#### DRAFT

# STATE OF ALASKA

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

July 29 – 30, 2010 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 29 - 30, 2010, in Nome, Alaska.

Thursday, July 29, 2010

Call to Order

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

Roll Call

Present were:

Jean M. Tsigonis, MD, Chair

David A. Miller, MD

John S. Cullen, MD

David J. Powers, MD

Edward A. Hall, PA-C

William W. Resinger, MD

Michael J. Tauriainen, Public Member

Absent:

Kathleen Millar, Public Member

Also present and board staff members: Jim Lipinski, PA, Linda Sherwood and Jamie Jolliff, licensing examiners.

A new agenda item to discuss election of officers was added at 2:30pm July, 29th. Also, discussion of the Executive Administrator was added after section 15. The board briefly discussed they would like to be involved in the hiring process of the new Executive Administrator.

Agenda Item I

Malpractice Case Review

MOTION

CULLEN moved to take no action for Case No.'s A,B,D,E,F,G,& H

2<sup>nd</sup>

**TAURIAINEN** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Case No. C

MOTION HALL moved to take no action on Case No. C

2<sup>nd</sup> TAURIAINEN

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Agenda Item 7 Physician/Pharmacist Cooperative Practice Agreement (2)

Board discussed Immunization protocol and Physician/Pharmacist Cooperative Practice Agreements.

MOTION CULLEN moved to accept agreement for Harold Lewis Johnston, MD

2<sup>nd</sup> TAURIAINEN

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Agenda Item 6 Trauma System Review Nominee

MOTION TAURIAINEN moved to approve Dr. Lerner for membership on the Trauma

**System Review Committee** 

2<sup>nd</sup> HALL

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Agenda Item 9 Physician Self Referral/Sale of Goods

Board agreed that in order to discuss this topic further they need more information regarding Leslie Murphy and what products she is referring to.

MOTION HALL moved that the board does not need to write a regulation to regulate

the sale of goods

2<sup>nd</sup>

**TAURIAINEN** 

**VOTE** 

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

# Agenda Item 10 Signing Death Certificates, Dr. Katherine Raven, Medical Examiner

The board discussed the letter from Kathy Raven regarding the issues and implications that arise from Physicians refusing to sign death certificates and the fact that medical examiners will not assume cause of death. The board agreed to request that Kathy Raven's letter be forwarded to ASMA to obtain cooperation from all Physicians in Alaska to sign off on death certificates.

# Agenda Item II FY 2011 Calendar Meetings set

January 20-21st, 2011-Meeting to be held in Juneau

April 21-22<sup>nd</sup>, 2011-Meeting to be held in Anchorage

July 28-29th, 2011- The First choice of meeting location to be held in Dutch Harbor, the second choice is Kodiak. The location is pending for further research of feasibility.

Off the record 9:55am; on the record 10:05am

Lee Strout, Investigator & Susan Winton, Investigator on the phone at 10:07am

MOTION MILLER moved that in accordance with AS 44.63.310(c)(2) the board go into

executive session for the purpose of discussing Case No. 2806-10-002

2<sup>nd</sup>

ΗΔΙΙ

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Mike Tauriainen came back into the room 10:09am

Off the record 10:09am; on the record 10:37am

## Agenda Item 2 Board Actions

# In the matter of Case No. 2806-10-002 - Tab J

**MOTION** 

HALL moved to accept the consent agreement, but suspend \$5,000 of the

fine

2<sup>nd</sup>

**TAURIAINEN** 

**VOTE** 

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

In the matter of Case No. 2800-10-009 Tab K

**MOTION** 

HALL moved to accept the consent agreement as signed and that the board

include the letter of explanation

2<sup>nd</sup>

**TAURIAINEN** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

In the matter of Case No. 2010-000396 Tab L

MOTION

CULLEN moved to accept the consent agreement with full fine

2<sup>nd</sup>

**POWERS** 

VOTE

6 Yea votes (Tsigonis, Cullen, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

I Recused (Hall)

Agenda Item 3 Paramedic Scope of Practice, Susan Winton, Investigator

Susan Winton presented scope of practice concerns regarding Paramedics. The board requested a letter to be sent out to the 3 education entities of Alaska to give a friendly reminder to stay within scope of practice.

#### Agenda Item 4 Regulations Project, Dan Branch, Attorney

Regulation 12 AAC 40.024 was adopted by a motion made by Dr. Miller and Seconded by Dr. Cullen. The motion passed by a 7 to 0 vote. The motion adopted is as follows with amendments.

12 AAC 40.024. Licensing requirements for applicants from fifth pathway programs. (a) A physician applicant who earned a certificate of completion from a fifth pathway program supported by the American Medical Association may apply for and receive licensure by examination in this state, if otherwise eligible for licensure.

(b) If otherwise eligible for licensure, and in order to be licensed in this state, a physician applicant for licensure by credentials who earned a certificate of completion from a fifth pathway program not supported by the American Medical Association must provide verification of full and unrestricted licensure in at least one licensing jurisdiction in the United States, with evidence of successful completion of post graduate training recognized by the American Board of Medical Specialties and evidence of board certification by a board under the American Board of Medical Specialties.

© In this section, "fi	fth pathway progra	am" means a program i	by which students who
have attended four years at	a foreign medical	school that requires or	ne year of social service
before awarding the degree	may complete the	eir supervised clinical w	ork at a United States
medical school, become elig	sible for entry to re	sidency training in the	United States, and
ultimately obtain a license t	o practice in the U	nited States. (Eff/	/, Register)
Authority: AS 08.64.100	AS 08.64.200	AS 08.64.225	

Regulation 12 AAC 40.036 was adopted as written by a motion made by Dr. Miller and seconded by Dr. Cullen. The motion passed unanimously.

Regulation 12 AAC 40.038(a)(4) was adopted as written by a motion made by Dr. Miller and seconded By Mr. Hall. The motion passed unanimously.

Regulation 12 AAC 40.370(b)(2) was adopted as written by a motion made by Mr. Tauriainen and seconded by Dr. Cullen. The motion passed unanimously.

Regulation 12 AAC 40.490 was adopted as written by a motion made by Mr. Hall and seconded by Dr. Powers. The motion passed by majority vote with one no vote.

Regulation 12 AAC 40.967(26) was adopted as written by a motion made by Dr. Cullen and seconded by Mr. Hall. The motion passed unanimously.

Regulation 12 AAC 40. 967(29) was adopted as written by a motion made by Dr. Miller and seconded by Mr. Hall. The motion passed unanimously.

Regulation 12 AAC 40.967(30) was adopted as written by a motion made by Mr. Tauriainen and seconded by Dr. Resinger. The motion passed unanimously.

The Medical Board also voted by a motion made by Mr. Tauriainen and seconded by Mr. Hall to withdraw three other proposed regulations. These were 12 AAC 40.944, 12 AAC 40.988 and 12 AAC 40.965(a)(1)(B). The motion passed unanimously.

Off the record 12:16pm; on the record 1:17pm

Agenda Item 8 Antigua

The board reviewed 12 AAC 40.016 and discussed possible future changes to the regulation. Those changes are in progress.

## Agenda Item 5 Ombudsman Letter Executive Session

MOTION POWERS moved that in accordance with AS 44.63.310(c)(2) the board go

into executive session for the purpose of discussing Section 5, Obudsman

Letter

2<sup>nd</sup> TAURIAINEN

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Off the record 2:07pm; on the record 2:23pm

MOTION MILLER moved to accept recommendations 7 & 2 and respond to

Ombudsman that it has been recognized and justified

2<sup>nd</sup> HALL

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

## Agenda Item 2 Board Actions

In the matter of Case No. 2800-10-005 - Tab I

Mr. Tauriainen opined that the wording of paragraph E was well written.

# MOTION CULLEN moved to accept consent agreement

2<sup>nd</sup>

RESINGER

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Agenda Item 12 Election of Officers, Board Policy Review Elections

MOTION

**TAURIAINEN** moved to maintain current officers

2<sup>nd</sup>

**RESINGER** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Agenda Item 14 Ethics Reports, Minutes Approved (April 15 & June 23, 2010) Financial & Investigative Reports

MOTION

TAURIAINEN moved to approve the April 15th minutes with Emily Kane to

be identified as ND not MD

2<sup>nd</sup>

**RESINGER** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

**MOTION** 

TAURIAINEN moved to approve the June 23rd teleconference meeting

minutes

2<sup>nd</sup>

HALL

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

# Agenda Item 13 Annual Report

Linda Sherwood presented the annual report discussing the possibility that the fees will be reduced. It was felt it was premature to adjust fees.

# Agenda Item 15 Yes Answers on Renewal Applications, Dr. Miller

Board discussed concerns regarding the change in process in place for yes answers on renewal applications. The concerns are that it may slow down the renewals and produce a back log of the yes answer applications, which would need approval.

MOTION CULLEN moved to receive clarification from the Attorney General

regarding division operating procedures

2<sup>nd</sup> TAURIAINEN

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Regarding the same subject of discussion:

MOTION MILLER moved to provide a letter to the director, Donald Habeger of the

policy recommendation to take in consideration the interruption of care in

Alaska in regards to yes answers on renewals and revise the process

2<sup>nd</sup> TAURIAINEN

VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

#### Agenda Item Open discussion of Executive Administrator

The board felt there is sufficient money in the budget to bring former Executive Leslie Gallant in as a consultant upon hiring a new Executive Administrator.

Several Anchorage located board members confirmed their availability for the interview process for the new Executive Administrator.

#### Agenda Item 16 Travel Information

Linda Sherwood presented the travel pamphlet regarding policies & procedures for receiving per diem and reimbursements. She explained that board members need to keep their receipts otherwise travel will not process reimbursements. If board members need explanation of payment the only break down we as Examiners have to offer is the TA provided to our supervisor; we do not receive a breakdown of payment from travel.

Off the record at 3:37pm

Friday, July 30, 2010

#### Call to Order

The meeting was called to order at 8:58 am.

#### Roll Call

Present were:

Jean M. Tsigonis, MD, Chair

David A. Miller, MD

John S. Cullen, MD

David J. Powers, MD

Edward A. Hall, PA-C

William W. Resinger, MD

Michael J. Tauriainen, Public Member

Absent:

Kathleen Millar, Public Member

Also present and board staff members: Jim Lipinski, PA, Linda Sherwood and Jamie Jolliff, licensing examiners.

MOTION MILLER moved that in accordance with AS 44.63.310(c)(2) the board go into

executive session for the purpose of discussing Tab M Section 17, Dr. Yang

2<sup>nd</sup>

HALL

**VOTE** 

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Off the record at 9:00am; on the record at 9:30am

MOTION HALL moved to grant Dr. Yang an unrestricted license

**POWERS** 

na

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

#### 0 Nay votes

I Abstention (Millar)

MOTION

MILLER moved that in accordance with AS 44.63.310(c)(2) the board go into

executive session for the purpose of discussing Tab N Section 17, Dr.

Williams

2<sup>nd</sup>

HALL

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Off the record at 9:35am; on the record at 9:52am

MOTION

HALL moved to grant Dr. Williams an unrestricted license

2<sup>nd</sup>

**TAURIAINEN** 

**VOTE** 

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

Agenda Item 18 License Review

#### **MOTION**

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

Anthes, Tara Birgitta Areson, Peter D.

Atassi, Inad Badreddin Beistline, Daniel E.

Bell, Joseph Taylor

Benjamin, Brian Jeffrey

Benjamin, Mignon Froom

Burkholder, Hans Christian Chatman, Ira Douglas

Chavez, LeAnn Ahkeebah

Cheng, Sam Siu Lun

Conklin, Terry Allen

Davis, Bradley James Drury, Tucker Andrew

Evans, David L.

Feliciano, Melvyn Anthony

Larsen, Jill Leah

Latreille, Michael William

Lee, Faye Maryann

Lee, III, George Rozier Lee, James Reilly

Lin, John

Lumpkin, Elizabeth Noel

Maccabee, Howard David Meller, Rafael Andres

Montana, III, Robert Charles

Naylor, Fredrick Joseph Phan, Quoc Tai

Phillips, Michael William

Pomphrey, Martin Michael

Schoenfeld, Harris

Scionti, Joseph Anthony

Fisher, Julian Hart Flores, Stephanie Diane Frenzel, Rosemarie Funk, Nathan Daryl

Greaney, Peter Phelim Jude

Halper, Jonathan
Haynes, Aaron Daniel
Hodge, William Finbar
Hope, Joanie Mayer
Jones, Marshall Scott
Kaneriya, Perry Purshottan
Kang, Margaret Ju Kang
Kaplan, Richard Todd
Katuna, Bruce Alan
Kern, Ryan Matthew

Khan, Sarah

Kessler, Larry Scott Kim, Ronald Eric Ko, Tak-Ming Sears, David Allen Sedlack, Jeffrey David Shah, Rajal Bipinbhai Shepard, Nathan Daniel Steinberg, Amalia Renee Sutter, John Patrick Tamiry, Jamshid TenEyck, Lisa Dawn

Thacker, Jr., James Dewey Turner, Patricia Youngblood

Vance, Stacey Drott Walker, Jr., William Otis Whynot, James Irving Wilcox, Kirk Lewis

Workman, Jr., James Leonard

Yu, Aaron Tsau-Yuen

Zawierucha, Dariusz Zbigniew Zipperer, Jr., John Douglas

2<sup>nd</sup>

**TAURIAINEN** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

#### **MOTION**

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

Clark, Robert Dale Conklin, Mattew J. Early, Philip Floore, Cynthia Anne Mensch, Leon Shalom Morris, Joshua Jacob Smith, Michael Landon

2nd

**TAURIAINEN** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

**MOTION** 

HALL moved to approve the following doctors of osteopathy for licensure in

Alaska:

Edwards, Aaron Paul Griffin, Daryl Louis Garnett, Mandy Rose Hubbard, Michael Robert Mark, Burton Thomas Miller, Michael Lawrence Stoermann, Richard Alan Edwards, Aaron Paul

2<sup>nd</sup>

**TAURIAINEN** 

**VOTE** 

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

**MOTION** 

HALL moved to approve the following of osteopathic physician for licensure

in Alaska pending completion of application file:

Boughal, Andrew Mark Meeks, Thomas Jan

2<sup>nd</sup>

**TAURIAINEN** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

**MOTION** 

HALL moved to approve the following mobile intensive care paramedics for

licensure in Alaska:

Albin, Candace Lyn Allen, Cody Tyler Baumfalk, Forrest Nelson Michael, Barbara Ann Raley, Adam Wesley Rhein, Mio Williamson, Scott Bradley Yost, April Amber

2nd

**TAURIAINEN** 

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

#### **MOTION**

MILLER moved to approve the following physician assistants for licensure in

Alaska:

Baillie, Craig J.
Cummings, Abbey Jean
Fellows, David E.
Hand, Kimberly Dannielle
McPherson, Cynthia Marie
Palm, Lorri Cheri
Sink, Craig Steven

2<sup>nd</sup>

**TAURIAINEN** 

**VOTE** 

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

**MOTION** 

TAURIAINEN moved to adjourn this meeting of the Alaska State Medical

Board.

2nd

HALL

VOTE

7 Yea votes (Tsigonis, Cullen, Hall, Miller, Powers, Resinger, Tauriainen)

0 Nay votes

I Abstention (Millar)

The meeting adjourned at 10:31 am.

Respectfully submitted:

Approved:

Jamie L. Jolliff, Licensing Examiner

Alaska State Medical Board

9/3/10

Date

Jean M. Tsigonis, MD, Chair

Alaska State Medical Board

10/28/10

Date