller, MD
John S. Cullen, MD	David Powers, MD
Edward Hall, PA-C	William Resinger, MD
Kathleen Millar, public member	Michael J. Tauriainen, public member

Also present were staff members Leslie Gallant, Mariana Moreno-Goodwin, and Linda Sherwood. Visitors present were Robert Braswell, MD, and Jim Lipinski, PA-C.

Agenda Item 10 Proposed New Regulations - Continued

MOTION POWERS moved to adopt the following new paragraph to be added to the unprofessional conduct regulation 12 AAC 40.967:

(29) prescribing, dispensing, or furnishing a prescription medication to a person unless the licensee first conducts a physician examination of that person or has previously established a patient-physician or patient-physician assistant relationship. This subdivision does not apply to prescriptions written or medications issued for use in emergency treatment, expedited partner therapy for sexually transmitted diseases, in response to an infectious disease investigation, public health emergency, infectious disease outbreak, or act of bioterrorism.

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

Ms. Gallant will check with the regulations attorney at the Department of Law to insure that this language does not impact the work of community health aides.

[A copy of the adopted regulations is attached to these minutes as Attachment A.]

Agenda Item 12

Full Board Interview - Robert R. Braswell, MD

Dr. Braswell was present to meet with the board to discuss his application.

MOTION CULLEN moved that in accordance with provisions of AS 44.62.310(2)(c) the board go into executive session for the purpose of discussing the case of Robert R. Braswell, MD.

2nd TAURIAINEN

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

Off the record at 9:16 am; on the record at 9:31 am.

MOTION HALL moved to grant a license to Dr. Robert R. Braswell.

2nd MILLER

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

Agenda Item 13

Meeting Minutes, Ethics

MOTION TAURIAINEN moved to approve the minutes of the April 16 - 17, 2009 meeting.

2nd RESINGER

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

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

Agenda Item 12

Special Consideration Applications

Dr. David S. Shea

MOTION RESINGER moved to reinstate Dr. David Shea's retired license to active status.

2nd CULLEN

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

Dr. Lundeen was present to discuss her application with the board.

MOTION MILLAR moved that in accordance with provisions of AS 44.62.310(2)(c) the board go into executive session for the purpose of discussing the application of Elizabeth B. Lundeen, MD.

2nd RESINGER

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

Off the record at 9:50 am; on the record at 9:55 am.

MOTION HALL moved to grant an unrestricted license to Dr. Elizabeth Lundeen.

2nd POWERS

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

Agenda Item 12

Special Consideration Applications - Charles I. Hooper, MD

MOTION TAURIAINEN moved to grant a license to Dr. Charles I. Hooper.

2nd MILLER

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

Off the record at 10:03 am; on the record at 11:02 am.

Public Comment Forum

Dr. Mark Beirne and his attorney called in to speak with the board about Dr. Beirne's efforts to get his license back. Dr. Beirne and his attorney discussed the events from the previous board meeting. Ms. Gallant advised Dr. Beirne and his attorney that when the board receives the assessment and evaluation he has been asked to under go, she will pass that document over to the investigations unit to work on drafting a consent agreement.

Dr. Beirne's attorney requested it by October; Ms. Gallant advised she would try to accommodate that request.

MOTION HALL moved to approve the following physicians for licensure in Alaska:

Anderson, Lowell Meredith
 Babu, Benson Abbi
 Baker, David A
 Beck, Marc Richard
 Ben-Avi, Doron Daveed
 Bernstein, Janet Oestreich
 Bertucio, Clare Scott
 Bodoia, Rodger Dante
 Brunner, Laura Steinkruger
 Campbell, Brendan Thomas
 Carraher, June A
 Cartwright, Karen Charlotte
 Chyi, Mein
 Connor, Paul T
 Cosgrove, Kennedy Michael
 Dojaques, Katherine Cheryl
 Dowling, Anna Lynne
 Edwards, Katherine Claire
 Eggers, Matthew David
 Emmons, Lawrence L
 Ford, Edward Gregg
 Fried, Ora
 Gage, Kelly David
 Guess, Matthew Gregory
 Herbig, Peter Karl
 Hough, Gregory Hunter
 Hussain, Zakir
 Johnson, Kimberly Dale
 Johnson, Lisa Anne
 Jones, Heather M
 Jorin, Julie Michelle
 Kelley, Patrick Sheen
 Kieffer, Bradley Donald
 Klein, Lawrence Edward
 Kodish, Ian M
 Kolycius, Rita Judita

Lang, Dustin Mark
 Lange, Nicholas James
 Le, Phi-Nga, Jeannie
 Leoncio, Ferritha Aquino
 Levandovsky, Mark
 Levoy, Laura Leanne
 Lindauer, Kelly Robert
 Luna, Raymond J.
 Luna Zelaya, Jose Luis
 Mackenzie, Nicol Ian
 Manweiler, Julia Renee
 Mayo, James Paul
 Mefford, Heather Christy
 Mendelsohn, Irwin Emanuel
 Moore, Barbara Kay
 Myers, Larry Richard
 Parker, Steve Emery
 Patel, Atul Jayant
 Pham, Daniel D. T.
 Rojas Caballero, Julian Tomas
 Rosier, Elisa Marie
 Schuldt, Gabe Victor
 Sie, Kathleen C.Y.
 Solana Walkinshaw, Kristen
 Starr, Daniel Curtis
 Stiner, Dana Bradford
 Strokland, Rebecca Anne
 Struyk, Curtis Dean
 Thorson, Stuart Harley
 Velan, Tomas
 Wagner, George Michael
 Westfall, Grayson Thomas
 Wong, Jamie Ryan
 Zhang, Yanlong
 Zink, Anne Braun
 Fang, Evelyn Yu-Tieng

**2nd
VOTE**

TAURIAINEN

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

MOTION HALL moved to approve the following physicians for licensure in Alaska pending completion of application files:

Caywood, Stephanie Leemhuis
Faradji, Victor
Hambleton, Daniel Clyde
Janadri, Bchara Fouad

Lindstrom, Meghan Leah
Raven, Katherine Patricia
Schultz, Scott Herbert

2nd
**RESINGER
VOTE**

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

MOTION

**HALL moved to approve the following doctors of osteopathy for licensure
Alaska:**

Dy, Robert Millan
Hjellen, Elwin David

Huntington, Tamara Alice
Porterfield, Charles Edwin

2nd
VOTE

TAURIAINEN

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

MOTION

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

Adams, Andrew Joel
Buchanan, Rian James William
Casselman, Sierra Vanesa
DeMoss, Teri Rae
Deever, Harrison Kofi
Duggar, Morgan E

Harris, Jamie T
Larson, Scott Albin
Long, Brian Andrew
Nelson, Nathan Andrew
Polzin, Thea Lee
Thompson, Michael David

2nd
VOTE

TAURIAINEN

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

MOTION

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

Anthony, Alexis Rae
Carrillo, Olegario Jr.
Crawford, William Lewis
Dalessio, Patrick Michael
Le, Thuy Bich
McManus, Marc Michael

Sabatka, Lisa Rae
Swansiger, David Charles
Tanner, Dirk Landry
Yaverbaum, Linda Beth
Yeagle, Jeanne M.

2nd
VOTE

MILLER

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

MOTION
2nd
VOTE

CULLEN moved to adjourn this meeting of the state medical board.
MILLAR
8 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay votes
0 Abstentions

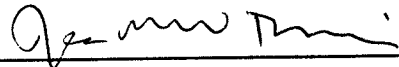
Meeting adjourned at 1:05 pm

Respectfully submitted:



Leslie A. Gallant, Executive Administrator
Alaska State Medical Board
Date 23 Oct 2009

Approved:



Jean M. Tsigonis, MD, Chair
Alaska State Medical Board
Date 23 Oct 2009

MEDICAL BOARD
 PROPOSED NEW REGULATIONS - July 2009
 ADOPTED AT JULY 16-17, 2009 BOARD MEETING

New Paragraph Added to Regulation:

ADOPTED AS WRITTEN:

12 AAC 40.490 (6)

(6) In the clinical setting, a physician assistant shall clearly identify himself or herself as a physician assistant to patients and shall not use or permit to be used in the physician assistant's behalf the term "doctor", "Dr.", nor "doc" nor hold himself or herself out in any way to be represented to be a physician or surgeon.

New Regulation:

ADOPTED AS WRITTEN:

12 AAC 40.xxx

Standard of Care.

A physician may practice a specialty without being certified by that specialty board; however, a physician who practices in any specialty, regardless of board certification status, must meet the nationally accepted standard of care in the specialty in which he or she practices. The care that is rendered in any specialty must be that which is reasonably expected of an appropriately trained physician in the setting within which the care is rendered.

The term "accepted medical standards" is an intentionally ambiguous term which is essentially the same as "standard of care". Two physicians in the same community who practice under the same Board Certification can testify completely contradictory to each other about their perceived notion of what is the "accepted medical standard" or "standard of care".

"Accepted Medical Standard" applies to bioethics issues while "standard of care" is a term of legal art regarding medical malpractice cases. Paul D. Friedman, M.A., Ph.D., J.D.

Revision to Regulation:

ADOPTED AS WRITTEN:

12 AAC 40.370 (b)(2)

(2) the activities that take place in a hospital are supervised by a physician, physician assistant, mobile intensive care paramedic, or nurse; and

New Regulation

ADOPTED AS REVISED BELOW:

12 AAC 40.xxx

Licensing Requirements for Applicants from Fifth Pathway

Programs.

(a) Physician applicants who graduate from Fifth Pathway programs after December 31, 2009 will not be eligible for licensure by examination in Alaska.

(b) Physician applicants for licensure by endorsement who graduate from Fifth Pathway programs after December 31, 2009 will be required to provide the following in order to be licensed in Alaska:

(1) full and unrestricted licensure in at least one other licensing jurisdiction in the United States;

(2) evidence of successful practice in another state or territory of the United States or province of Canada for a period of a minimum of five (5) years;

~~(3) no malpractice history or history of complaints or sanctions by another board;~~
and

~~(4) (3) board certification by a board under the American Board of Medical Specialties.~~

New Paragraph to Regulation:

ADOPTED AS WRITTEN BELOW:

12 AAC 40.967

(29) prescribing, dispensing, or furnishing a prescription medication to a person unless the licensee first conducts a physical examination of that person or has previously established a patient-physician or patient-physician assistant relationship. This subdivision does not apply to prescriptions written or medications issued for use in emergency treatment, expedited partner therapy for sexually transmitted diseases, in response to an infectious disease investigation, public health emergency, infectious disease outbreak, or act of bioterrorism.

New Regulation

ADOPTED AS WRITTEN BELOW

12 AAC 40.xxx Fees for copying medical records. Physicians and physician assistants may charge a fee for copying medical records in their possession of no more than \$30 for the first 20 pages of the record and 50 cents/page for each page over 20 pages.