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

October 23 - 24, 2008

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, October 23 – 24, 2008, in room 1270 of the Atwood Building, Anchorage, Alaska.

Thursday, October 23, 2008

Call to Order

The meeting was called to order at 9:05 am.

Roll Call

Present were: Jean M. Tsigonis, Chair David M. Head, MD
 John S. Cullen, MD William Resinger, MD
 Edward A Hall, PA-C Lawrence W. Stinson, Jr., MD

Staff Members present were Lee Strout, investigator, Rick Younkins, chief investigator, Gayle Horetski, assistant attorney general, Leslie Gallant, the board's executive administrator and Licensing Examiner Linda Sherwood. Also present were visitors Tom Dale, PA-C, and George Bryson, reporter.

Announcements

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

It was also announced that Ms. Puckett had resigned from the board.

AGENDA ITEMS

Agenda Item 1 Ethics and Board Members – Judy Bockmon, State Ethics Attorney

Ms. Bockmon distributed additional information from the state ethics office. She met with the board to give a training session on the state's executive branch ethics and the code of conduct. She also discussed the investigative process her office undergoes in the case of an ethics complaint. She also advised that ethics complaints and subsequent investigations are confidential but settlement agreements are always public. She described three levels of ethics supervision: the board member, the ethics supervisor, and the ethics attorney for the state. Her basic advise to the board members was to disclose and refrain.

The board very much appreciated Ms. Bockmon's taking the time to meet with them and give this presentation.

* * * * *

Agenda Item 2 Legal Processes and Procedures

Gayle Horetski, assistant attorney general, was present to discuss with the board members the legal processes under which they must operate as a board and as board members and the procedures that

1 are followed in executing these activities. She provided to the board members a copy of the
2 Administrative Procedure Act and reviewed important portions of those statutes. She also discussed the
3 subpoena process and the differences between hearing and investigation subpoenas. She explained
4 to the board members the current process under the new Office of Administrative Hearing and how
5 decisions are made on disputed matters.

7 The board members thanked Ms. Horetski for meeting with them to explain these processes and their
8 legal responsibilities and roles as board members.

10 * * * * *

12 Off the record at 11:17 am; on the record at 11:22 am.

15 **Agenda Item 3** **Board Actions**

17 In the Matter of Case 2806-08-001 James F. Deitle, PA-C

18 The board reviewed the Consent Agreement signed by Mr. Deitle where he failed to submit his new
19 collaborative plan in accordance with the requirements of law.

21 **MOTION** **HEAD moved to approve the consent agreement with James Deitle, PA-C and to**
22 **amend the civil fine in the agreement to \$5,000 with \$3,500 suspended.**
23 **2nd** **HALL**
24 **VOTE** **6Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
25 **0 Nay votes**
26 **0 Abstentions**

28 In the Matter of Case No. 2800-08-017 Dr. Evangelos G. Poulos

29 This is a case where the physician failed to report the settlement of a malpractice claim within the time
30 allowed by law.

32 **MOTION** **HEAD moved to approve the consent agreement with Dr. Evangelos G. Poulos.**
33 **2nd** **HALL**
34 **VOTE** **6Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
35 **0 Nay votes**
36 **0 Abstentions**

38 In the Matter of Case No. 2800-08-018 Dr. Russ M. Savit

39 This is also a case where the physician failed to report the settlement of a malpractice claim as required
40 by law.

41 **MOTION** **HEAD moved to approve the consent agreement with Dr. Russ M. Savit, as written.**
42 **2nd** **RESINGER**
43 **VOTE** **6Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
44 **0 Nay votes**
45 **0 Abstentions**

47 * * * * *

49 **Agenda Item 4** **Board Discussion – Resident Permit Processing Issue**

51 Dr. Jonathan R. McDonagh wrote to the board with concerns regarding the permitting processes
52 utilized by the board. Dr. McDonagh expressed his concerns and his opinion that the permitting process
53 is too onerous for resident physicians and is impeding the ability of offices and clinics to get residents
54 here to work.

56 Ms. Gallant went back through the records for 2007 and 2008; in 2007 of 63 residents permitted, six were
57 for this clinic. In 2008, there were four of 54 residents who worked at this clinic. An analysis of the

1 permitting time for each resident was provided to the board members. In addition, the board was
2 provided with the instructions that accompany the application.
3

4 In discussing the letter from Dr. McDonagh, the board discussed the suggestion that the resident
5 permitting be eliminated for WWAMI students or revised dramatically for residents.

7 Dr. Tsigonis felt that this time in a doctor's career is a critical time to be conducting thorough
8 background checks.
9

10 Dr. Head commented that the suggestion that the WWAMI program should be passed through
11 because they are so good is disingenuous at best given the problems that the board has dealt with
12 over the years including graduates of the WWAMI program.
13

14 Dr. Cullen felt that this is a limited life of limited duration. The residents are supervised with people who
15 are taking responsibility for them. We are trying to recruit doctors to Alaska and this is a good tool for
16 that purpose, getting them in as a resident.
17

18 Ms. Gallant invited the board members to review the application packet for residents, contained in the
19 board book, and advise if there are portions of the application that they would be comfortable
20 eliminating. We have no control over how quickly other organizations return documents to us. We have
21 diluted Alaska's application down to the bare essentials; is there anything else the board could
22 recommend eliminating?
23

24 Dr. Head stated that in Nome, they have 8 to 10 residents each year and so far they have not had any
25 problems. Occasionally, they will call our office about a late submission application but they have not
26 experienced any great difficulty in getting their residents permitted in time to work. They tell the resident
27 that it is up to them (as the applicant) to get everything needed in to the Juneau office for their permit.
28

29 The board briefly discussed requirements of other states as reported in the Federation of State Medical
30 Boards' "Licensure of Physicians Enrolled in Postgraduate Training Programs" publication.

32 Dr. Cullen asked if there were any differences between the doctors coming up for a 30-day rotation
33 versus the residents who are in the residency program at Providence. Ms. Gallant responded that there
34 is no difference between the two.
35

36 Dr. Head pointed out that his hospital relies on the state's licensing process for residents to screen out
37 any problems since residents do not go through the same credentialing process as regular hire
38 physicians. That makes the work the state does with the permitting process very valuable to them in the
39 Bush.
40

41 After reviewing the requirements contained in the Alaska board's resident application, the board was
42 unable to identify any elements of information that it would eliminate.
43

44 Dr. Tsigonis directed that a letter be written to Dr. McDonagh advising him that the board considered his
45 comments and felt that no changes would be made to the resident permitting process at this time but
46 the board appreciates his bringing this matter to its attention. Dr. Head also recommended that Dr.
47 McDonagh be advised to contact South Central Foundation for help or suggestions in processing these
48 applications.
49

50 Off the record at 12 Noon; on the record at 1:02 pm.
51

52 * * * * *

53
54 **Public Comment Forum**
55

1 Dr. Colleen Murphy joined the meeting via telephone to address her concerns. She provided a written
2 copy of her comments, attached to these minutes as Attachment A. A letter will be written to Dr.
3 Murphy in response to her comments.
4

5 Dr. Martha Cotten was also present to make comments to the board regarding more timely
6 investigations in non-boundary cases.
7

8 * * * * *

9
10 Agenda Item Physician Health Program Update

11
12 Dr. Mary Ann Foland, chairperson of the Physician Health Program met with the board to update them
13 on the program's activities. She also reported that the state medical association has reached an
14 agreement with the Alaska Academy of Physician Assistants to include physician assistants in the
15 physician health program. She described the terms under which a PA could be included in the
16 program. The board appreciates Dr. Foland meeting with them to discuss the program.
17

18 * * * * *

19
20 Agenda Item 5 Probation Monitoring

21
22 Brian R. Donaldson, MD

23 Dr. Donaldson was present to discuss his case with the board.
24

25 **MOTION** **CULLEN moved that in accordance with the provisions of AS 44.62.310(c)(2) the**
26 **board go into executive session for the purpose of discussing the probation**
27 **monitoring of Dr. Brian Donaldson.**

28 **2nd** **HALL**
29 **VOTE** **6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
30 **0 Nay votes**
31 **0 Abstentions**

32
33 Dr. Donaldson was also asked to leave the room during executive session.
34

35 Off the record at 1:50 pm; on the record at 1:58 pm.
36

37 Dr. Donaldson returned to the meeting. He reported to the board that things are going well for
38 him. He is keeping busy and is in compliance with his memorandum of agreement. He still
39 meets with Dr. Wolfe. He asked if the board wanted him to get another evaluation from Dr.
40 Wolfe similar to the one done in 2005 with the goal in mind of having the memorandum of
41 agreement lifted from him. He will provide a letter to Ms. Gallant.
42

43 Timothy Gleason, DO

44 Dr. Gleason and his attorney were present to meet with the board.
45

46 **MOTION** **CULLEN moved that in accordance with the provisions of AS 44.62.310(c)(2) the**
47 **board go into executive session for the purpose of discussing the probation**
48 **monitoring of Dr. Timothy Gleason.**

49 **2nd** **HALL**
50 **VOTE** **6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
51 **0 Nay votes**
52 **0 Abstentions**

53
54 Off the record at 2:16 pm; on the record at 2:28 pm.
55

56 **MOTION** **HEAD moved to amend Dr. Gleason's memorandum of agreement to allow him to**
57 **see a psychiatrist in Montana if that psychiatrist is approved by the board.**

1 **2nd** **HALL**
2 **VOTE** **6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
3 **0 Nay votes**
4 **0 Abstentions**

5
6 **MOTION** **HEAD moved to change Dr. Gleason's agreement requirement for quarterly**
7 **general physician visits from quarterly to annually.**

8 **2nd** **HALL**
9 **VOTE** **6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
10 **0 Nay votes**
11 **0 Abstentions**

12
13 Jacqueline S. Silkey, MD

14 Dr. Silkey was present and advised the board she is not currently practicing. Executive session
15 was offered but declined. She is being monitored by both the Arizona board and the Alaska
16 board. She hopes to apply to be relieved from monitoring by the Arizona board in April. Her
17 intention is to return to work but she has a special needs child and with her husband in the
18 military, she will probably not return to surgery.

19
20 Ms. Gallant explained to the board that since Dr. Silkey was in successful monitoring in Arizona, if
21 that board satisfies the requirements of the Arizona board and they terminate their monitoring,
22 the Alaska board would mirror the Arizona action.

23
24 John Winczura, PA-C

25 The board missed its time to call Mr. Winczura so the staff will ask him to talk with the board on
26 Friday.

27
28 Nina Perino, PA-C

29 Ms. Perino was present to meet with the board and discuss her probation monitoring. Executive
30 session was offered but declined. She reported that she is doing well and not seeing her
31 therapist as often as initially. She continues her job at the Alaska Native Medical Center.

32
33 **MOTION** **HEAD moved to terminate the memorandum of agreement with Ms. Perino and**
34 **restore her license to unrestricted status.**

35 **2nd** **RESINGER**
36 **VOTE** **6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
37 **0 Nay votes**
38 **0 Abstentions**

39
40 David S. Killebrew, MD

41 Dr. Killebrew met with the board as required by his memorandum of agreement. Executive
42 session was offered but declined. He did wish to petition the board to resume his drug testing
43 with Beacon rather than using Compass Vision. Compass Vision has a rigorous protocol for their
44 monitoring that requires him to phone into their office to find out if he was to be tested that day.
45 He wanted to correct any misperception that he was dissatisfied with the testing provided by
46 Beacon.

47
48 Mr. Younkins explained that at the last October probation monitoring session (Oct 2007), two
49 probationees asserted that the monitoring staff was not calling them to direct that they report
50 for testing. In order to address that allegation, the investigations unit located another
51 organization that offered another system for monitoring. He also reported that the state requires
52 that a request for proposal be prepared for this service.

53
54 Ms. Gallant reported that last year, Dr. Killebrew told the board that he went for testing even
55 though he was not called to report. He told the board that there were months when he did not
56 receive calls so he just reported anyway. It was clarified that there is a monitoring requirement

1 for the PHP to monitor Dr. Killebrew as long as he is licensed in Alaska. The medical board is
2 monitoring him for eight years.

3
4 Dr. Foland asked why things are so different for so many different people. In this case, there is a
5 double monitoring requirement.

6
7 Dr. Head stated that the duplicate monitoring in this particular case was because Dr. Killebrew
8 "buffaloed" the physician health program in place at the time for five years while he was under
9 monitoring before. When he was being solely monitored by the program, he violated his
10 probation monitoring by continuing to drink the entire time of his monitoring. The board felt very
11 strongly about this one individual.

12
13 Ms. Gallant also noted that the board was not successful with the PHP for years; there was not a
14 good relationship with either the program chair or the committee. The board adopted a
15 position that only cases where an individual coming to Alaska for licensure were already
16 successfully in active recovery, already being monitored and doing well, the board would allow
17 that person over to the PHP for monitoring. However, if it was a situation where there were
18 problems, disciplinary issues, events reported to the board, relapsing, or other complication, that
19 those individuals would be monitoring internally because the board simply did not have
20 confidence with the program.

21
22 Dr. Foland asked if the board now has comfort with how the PHP is monitoring, would the board
23 refer those cases to the PHP.

24
25 Ms. Gallant surmised that those cases would be determined on a case by case basis.

26
27 Mr. Younkens also pointed out that the agreements are between the board and the practitioner
28 with the potential with licensing action in the event of noncompliance, the board has to retain
29 its legal standing in the event of future actions.

30
31 **MOTION HEAD moved that the investigation staff will meet with the Compass Vision**
32 **representatives to try to work out a less onerous testing system.**
33 **2nd STINSON**
34 **VOTE 6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
35 **0 Nay votes**
36 **0 Abstentions**
37

38
39 Dr. Head questioned why the board must issue an RFP for monitoring. Mr. Younkens reported that
40 the department procurement manager, Ted Bradley, told him it was required because of the
41 cost involved (over \$5,000). The state assesses a value to the service.

42 Glenn S. Hartig, DO

43 Dr. Hartig met with the board and requested executive session.

44
45 **MOTION CULLEN moved that in accordance with the provisions of AS 44.62.310(c)(2) the**
46 **board go into executive session for the purpose of discussing the probation**
47 **monitoring of Dr. Glenn Hartig.**
48 **2nd HALL**
49 **VOTE 6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**
50 **0 Nay votes**
51 **0 Abstentions**
52

53 Off the record at 3:26 pm; on the record at 3:50 pm.

54
55 **MOTION HEAD moved to change Dr. Hartig's Etg monitoring changed to 24 times each**
56 **year.**
57 **2nd HALL**

1 **VOTE**

2 **6 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)**

3 **0 Nay votes**

4 **0 Abstentions**

5 It was clarified that the tests are to be Etg tests.

6 Samuel H. Schurig, DO

7 Dr. Schurig was present to discuss his current status with his probation monitoring. Executive
8 session was offered but declined.

9
10 He reported that he is working in Kenai now and it is going well. He has two supervisors, Dr. Hall
11 and Dr. Carlson. There is no call involved. He does not have a DEA registration so he does not
12 prescribe controlled drugs.

13
14 Dr. Schurig requested to be relieved of the requirement to have a supervised practice.

15
16 Dr. Tsigonis stated that the issues in his memorandum of agreement are the most serious
17 violations that the board addresses.

18
19 Dr. Head felt that the issues were not medical issues and he questioned what was being gained
20 by continuing to have another physician in the office when he practices. He felt that the female
21 chaperone should still be required along with a sign about that requirement. He asked the
22 investigative staff what is being gained from the physician supervision requirement.

23
24 Ms. Gallant stated that part of the motivation behind requiring a physician to supervise practice
25 was because many of Dr. Schurig's violations related to prescribing issues and the actual
26 practice of medicine. The motivation was that his actual practice of medicine was not good;
27 another physician is more likely to see that quickly than someone else. In addition, another
28 physician is on equal terms with him rather than a subordinate PA or nurse. Dr. Schurig is a
29 formidable man; he is not easily pushed around. The intention was that the supervisor needed
30 to be someone of equal standing to see what was going on and to be able to recognize if
31 something odd or out of the ordinary was occurring.

32
33 Dr. Head agreed that the boundary violations were horrendous. He indicated that he would not
34 be willing to relax the requirements for supervision because Dr. Schurig has learned anything; it
35 would be because he is not sure what is being gained by the supervised practice.

36
37 Mr. Younkins stated that the requirement of physician supervision provides another barrier of
38 control.

39
40 Dr. Head stated that he was convinced to keep the current memorandum of agreement as it is.

41
42 Ms. Gallant explained that is not necessarily the case that the board alters MOAs within certain
43 timelines. Each case is unique. For the board's purposes, they should not allow themselves to be
44 pinned down to a specific day but be guided by the nature of the violations and the protection
45 of the public.

46
47 * * * * *

48
49 **Agenda Item 3** **Board Actions - Continued**

50
51 In the Matter of Case No. 2801-08-001 Dr. Jared Ogao

52 Dr. Ogao was present to discuss the proposed consent agreement he signed for his failure to
53 disclose disciplinary action taken by his medical school during his education. He explained that
54 during medical school, he had to repeat courses.

1 Ms. Gallant talked with his residency program director and he agreed that Dr. Ogao should
2 have responded 'yes' to the question in the application regarding medical school disciplinary
3 actions.
4

5 Following discussion, the board felt that the question should be reworded to include the words
6 "academic probation."
7

8 **MOTION STINSON moved to not adopt the consent agreement with Dr Jared Ogao.**
9 **2nd HALL**
10 **VOTE 5 Yea votes (Tsigonis, Cullen Hall, Resinger, Stinson)**
11 **1 Nay Vote (Head)**
12 **0 Abstentions**
13

14 Board members felt that since the words "academic probation" were not included in the
15 application, the application should be revised and Dr. Ogao should not be held responsible at
16 this time.
17

18 * * * * *

19
20 **Agenda Item 6 In the Matter of Kevin M. Tomera, MD**
21

22 Dr. Tomera and his attorney, Eric Sanders, were present to meet with the board. Also joining the
23 meeting on Dr. Tomera's behalf was Dr. Burton Janis.
24

25 Ms. Williamson was present and advised the board that Dr. Tomera was not in compliance with his
26 probation agreement because the September and October reports were not received until October 21
27 and that the reports were very abbreviated and lacking in adequate information regarding Dr.
28 Tomera's status. She noted that Mr. Moore has been providing reports that contain very little
29 information. Dr. Lazur has not provided reports as required.
30

31 Mr. Sanders advised the board that Dr. Tomera has been seeing his therapists and maintained
32 relationships with them as required by the agreements. Dr. Moore has been responsive and provided
33 reports as required; however, they have experienced difficulty getting needed reports from Dr. Lazur
34 and would welcome the intervention of the board with him. They have written Lazur repeatedly about
35 reporting requirements to no avail. The very nature of the therapeutic relationship precludes disclosure
36 of personal information about Dr. Tomera to anyone, including the board.
37

38 Dr. Janis reported to the board that as Dr. Tomera's practice monitor, Dr. Tomera is doing well and is
39 certainly safe to continue to practice with weekly monitoring.
40

41 Dr. Tomera confirmed that the hospitals are also being provided with the same reports that the board is
42 receiving on his compliance with the agreement.
43

44 The board agreed that it would direct its administrator, Ms. Gallant, to write a letter to Dr. Lazur on
45 behalf of the board requesting that he provide reports as required by the board in its agreement with
46 Dr. Tomera and to emphasize the importance of this to the board and Dr. Tomera.
47

48 Ms. Williamson felt that a letter should also be sent to Dr. Moore
49

50 Mr. Sanders reported that Dr. Moore does not know why she should continue to see Dr. Tomera. She
51 reported in March that she sees no current psychiatric symptoms.
52

53 Ms. Sanders confirmed with Ms. Williamson that she submitted a request to Dr. Lazur requesting more
54 information. Dr. Lazur views this as an invasion of his patient's privacy.
55

56 Ms. Gallant asked the board if what they wish to see is a little more narrative on the report forms besides
57 simply checking the boxes on the forms. They agreed that is what they would like to see.

1
2 Mr. Sanders asked if the board really needs a complete copy of Dr. Tomera's treatment records as Dr.
3 Lazur is very uncomfortable with that. Ms. Williamson stated that that request was prompted by the
4 dearth of information forthcoming from Dr. Lazur or Dr. Moore that necessitated repeated requests for
5 information.

7 Dr. Head opined that Dr. Tomera's personal medical records do not need to be provided as long as
8 reports are received in a timely manner and the board gets what it needs.
9

10 **MOTION** **HEAD** moved to approve Dr. Tomera's request to modify the memorandum of
11 agreement to reduce the requirement for psychiatric monitoring to bimonthly
12 visits in accordance with Dr. Moore's recommendation, and to eliminate the
13 practice monitoring currently being done by Dr. Janis.

14 **2nd**
15 **VOTE** **STINSON**
16 **6 Yea votes** (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)
17 **0 Nay votes**
18 **0 Abstentions**

19 * * * * *

21 **MOTION** **HEAD** moved that in accordance with the provisions of AS 44.62.310(c)(3) the
22 board go into executive session for the purpose of discussing the matter of a
23 summary suspension of license.

24 **2nd**
25 **VOTE** **RESINGER**
26 **6 Yea votes** (Tsigonis, Cullen, Hall, Head, Resinger, Stinson)
27 **0 Nay votes**
28 **0 Abstentions**

29 Off the record at 5:12 pm. The board recessed at 5:37 pm.

32 **Friday, October 24, 2008**

33
34 **Call to Order**

35
36 The meeting was called to order at 9:00 am.

37
38 **Roll Call**

39
40 Present were: Jean M. Tsigonis, Chair David M. Head, MD
41 John S. Cullen, MD William Resinger, MD
42 Edward A Hall, PA-C
43

44 Dr. Stinson and Mr. Tauriainen were absent.

45
46 Also present were staff members Linda Sherwood and Leslie Gallant. Visitors Tom Dale and Kathy
47 McLeron were present as well.
48

49 * * * * *

50
51 **Agenda Item 8** **Proposed Regulation Requiring Criminal Justice Information as Part of**
52 **Application**
53

54 Ms. Gallant reminded the board that at its meeting of April 3 – 4, 2008, the board voted to require
55 fingerprints in order to obtain criminal justice information on applicants for licensure in Alaska. She
56 described for the board the process used by the Alaska Board of Nursing.

1
2 Dr. Head questioned how some states can obtain such information without obtaining fingerprints. Ms.
3 Gallant advised that there is a name search that can be done but it is not as accurate as the fingerprint
4 search.

5
6
7 Dr. Cullen was concerned about the false positive rate. He was advised that it is extremely low with the
8 use of fingerprints. Dr. Cullen also expressed an interest in just using names for this purpose.

9 Ms. Gallant advised that many licensees have had more than one name; e.g., women who marry and
10 divorce, immigrants to this country who change their names to make them easier for Americans to use,
11 etc. She also advised the board members that of all the information obtained in the application for a
12 license, this (criminal background) is the one piece of information that the board cannot verify. This has
13 already caused a problem in the past with the board licensing an individual who had a criminal
14 background that the board was unaware of when they licensed him.

15
16 * * * * *

17
18 Agenda Item 7 Full Board Interviews

19
20 Philip A. Hess, MD

21 Dr. Hess was present to discuss his application with the board members, particularly a claim of
22 malpractice that occurred in Montana. Executive session was offered but declined.
23 Dr. Hess advised he intends to practice in Cordova.

24
25 **MOTION** **HEAD moved to grand an unrestricted license to Philip A. Hess, MD.**
26 **2nd** **RESINGER**
27 **VOTE** **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
28 **0 Nay votes**
29 **0 Abstentions**

30
31 * * * * *

32
33 Agenda Item 8 Proposed Regulation Requiring Criminal Justice Information as Part of
34 Application - Continued

35
36 Chief Investigator Rick Younkis joined the meeting and confirmed for the board that fingerprint checks
37 are far more accurate than name only checks. In his many years of law enforcement experience, he
38 has never encountered a false positive. He advised that the process takes from 4 to 6 weeks to get the
39 reports back. He was not sure that there has been an increase cost to the Board of Nursing. He also
40 advised that fingerprinting has not prevented applicants from lying about their past on the application.
41 He stated that name checks are fairly accurate as long as you have good information on the names
42 but the fingerprint check is more accurate.

43
44 **MOTION** **HALL moved to table an action on fingerprinting until more information is received**
45 **on the time it takes to do a background check only.**
46 **2nd** **CULLEN**
47 **Vote** **4 Yea votes (Tsigonis, Cullen, Hall, Resinger)**
48 **1 No vote (Head)**
49 **0 Abstentions**

50
51 Dr. Head wanted it clearly stated in the minutes that he is not against criminal background checks for
52 applicants but he is not in favor of fingerprinting in order to do it.

53
54 * * * * *

55
56 Agenda Item 7 Full Board Interviews

1
2 Nancy H. Clark, PA-C

3 Ms. Clark was present at the request of board member Ed Hall to discuss her application.
4

5
6
7 **MOTION** **CULLEN** moved that in accordance with the provisions of AS 44.62.310(c)(3) the
8 board go into executive session for the purpose of discussing the application of
9 Nancy H. Clark, PA-C.
10 **2nd** **HALL**
11 **VOTE** **5 Yea votes** (Tsigonis, Cullen, Hall, Head, Resinger)
12 **0 Nay votes**
13 **0 Abstentions**

14 Off the record at 9:42m; on the record at 9:57 am.

15 **MOTION** **HEAD** moved to grant Nancy H. Clark an unrestricted license.
16 **2nd** **HALL**
17 **VOTE** **5 Yea votes** (Tsigonis, Cullen, Hall, Head, Resinger)
18 **0 Nay votes**
19 **0 Abstentions**
20

21 Kimberly s. Straub, MD

22 Dr. Breffeilh, former board member, reviewed this application and requested a full board
23 interview. Dr. Straub was present to discuss her application with the board. She declined
24 executive session.
25

26 Ms. Gallant confirmed that current, updated forms have been received for Dr. Straub since she
27 initially applied in March 2007.
28

29 Dr. Straub discussed when she was initially diagnosed with depression and her current status.
30

31 **MOTION** **HEAD** moved to grant a license to Dr. Kimberly Straub pending the receipt of a
32 letter of confirmation from her treating physician, Dr. Kelly.
33 **2nd** **HALL**
34 **VOTE** **5 yea votes** (Tsigonis, Cullen, Hall, Head, Resinger)
35 **0 Nay votes**
36 **0 Abstention**
37

38 * * * * *

39
40 Agenda Item 9 Board Discussion: Appropriate Medical Care for Patients on Suboxone
41 Treatment for Opiate Addiction
42

43 Without Dr. Stinson's input and with many questions in mind regarding this issue, the board determined it
44 would wait until the January meeting and request that Terry Marquart be present to discuss this matter
45 with the board. Dr. Thomas Hunt also expressed an interest in this discussion and may wish to be present
46 to hear it in January.
47

48 Dr. Cullen felt that physicians ought to have the ability to wean patients off narcotic medications. He
49 would like some clarification from the DEA about how to go about getting that authority.
50

51 Dr. Head suggested that the DEA agent be invited to come and meet with the board on this topic. He
52 indicated this is a problem in Nome.
53

54 Dr. Cullen agreed that there are not enough pain management specialists to handle these patients
55 and they wind up being treated by family medicine physicians. It is frustrating that the DEA regulations
56 are not allowing what is actually happening.
57

1 Dr. Tsigonis asked that Ms. Gallant ask Terry Marquardt to come to the January board meeting to discuss
2 this issue.
3

4 Ms. Gallant advised that Mr. Marquart indicated there is more going on behind the scenes on this issue
and he requested that the board not discuss the matter too much. Also, Dr. Tom Hunt also expressed
5 interest in this discussion. Dr. White confirmed that she has not received a response to her letter to the
6 DEA from September and she will share whatever response she receives.
7

8
9 Off the record at 10:15 am; on the record at 10:29 am.
10

11 * * * * *

12
13 **Agenda Item 5** **Probation Monitoring**
14

15 John A. J. Winczura, PA-C

16 Mr. Winczura joined the meeting via teleconference.
17

18 Dr. Tsigonis asked how he is doing and where he is working.
19

20 Mr. Winczura advised he is doing fine and working fairly steadily although he has to work out of
21 town. He is working mainly in Delta Junction but he worked a few weeks in Tok. He advised he
22 will probably be working in Tok for a couple weeks in January.
23

24 Dr. Tsigonis asked if he has been doing his monitoring and he confirmed that he has. She
25 offered executive session but Mr. Winczura declined. She advised him that yesterday, JoAnna
26 Williamson, probation monitor, met with the board and she brought forward concerns that he is
27 working in Tok. The issue is that as of the board's last conversation with him, he was to be
28 working in Delta with an on-site supervisor. It was the board's understanding that he was
29 working in Tok away from that supervisor. He confirmed that was correct. Dr. Tsigonis stated that
30 such practice was not in accord with his memorandum of agreement with the board and that
31 his collaborative plan stated that he will be working in Delta.
32

33 Mr. Winczura stated he did not understand how he is out of compliance. He is working for the
34 same doctor in Tok as he is in Delta. As far as he knew, he was in compliance.
35

36 Dr. Head pointed out that collaborative agreements are site specific.
37

38 Mr. Winczura allowed that he would have to pull out the collaborative plan and look at it
39 because he was not aware that he was out of compliance. He also thought that Dr.
40 Andreassen was not aware of that either.
41

42 Dr. Tsigonis noted that he is practicing remote from his collaborating physician, and that is was
43 discussed at the last meeting that the board did not want him working remote.
44

45 Mr. Winczura responded that it was his understanding that an amendment was made for him
46 when he worked with Dr. Lynn Hornbein, and that Dr. Head stated that working at a remote site
47 was not an issue so he is getting confused.
48

49 Dr. Tsigonis noted that the amendment was site specific to his job with Dr. Hornbein in Palmer.
50 She also referred to the memorandum of agreement, page 10, paragraph N, that details where
51 he may work and what supervision is required. She noted that Ms. Williamson called Tok and
52 found that there is no physician working with him while he is there.
53

54 Mr. Winczura stated that there is another physician assistant there.
55

56 Dr. Tsigonis pointed out that his supervisor is not there.
57

1 Mr. Winczura stated that he is confused because he recalled that Dr. Head indicated that
2 remote site practice was not an issue but working as a solo practitioner was.
3

4 Dr. Head thought that at one time the MOA was modified to allow that he did not have to have
5 a physician on site at all times but the physician had to visit two times each week.
6

7 Ms. Gallant noted that allowances were made for his work with Dr. Hornbein in her Palmer office.
8

9 Dr. Cullen asked if the other PA is working full time at the clinic in Tok. Mr. Winczura responded
10 that she is. Dr. Cullen then asked how often he has face-to-face meeting with Dr. Andreassen.
11 Mr. Winczura stated that he only worked 2-1/2 weeks and during that time he did not have any
12 face-to-face time with Dr. Andreassen. Dr. Wahl was in the clinic a little less than half the time
13 doing paperwork.
14

15 Dr. Head read from the MOA, again from page 10, paragraph N.
16

17 Mr. Winczura advised that technically he had a face-to-face meeting with Dr. Andreassen. He
18 stated that he is going to talk with Dr. Andreassen as soon as he gets off the phone with the
19 board to discuss this situation.
20

21 Dr. Tsigonis read from the minutes of the July meeting where: "Mr. Winczura corrected Mr. Hall
22 that he was working in Delta Junction and not Glennallen and that he is working in the same
23 building as his collaborating physician so he is not working remote." That was how he explained
24 his working situation in July.
25

26 Mr. Winczura confirmed that was what he was doing in July.
27

28 Ms. Gallant explained that the board was concerned because Tok does not appear in his
29 collaborative plan as a practice location; it specifies Delta Junction. No one knew he was
30 working Tok.
31

32 Dr. Tsigonis added that he talked about working in Anchorage and the board pointed out that
33 they did not approve that.
34

35 Mr. Winczura again stated that he is confused. He did not think the problem that a remote
36 practice but that the issue was a concern about a solo practice. He remembers Dr. Head
37 mentioned an amendment made allowing him to work a remote site, but the issue last time he
38 met with the board was the fact that he would be working solo. Clearly there is some disparity
39 between his thinking and what the board feels is correct so he asked what he could do to
40 correct this.
41

42 Dr. Head said it is not the remote site that is the problem at this time; he is not even following
43 state law by working in Tok and that location not being listed on his collaborative agreement.
44 He is essentially working in Tok without a valid collaborative plan in place. The remoteness is
45 another issue to be discussed but that is not the main issue at this time. Delta Junction was
46 approved because his collaborative physician was right there with him. Delta Junction was
47 allowed because he was returning all the time to accommodate the monitoring requirements.
48 The fact is he does not have a collaborative agreement to work in Tok.
49

50 Dr. Head asked Mr. Winczura if he has a collaborative agreement to work in Tok.
51

52 Mr. Winczura stated that he thought he had but clearly that does not seem to be the case.
53

54 Dr. Tsigonis stated that if an individual does something contrary to their collaborative plan, the
55 board has to take action on the license.
56

1 Mr. Winczura commented that he did not realize he was doing something not allowed by his
2 collaborative plan; he is trying to be compliant.
3

4 Dr. Head asked what usually happens in cases like this.
5

6
7 Ms. Gallant advised that such a case would result in an accusation being filed for unlicensed
8 activity. Normal penalty would include a fine and a reprimand but there are numerous factors
9 that would impact the final outcome.

10 Dr. Head advised that undoubtedly there would be an accusation filed against him for this
11 unauthorized work in Tok but the board is unsure just where to go with him.
12

13 Mr. Winczura stated that he has always tried to remain in compliance with his MOA, that there
14 was no intent to be out of compliance by working in Tok. He did not realize they were doing
15 something that could be construed as being illegal. He apologized and told the board he
16 would be on the phone with Dr. Andreassen and Mr. Crawford for future planning, and he will
17 not work in Tok again until this is cleared up.
18

19 The board members and Rick Younkens, chief investigator, discussed various options available to
20 it in dealing with this situation. The MOA is clear regarding violations of the law or of the
21 agreement.
22

23 Dr. Head commented that Mr. Winczura has come a long way, and he tries not to let personality
24 matters interfere with his decisions about his license. He does not want to make him miss work or
25 lose his job that he has worked so hard to get. He thinks the board must follow the MOA but he
26 does not want to take away his employability. He wanted to understand more clearly what the
27 options are for the board in dealing with this matter.
28

29 Mr. Younkens explained that it is at the wishes of the board; if they do not want to suspend him,
30 an amended consent agreement can be prepared outlining the violation, administer a fine and
31 a reprimand, and not suspended his license.
32

33 Dr. Head stated that while he does not know how the other board members feel about the past
34 "shenanigans" with Mr. Winczura such as not picking up registered mail, he would support not
35 suspending his license and in order to keep him working. He acknowledged that is not a
36 popular opinion among the board members.
37

38 Ms. Gallant pointed out that the board should also look at Mr. Winczura's supervising physician.
39 Mr. Winczura's MOA is unique with stringent restrictions and requirements. His supervising
40 physician has an obligation to stay on top of the requirements and know what they are. Dr.
41 Andreassen has responsibility in this matter. She asked if the supervision is being performed
42 adequately given what has occurred [with Mr. Winczura practicing in Tok outside the bounds of
43 his collaborative plan]. Mr. Winczura was sent to work contrary to his collaborative plan,
44 contrary to his memorandum of agreement, and that Dr. Andreassen agreed to the
45 requirements of the supervising physician and he has failed in that regard.
46

47 Mr. Younkens pointed out that the memorandum of agreement requires the supervising physician
48 to report to the board any violations of the agreement; in this case, it appears he assisted in
49 committing the violation.
50

51 Dr. Head spoke in Mr. Winczura's defense, that he does attempt to follow the agreement and
52 that he does not believe the violations were committed willfully. He does not support taking
53 Winczura's license nor does he support a suspension but he does support getting his attention
54 and making sure he realizes, once again, that he is on extremely thin ice.
55

56 Dr. Tsigonis felt it was clear what the board needs to do in the MOA and that action may
57 encourage adherence to MOAs. Whether it was willful or not, they both knew the terms of the

1 agreement, he signed it. If life had been easy before this, she could go along with it, but this has
2 been a long hard battle, and this time it is in black and white what the board needs to do. She
3 felt it was very clear [in the MOA] what he needs to do for a health practice.
4

5 Dr. Head moved to amend Mr. Winczura's memorandum of agreement, to impose a consistent
6 fine with what has been imposed in the past [for similar cases], that Mr. Winczura cease and
7 desist practicing in Tok, and that if Mr. Winczura wants to submit a separate collaborative plan
8 for that practice he should do so but the board may or may not approve it. The motion failed.
9

10 Ms. Gallant suggested that if it wished, the board could impose the suspension and then stay it.
11 Board members discussed this possibility.
12

13 **MOTION HEAD moved to stay the automatic suspension of Mr. Winczura's license (as a**
14 **result of his violation of the memorandum of agreement), with appropriate**
15 **reprimand and fine consistent with past practices, and with instructions that Mr.**
16 **Winczura cease and desist practicing in Tok.**

17 **2nd RESINGER**
18 **VOTE 5 yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
19 **0 Nay votes**
20 **0 Abstention**
21

22 Dr. Tsigonis reviewed for Mr. Winczura that because of his practice in Tok, his license was
23 suspended automatically, that suspension was stayed, but because of his practice in Tok, he will
24 be reprimanded and fined. He is to stop working Tok also.
25

26 If Mr. Winczura does not agree to the disciplinary sanctions outlined above, the suspension will
27 be imposed and he can go to a hearing. The license was suspended because of his activity
28 [the unauthorized work in Tok]. The board stayed the suspension but imposed disciplinary
29 sanctions of a reprimand and fine. If he does not agree with this, then his license is suspended
30 and he can go to a hearing.
31

32 Mr. Winczura asked about the work in Tok. Ms. Gallant asked that he submit a new collaborative
33 plan for that practice. There will still be an issue with the remote nature of the practice. That will
34 come back to the board for decision. Mr. Winczura asked if it would be possible for an
35 individual to approve the Tok plan between meetings.
36

37 Dr. Tsigonis advised that the board meets quarterly and this will be dealt with at the next
38 meeting. Mr. Winczura asked again if a single board member could approve the plan before
39 the next meeting. Dr. Tsigonis responded that was unlikely.
40

41 Mr. Hall noted that the issue with a Tok agreement is the remote nature of the practice.
42

43 A quorum was lost at 11:13 am when Dr. Cullen left the room. He returned and restored the
44 quorum at 11:17 am.
45

46 Mr. Winczura stated that it seems that the board has overlooked his understanding from a
47 meeting in the past, the remote site issue was taken care of and was not an issue. The issue was
48 direct supervision.
49

50 Dr. Head advised that the board made an exception for Delta Junction because Dr.
51 Andreassen was present there. An exception was made for him with Dr. Lynn Hornbein because
52 she was going to be working in Palmer. The board did that because the physician would be
53 present a good deal of the time. When he goes to practice in Tok, that is taken away. Tok is
54 very remote and the collaborating physician is not on site. The intent of the memorandum of
55 agreement was that he not practice remote unless his collaborating physician was on site.
56
57

* * * * *

1
2 Agenda Item 10 Malpractice Case Review
3

4 Tab P Case No. 1

5
6 **MOTION** **HEAD moved to take no further action regarding Case No. 1.**
7 **2nd** **HALL**
8 **VOTE** **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
9 **0 Nay votes**
10 **0 Abstentions**
11

12 Tab Q Case No. 2

13 Dr. Cullen felt there were inconsistencies in this report and requested that additional information
14 be obtained. He requested that an NPDB report be obtained for this physician.
15

16 Tab R Case No. 3

17
18 **MOTION** **HEAD moved to take no further action regarding Case No. 3.**
19 **2nd** **RESINGER**
20 **VOTE** **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
21 **0 Nay votes**
22 **0 Abstentions**
23

24 Tab S Case No. 4

25
26 **MOTION** **HEAD moved to take no further action regarding Case No. 4.**
27 **2nd** **HALL**
28 **VOTE** **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
29 **0 Nay votes**
30 **0 Abstentions**
31

32 * * * * *

33
34 Mr. Mark Davis, the division's new director, joined the meeting to meet the board members. The board
35 thanked him for coming in to see them.
36

37 * * * * *

38
39 Dr. Tsigonis asked that Ms. Gallant draft a letter to Dr. Andreassen in Delta Junction regarding his
40 supervision of John Winczura. The board feels the supervision has been lax in allowing him to go to Tok
41 to work without proper authorization.
42

43 * * * * *

44
45 Agenda Item 11 Physician/Pharmacist Cooperative Practice Agreements
46

47 **MOTION** **HEAD moved to approve the cooperative practice agreement between Cooper**
48 **and Hull.**
49 **2nd** **CULLEN**
50 **VOTE** **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
51 **0 Nay votes**
52 **0 Abstentions**
53

54 **MOTION** **HEAD moved to approve the cooperative practice agreement between Hunt and**
55 **Wethington.**
56 **2nd** **CULLEN**
57 **VOTE** **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**

1 0 Nay votes
2 0 Abstentions
3

4 MOTION HEAD moved to approve the cooperative practice agreement between Hunt and
Wethington for emergency contraceptives.
2nd CULLEN
7 VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
8 0 Nay votes
9 0 Abstentions

10
11 * * * * *

12
13 New Agenda Item In the Matter of Phillip Green, MICP
14

15 Ms. Gallant distributed and explained to the board the case of Phillip Green. Mr. Green was unable to
16 produce the minimum hours of CME for the last licensing period as a result of the audit from 2005-06.
17 The consent agreement provides for disciplinary sanctions and requires him to produce new CME hours.

18
19 MOTION HEAD moved to approve the consent agreement with Phillip Green, MICP.
20 2nd CULLEN
21 VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
22 0 Nay votes
23 0 Abstentions

24
25 * * * * *

26
27 Agenda Item 12 Routine Board Business
28

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

30 The board reviewed the reports submitted by the licensing examiner and the investigators.

31
32
33 MOTION HEAD moved to approve the minutes of the July 2008 meeting with two
34 corrections: page 12, line 28 and page 16, line 54.
35 2nd HALL
36 VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
37 0 Nay votes
38 0 Abstentions

39
40 * * * * *

41
42 Sue Winton, investigator for the board of pharmacy, joined the meeting.

43
44 MOTION HEAD moved to go into executive session for the purpose of discussing matters
45 that are required by to be confidential under AS 44.63.310(c)(3).
46 2nd STINSON
47 VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
48 0 Nay votes
49 0 Abstentions

50
51 Off the record at 12:22 pm; on the record at 12:26 pm.

52
53 * * * * *

54
55 Agenda Item 12 License Application Review
56

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MOTION HEAD moved to waive the requirement for a medical school verification for Dr. Mos Sher as allowed by regulation 12 AAC 40.010 (G).

2nd HALL

VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
0 Nay votes
0 Abstentions

MOTION HEAD moved to accept the certified true copy of the medical school education verification document provided to the North Carolina Board of Medical Examiners in accordance with 12 AAC 40.010 (G) in the application of Peter Premkumar.

2nd RESINGER

VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
0 Nay votes
0 Abstentions

MOTIUON HEAD moved to accept the verification of postgraduate year 1 for James Knoll, MD, in accordance with regulation 12 AAC 40.010 (G).

2ND HALL

VOTE 5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
0 Nay votes
0 Abstentions

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

- | | |
|--------------------------|--------------------------------|
| Ahmed, Iftikhar | Lind, Leon Dwight |
| Aliyeva, Gulnara Davud | Madsen, Berit Lyholm |
| Andrews, James David | May, David Joseph |
| Bear, Gregory Reed | McGowan, Torree Michelle |
| Berger, Shaun Steve | Miles, Mark Richard |
| Best, Lydia Reasonover | Miller, Newton Byrd |
| Brunader, Richard Edward | Montgomery, Benjamin Titus |
| Bryant, III, Leslie Ray | Muschevici, Dan P. |
| Canady, Charles Telfair | Okoh, James Ikemefuna |
| Carlson, Matthew Alan | Onders, Robert Paul |
| Cline, Kelley Lynn | Oppenheim, Judith Rose |
| Conley, Thomas Eugene | O'Riordan, Colm Patrick |
| Curtis, William Edward | Owens-Sloan, Natalie Christina |
| Dec, Karen Susan | Palmer, Dennis Lee |
| DeLozier, Kirby Blair | Pershing, John Joseph |
| Diu, Michelle Wai | Peterson, Laura Jean |
| Dohrman, John Patrick | Phancao, Jean-Pierre |
| Engelken, Dustin Thomas | Rothmeyer, Vance Michael |
| Estment, Barbara Anne | Salen, Samuel |
| Flint, Anne Marie | Sheperd, Jaime Manuel |
| French, William Pangburn | Sher, Mos |
| Glickman, Peter Louis | Shuler, William Henry |
| Hall, Jennifer Janet | Shurman, Alan James |
| Hamre, Merlin Ross | Sparks, Bradley Lee |
| Hardy, Jennifer Ann | Stiassny, Ulyana Petrovna |
| Homer, Ronald Jay | Studley, Mark Allison |

Homer, Suzanne Yoon	Sundstrom, Katherine Aileen
Hoo, Charles Calvin	Vanston, Sarah Ann
Huffer, John Whitford	Wabin, Jennifer
Jarvis, Noel Marie	Waldman, Neil Edmund
Kelly, Larry Stanley	Wen, Audrey Chi-An
Keyes, Ted William	Wu, Amie Chi-Fang
Khan, Moazzem Hossain	Young, Erik Jordan
Lada, Robert Arne	

11 **2nd**
 12 **VOTE** **HEAD**
 13 **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
 14 **0 Nay votes**
 15 **0 Abstentions**

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

Alfaro, Angela Diane	Schaffer, Stephen Boyd
Sahlstrom, Christopher James	Uppal, Richa

19 **2nd**
 20 **VOTE** **RESINGER**
 21 **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
 22 **0 Nay votes**
 23 **0 Abstentions**

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

Johnson, Jay Donald	Miller, Benjamin Adam
---------------------	-----------------------

27 **2nd**
 28 **VOTE** **CULLEN**
 29 **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
 30 **0 Nay votes**
 31 **0 Abstentions**

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

Barck, Jonathan David	Ligenza, Kathryn Suzanne
Bartley, Scott Nile	McGilvary, Shawn David
Becherer-Bailey, Graham Griffin	Molina, Carlos
Butler, David G.	Snow, Yvonne Maureen
DeArmond, John A.	St. Clair, Garrett Mathew
Edmondson, Michael T.	Taylor, Shane A.
Haskins, Amanda K.	Trimble, Sheri Leigh
Kline, Naomi Bancroft	Walker, Susan E.

47 **2nd**
 48 **VOTE** **RESINGER**
 49 **5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)**
 50 **0 Nay votes**
 51 **0 Abstentions**

52 **MOTION** **HALL moved to approve the following physician assistants for licensure in Alaska:**
 Bakker, Michael Arthur
 King, Margaret Elizabeth

Barron, Julia Theresa
Berndt, Garry Dean (No current collab plan)
Brown, Judy Lee
Chaitoff, Howard Jay Graduate
Collins, Jason Wayne
Doran, Bridget Anne
Kauffman, Russell Andrew
Kenney, Rene D.
Kile, Zachary Arthur Graduate

Lowery, Dawn Elizabeth
Mitchell, Babe Angelyne
Moore, Rebecca Ivry
Neukirch, Nealy Christine
Peterson, Darryl Lee
Reed, Nancy Kathryn
Thoene, Lisa Kathleen
Tritchler, Joseph Edward

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2nd
VOTE **CULLEN**
5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
0 Nay votes
0 Abstentions

MOTION **CULLEN moved to adjourn the meeting.**
2nd
VOTE **HALL**
5 Yea votes (Tsigonis, Cullen, Hall, Head, Resinger)
0 Nay votes
0 Abstentions

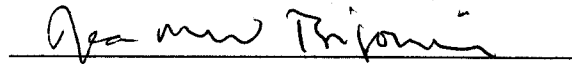
The meeting adjourned at 1:30 pm, Friday, October 24, 2008.

Respectfully submitted:

Approved:



Leslie A. Gallant
Executive Administrator
Alaska State Medical Board



Jean M. Tsigonis, MD
Chair
Alaska State Medical Board

Attachment A

Colleen Murphy MD, FACOG, Corp
4100 Lake Otis Parkway
Suite 330
Anchorage, Alaska 99508
Phone: 907-770-5432
Fax: 907-770-5431
E: mail: drcolleen@gci.net

DATE: 12/1/08

TO:
Leslie A. Gallant, Executive Administrator
Alaska State Medical Board
550 West Seventh Avenue - Suite 1500
Anchorage AK 99501
907/269-8163
907/269-8196 - fax
Email: Leslie.Gallant@alaska.gov

Re: Public testimony 10/23/08 at Alaska State Medical Board meeting
FOR THE RECORD

"Good afternoon today.

My name is Dr. Colleen Murphy, a medical licensee since 1993.

I appreciate the opportunity to describe an event to the State Medical Board.

First, I am requesting an answer to a question- an answer important to me and to all licensees subject to your decision making.

My question is: *How does a licensee notify the State Medical Board about a board member who has threatened a licensee outside a Board meeting?*

Second, I am requesting the Board maintain a process so that what I describe as happening to me will not recur to me in the future, or to any other licensee.

Let me explain my concerns.

In June 2005, I contacted the Physician lobbying organization, the Alaska Physicians and Surgeons. I was put in direct contact with the President of the physician lobby, Dr. John Duddy. In the course of our discussion, he revealed that he also served as an Alaska State Medical Board member. He claimed primary responsibility for drafted regulations

pending before the State Medical Board. He then stated that I would lose my medical license.

None of this information was solicited from him.

This board member volunteered all this to me.

Seven days later, unbeknownst to me, this board member served as chairperson to an emergency telephonic meeting of the State Medical Board. Only five of eight Board members were present, constituting a quorum. The chairperson, Dr. John Duddy, did not recuse himself as described in the State Medical Board manual. The chairperson did not describe his recent contact with me, our discussion, or his threat.

I was subjected to an emergency suspension that day.

Three and one half months later, the State Medical Board restored my license. Dr. David Head, the chairman, issued a public apology.

Now in 2008, three years later, I continue to be subjected to many negative consequences related to this Board action. *It will have a detrimental affect on the rest of my career.*

In May 2007, after my unrestricted license was restored, I formally began to seek the answer to my question.

How does a licensee notify the State Medical Board about a board member who has threatened a licensee outside a Board meeting?

I first wrote to director of State Boards, Lisa Frye. She referred me to attorney general. The assistant attorney general, Robert Authé, issued a series of letters. He reiterated Board actions, but never answered my question.

I wrote the division for professional ethics. Ms Julie Bockman said that it was not an ethics violation since Dr. John Duddy had not made any money from his actions.

I presented the matter to the Personnel Board. One of three Board members recused them self due to prior association with me. The two remaining members voted to not adopt this matter for deliberation.

I also mailed letters directly to the State Medical Board and to its former chairperson, Dr. David Head. Dr. Head returned my letter unopened. He stated that he could not have contact with a licensee outside a Board meeting.

So I ask the Board, in session, directly, my three year old question:

How does a licensee notify the State Medical Board about a board member who has threatened a licensee outside a Board meeting?

I would appreciate an answer to this question.

I am requesting the Board maintain a process so that what I describe as happening to me will not recur to me in the future, or to any other licensee.

It is of importance to me and many others.

Thank you.”

Submitted by Colleen Murphy, MD, FACOG 12/1/08

