

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

October 22-23, 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, October 22-23, 2009, in room 1270 of the Atwood Building, Anchorage, Alaska.

Thursday, October 22, 2009

Call to Order

The meeting was called to order at 9:10 am.

Roll Call

Present were:

Jean M. Tsigonis, MD
Edward A. Hall, PA-C
Kathleen Millar
David A. Miller, MD

David J. Powers, MD
William W. Resinger, MD
Michael J. Tauriainen

Board member John S. Cullen, MD, was unable to be present in person but was present at the meeting via telephone.

Also present were board staff members; Leslie Gallant, Linda Sherwood & Mariana Moreno-Goodwin, Investigator Lee Strout.

Ms. Gallant distributed to board members the latest additions to the board books. She also advised the board that the Attorney General's office will present at the January board meeting regarding automatic suspension language. Signe Andersen, supervisor of that office at the AG's office advised that they have some questions internally regarding this issue and they will need additional time to formulate their advice to the board.

Agenda Item I Investigation Processes and Procedures

Investigator Susan Winton presented an overview of the complaint and investigative processes, including resources, and legal pitfalls.

Dr. Cullen expressed concern that at times, when he is asked to approve a subpoena, he feels like there is not enough information given for him to make a good decision. The staff discussed when the subpoena is used and why it is presented to the board members with only general information. Ms. Winton clarified for the board that, by approving the request for subpoena, the board is indicating they do not object to the investigator's request for additional information related to a complaint.

Alaska Statute 08.01.075 (f) requires the board to be consistent and to explain any significant departure from prior decisions involving similar facts in order to impose sanctions. Ms. Gallant reminded the board to always keep requirements consistent, and any exception they may have must be clearly articulated as to why a particular case warrants an exception and change in discipline. When the board diverts from prior board precedent, you must expect to be challenged on that decision.

Ms. Winton reviewed the process of negotiating voluntary consent agreements with respondents in order to settle complaints.

Ms. Gallant advised that the board does have the authority to conduct hearings if it so wishes; however, many years ago the board determined that it would be more efficient to delegate that authority to the hearing officer. Only once in the last sixteen years has the board conducted their own hearing and it was costly and time consuming.

Ms. Gallant provided a brief overview of the reporting data banks. Boards are required by federal and state law to report.

The board also discussed the possibility of engaging a medical director to perform the standard of care case reviews on behalf of the board. Board members felt that they are comfortable with the current two-person board member reviews and advised they would prefer to keep the current process as it is for case reviews.

Off the record at 10:26 am; on the record at 10:37 am.

Agenda Item 2 Board Actions

In the Matter of Case No. 2800-08-015 – James B. Borden, MD

Dr. David Miller recused himself for the discussion and deliberation in the matter of Dr. James B. Borden due to conflict of interest and ex parte knowledge of the case; he left the room

Investigator Colleen Nelson presented the case regarding Dr. James B. Borden. She advised that efforts to contact Dr. Borden have been futile and therefore, the Division is requesting the board take a default action against Dr. Borden's license.

Dr. Tsigonis asked for clarification regarding the timeline when Borden's license lapsed, the renewal of his license, and the investigation.

Ms. Nelson summarized the case regarding Dr. Borden beginning in 2005. An agreement was reached with him that if he left the state, the division would not pursue an investigation. She advised the Division no longer enters into such agreements. She stated that agreement was violated and the Division was obligated to pursue action.

At the time, the licensing staff was not aware of the investigation and the agreement and allowed him to renew his Alaska license. There are new processes in place to prevent this from occurring again.

MOTION **TAURIAINEN moved to approve the request for default revocation of Dr. James B. Borden's license.**
2nd **HALL**
VOTE **7 Yea Votes (Tsigonis, Cullen, Hall, Millar, Powers, Resinger, Tauriainen)**
 0 Nay Votes
 1 Abstention (Miller)

Agenda Item 3 In the Matter of D. Lynn Mickleson, MD

Board members noted that there were no restrictions or limitations regarding prescriptive authority in the proposed consent agreement with Dr. Mickleson.

MOTION **MILLER moved to go into Executive Session in accordance with the provisions of Alaska Statute 44.62.310 (c)(2) for the purpose to discuss the matter of Dr. Mickleson.**
2nd **POWERS**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
 0 Nay Votes
 0 Abstentions

Off the record at 10:58 am; on the record at 11:50 am.

MOTION **HALL moved to table the discussion about the consent agreement for Dr. Mickleson until we obtain information from Sue Winton that will help us define the supervision of Dr. Mickleson, as well as prescriptive authority, as well as final determination on the Hawaii revoked license, as well as the reprimand language approval, and the definition of the practice; solo versus remote practice.**
2nd **POWERS**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
 0 Nay Votes
 0 Abstentions

Susan Winton asked for clarification that she is only providing information from another board on the definition of direct or indirect supervision. That understanding was confirmed.

Public Comment Forum

Mrs. Teresa Obermeyer was present to make comments to the board.

Agenda Item 2 Board Actions (continued)

In the Matter of Case No. 2800-09-016 – Petra Illig, MD

MOTION MILLER in accordance with the provisions of Alaska Statute 44.62.310 (c)(2) I move to go into Executive Session for the purpose to discuss the case of Dr. Petra Illig.
2nd
VOTE POWERS
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Votes
0 Abstentions

Off the record at 11:59 am; on the record at 12:02 pm.

Investigator Martha Mendez reported to the board that Dr. Illig self-reported to the board that she had failed to renew her license. She had continued to practice until her license was renewed on August 13, over eight months. Dr. Illig agreed to a consent agreement with provisions for disciplinary sanctions.

Mr. Tauriainen requested wording corrections to the consent agreement, accepted by the board.

MOTION HALL moved to accept this consent agreement with the recommended date changes on #1 on licensure and also with the wording correction of letter (c, page 4) and remove the word “automatically.”
2nd
VOTE MILLER
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Votes
0 Abstentions

Dr. Cullen pointed out that the performance of aviation physical exams is the practice of medicine.

In the Matter of Case No. 2800-09-016 – Jo Anne Miller, PA-C

MOTION HALL moves to accept the consent agreement as signed.
2nd
VOTE MILLER
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Votes
0 Abstentions

Mr. Tauriainen asked to remove the word “automatically” from the agreement’s paragraph A, page 4.

Investigator Winton returned to the meeting with information from the dental board regarding supervision language. The board generally discussed provisions that might be included in Dr. Mickleson’s consent agreement.

Off the record at 12:19 pm; on the record at 12:34 pm.

Agenda Item 2 Board Actions

In the Matter of Case No. 2802-01-003, et al. – Lavern Davidhizar, DO

Ms. Gallant reviewed with the board members the documents contained in the board books regarding Dr. Davidhizar's case. She pointed out to the board that Dr. Davidhizar was previously disciplined by this board in 2000 when he was placed on probation for two years. She also advised the board that the cases being settled in this current action began in 2001, while he was still on probation from the first action.

The board members discussed Davidhizar's violations and the expert reviewer's findings. Dr. Tsigonis pointed out that Dr. Davidhizar failed probation monitoring before.

Dr. Miller asked about why the Wisconsin would not be approved. Ms. Gallant explained that it does not meet the requirement of CME of twenty hours of academic and twenty hours of clinical. It is a symposium meeting, not a training program as required. The board members also discussed how the fine of \$35,000 was determined.

MOTION **MILLER moved to adopt the consent agreement with Dr. Lavern Davidhizar as written.**
2nd **HALL**
VOTE **6 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger)**
 0 Nay Votes
 1 Abstention (Tauriainen)

[Dr. Cullen's call was dropped from the phone so he was unable to vote on the motion.]

In the Matter of Case No. 2802-09-005 – John C. Boston, MD

Investigator Lee Strout was present to discuss the case involving Dr. Boston. This case involves his allowing office staff to sign his name to prescriptions for patients. A similar case was considered by the board at the July 2009 meeting.

Ms. Gallant pointed out that the difference between this case and the July case was that as soon as Dr. Boston learned that this practice was illegal, he immediately stopped. In the previous case, the physician kept doing this even though he had been warned that it was illegal.

Dr. Miller pointed out that this may be a common practice and that the board should try to get information out to our licensing population that this is illegal.

MOTION **MILLER moves to adopt the consent agreement but to suspend \$10,000 of the \$20,000 civil fine assuming Dr. Boston's continued compliance with the law.**
2nd **CULLEN**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
 0 Nay Votes
 0 Abstentions

The board emphasized that while the cases are substantially similar, the difference between the two that resulted in the suspension of \$10,000 of the fine was that Dr. Boston immediately stopped the illegal practice. In the earlier case, the physician involved continued the illegal practice even though he had been cautioned and warned that the practice was illegal.

Agenda Item 6 Full Board Interviews

Feaster, Thomas R, MICP

Mr. Feaster was present to discuss his application with the board. He was offered executive session but declined.

Mr. Feaster explained to the board his criminal background regarding felony theft of unemployment benefits. The court has set aside the judgment against him since he satisfied all the requirements of the court conviction.

Dr. Miller commended Mr. Feaster for truthfully disclosing his background in his application and for his cooperation through this process.

MOTION **HALL move to grant an unrestricted license to Thomas Feaster, MICP.**
2nd **RESINGER**

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

Nawabi, Suhalia, MD

Dr. Nawabi was present to discuss her application with the board. She was offered the opportunity to go into executive session but declined.

Dr. Nawabi discussed her health issues and reviewed her history with the board.

MOTION **MILLER move to grant a full and unrestricted license**
2nd **TAURIAINEN**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
0 Nay Votes
0 Abstentions

Agenda Item 4 **Board Discussion/Medical Record Law**

The board discussed problems the board's staff has experienced in recent years when physicians close their offices and leave the state without making any provisions for patients to access their medical records. Ms. Gallant advised the board that this issue has been brought to the board in the past and pointed out a guideline document that was prepared in 2006 for the board's consideration at that time. The board then did not approve the guideline as they felt it may be too restrictive. She asked the board to consider passing a guideline to instruct medical professionals of appropriate and standard practice for providing patient access to their medical records in these conditions.

Dr. Cullen expressed concerns about records requirements for patients that are only seen rarely or one time only.

Ms. Gallant advised that she is asking the board to give direction to our licensees asking that they notify the board of the location of their records when an office is closed.

MOTION **MILLER moved that the board adopt a policy advising physicians who are planning to take a sabbatical, or otherwise close their practice, to advise the board of the location of their medical records prior to their departure so as to facilitate access to their medical records in a timely fashion for their patients.**
2nd **MILLAR**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
0 Nay Vote
0 Abstentions

Ms. Gallant advised that she will put this policy guideline in the board's policy and procedures manual.

Agenda Item 7 **Special Application Reviews**

John W. Raasoch, MD

Dr. Raasoch was present to discuss his application with the board. He failed to disclose in his application that he was placed on academic probation by his medical school.

Following its review of the documents in his file and his explanation, the board felt that it could not discipline him for the failure to disclose as it was unable to prove definitively that he had been advised of the academic probation.

MOTION **TAURIAINEN moved to grant an unrestricted license to Dr. John W. Raasoch.**
2nd **RESINGER**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
0 Nay Vote
0 Abstentions

The board felt it had insufficient reason to pursue any further action based on the vague and conflicting information provided by the medical school, particularly the dean's letter documenting an excellent academic performance conflicting with the letter of academic warning and probation.

Off the record at 2:37 pm; on the record at 2:45 pm.

Michele A. Sullivan, MICP

MOTION MILLER moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the case of Michele Sullivan.
2nd
VOTE TAURIAINEN
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 2:49 pm; on the record at 3:16 pm.

MOTION TAURIAINEN moved to grant the reinstatement of her paramedic license to Michele Sullivan under the conditions of a consent agreement as amended [amendments attached to minutes as Attachment A].
2nd
VOTE MILLER
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Margaret Eubank, PA-C

MOTION HALL moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the application of Margaret Eubank.
2nd
VOTE POWERS
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 3:18 pm; on the record at 3:25 pm.

MOTION HALL moved to deny the application for licensure of Margaret Eubank based on AS 08.64.240(b), AS 08.64.326 (a)(9), and 12 AAC 40.967(1) and (2)(a).
2nd
VOTE MILLAR
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Gary M. Zientek, MD

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

MOTION HALL moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the application of Gary M. Zientek, MD.
2nd
VOTE RESINGER
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 3:28 pm; on the record at 3:31 pm.

MOTION HALL moved to grant a license to Gary M. Zientek, MD under the terms of the consent agreement he has signed and to amend the agreement to remove the word "automatically" from paragraph B, page 4.

**2nd
VOTE** **MILLER**
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Uzma Ramzan, MD

MOTION **HALL** moved that in accordance with the provisions of **AS 44.62.310(c)(2)** the board go into executive session for the purpose of discussing the application of **Uzma Ramzan, MD.**

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

Off the record at 3:55 pm; on the record at 4:02 pm.

MOTION **MILLER** moved to grant a license to **Uzma Ramzan, MD** under the terms of the consent agreement she has signed and to amend the agreement to remove the word “automatically” from paragraph A, page 3.

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

Ms. Gallant noted for the record that some application documents went stale for Dr. Ramzan but the staff has obtained new verifications and an FSMB report to make the file current.

Dr. Cullen disconnected from the meeting at 4:06 pm.

Agenda Item 2 In the Matter of Lavern Davidhizar, DO

Dr. Davidhizar asked the board to accept the symposium he attended in August to satisfy the requirement of the consent agreement he signed that the board is considering at this meeting.

MOTION **MILLER** moved to accept **Dr. Lavern Davidhizar’s** attendance at the **University of Wisconsin’s** pain management symposium in **August 2009.**

**2nd
VOTE** **RESINGER**
6 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger)
0 Nay Vote
1 Abstention (Tauriainen)

Agenda Item 3 In the Matter of D. Lynn Mickleson, MD

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

**2nd
VOTE** **POWERS**
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 4:10 pm; on the record at 5:02 pm.

MOTION **MILLER** moved to approve a consent agreement with **Dr. Mickleson** with the following clarifications:
I – paragraph K to be revised following the semi-colon, insert the words “and for failure to accurately report board actions in all jurisdictions;”

2 – a restriction from prescribing authority for Schedules II through IV for the duration of the consent agreement;

3 – paragraph Y will be revised to read: While under license probation, Respondent may not be employed in his licensed profession unless supervised by a physician licensed in Alaska and approved by the board or the board’s representative. The supervisor shall be provided a copy of the consent agreement. Practice supervision shall be direct supervision with the supervisor in the same practice and conducting weekly chart reviews of 10 percent of the respondent’s patient population.

2nd

VOTE

POWERS

7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)

0 Nay Vote

0 Abstentions

[These provisions were adopted by the board in order to clarify its intent from the action they took with Dr. Mickleson at the July 2009 board meeting. They were not intended to be a complete listing of provisions in the consent agreement.]

The board agreed that based on his supervisor’s reports to the board after no less than one year, Dr. Mickleson may return and petition the board to expand on his prescriptive authority.

Dr. Tsigonis noted that the reason the board is restoring Dr. Mickleson’s license, even though he has a revoked license in Hawaii, is because the Hawaii action is based on the action that Alaska originally took against Dr. Mickleson. The Hawaii board has a requirement that licensees report adverse actions in other states within 30 days of the action; Alaska does not have that requirement.

The board recessed at 5:10 pm.

Friday, October 23, 2009

Call to Order

The meeting was called to order at 9:08 am.

Roll Call

Present were:

Jean M. Tsigonis, MD
Edward A. Hall, PA-C
Kathleen Millar
David A. Miller, MD

David J. Powers, MD
William W. Resinger, MD
Michael J. Tauriainen

Board member John S. Cullen, MD, was unable to be present in person but was present at the meeting via telephone.

Also present were board staff members; Leslie Gallant, Linda Sherwood & Mariana Moreno-Goodwin, and investigators Lee Strout and Susan Winton.

Agenda Item 5 Regulations Project

Ms. Gallant advised that the project is being returned to the board because the regulations attorney suggested a few minor wording changes that have been incorporated into this version. Also, the attorney did not feel the board has the authority to set fees that physicians can charge for records so we will have to discuss that with our usual attorneys.

There are a couple new regulations being added to the project identified as numbers 7, 8, and 9 in the new handout distributed on Thursday. [Attached to these minutes as Attachment B.]

MOTION

MILLER moved to add “within 30 days from the effective date of such action” to the end of paragraph 12 AAC 40.967(26).

2nd

VOTE

MILLAR

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

1 Nay Vote (Tauriainen)

0 Abstentions

MOTION RESINGER moved to approve the regulations as amended.
2nd MILLER
VOTE 7 Yea votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger)
1 Nay Vote (Tauriainen)
0 Abstentions

[The approved regulations are attached to these minutes as Attachment B.]

Agenda Item 8 In the Matter of Alyce Garrity, MD

Drs. Mary Ann Foland and Alexander von Hafften were present to discuss the matter of Dr. Garrity. Dr. Garrity expected to be at the meeting but was not present.

MOTION MILLER moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the case of Dr. Alyce Garrity.
2nd POWERS
VOTE 8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 9:40 am; on the record at 10:25 am.

MOTION TAURIAINEN moved that the board continue to require Dr. Garrity to meet the requirements pursuant to the report from the Physician Health Program report to the board including:

- at least one month of in-patient treatment;
- at least a minimal treatment program that would include adequate outpatient psychiatric care, individual counseling, and treatment of her alcohol abuse, possibly dependence;
- attend AA meetings and work with a sponsor;
- participate in random urine and drug screen monitoring including Etc;
- attend Caduceus meetings; and
- remain abstinent from alcohol before returning to work.

After returning to work, she would benefit from utilizing a workplace monitor.

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

Mr. Strout reported to the board that he had been told that Dr. Garrity is somewhere in Anchorage and that she left Cordova about two weeks ago.

Dr. Foland gave the board an update on the activities of the Physician Health Program.

Off the record at 10:38 am; on the record at 10:45 am.

Agenda Item 9 Federation of State Medical Boards Presentation

Ms. Hedy Chang, a board of director member with the Federation, and Lisa Robin, Senior Vice President of the Federation, were present to talk about the Federation and its services and activities on behalf of medical boards. The board very much appreciated their meeting with them.

Agenda Item 10 Probation Monitoring

Probation monitor Jasmin Bautista was present to report to the board.

Emilo Avila, MD

Dr. Avila met with the board and reported that things are going well for him.

Ms. Gallant advised the board that while he has not formally requested to be released from the terms of his agreement with the board, he has demonstrated that the need for restrictions is no longer necessary.

MOTION **MILLER moved to release Dr. Avila from the probation monitoring terms of his consent agreement.**
2nd **HALL**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
 0 Nay Vote
 0 Abstentions

Dr. Tsigonis confirmed that board member Ed Hall could sign the order on her behalf when it is prepared.

Brian R. Donaldson, MD

Dr. Donaldson was present to discuss his probation with the board and his petition to be released from probation. He had also submitted a petition to be released from probation in late 2008 that was not addressed by the board. Dr. Donaldson expressed concerns with the wording on his license regarding "limited" and "restrictions" language. It will be corrected to reflect that "conditions apply" to this license.

Ms. Gallant raised concerns regarding Dr. List's monitoring of Dr. Donaldson's practice and the termination of that relationship. Also, she noted that Dr. Donaldson's personal relationships with practice monitors and his treating physicians. She also directed the board's attention to the evaluation performed by CPEP, Center for Personalized Education for Physicians, in Colorado. That report was comprehensive and contrasts greatly from the reports from Dr. Wolf. She recommended to the board that if it considers releasing Dr. Donaldson from his agreement, it may wish to require a new evaluation from someone other than Dr. Wolf.

The board discussed the diagnoses that have been applied to Dr. Donaldson, his relationships with his treatment physician, Dr. Wolf, and his practice monitor, now Dr. Brandner. Dr. Donaldson also addressed his voluntary surrender of his license in Colorado. He consulted with Dr. Wolf about that action and Dr. Wolf felt that surrendering his license in Colorado was essentially a "no-fault divorce."

The board discussed the timeline of events regarding Dr. Donaldson's license situation in both Alaska and Colorado.

Dr. Donaldson was advised that the board would want to see a new evaluation by a physician or physicians approved by the board before it would consider releasing him from any of the conditions of the current agreement.

MOTION **POWERS moved to keep Dr. Donaldson's memorandum of agreement as it is currently written.**
2nd **REISINGER**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
 0 Nay Vote
 0 Abstentions

Ms. Gallant advised that she will go immediately to her office and change the license status of Dr. Donaldson's license from "limited" to "probation."

Off the record at 1:03 pm; on the record at 1:31 pm

Glenn S. Hartig, DO

Dr. Hartig was present for his meeting with the board.

MOTION **HALL moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the case of Dr. Glenn S. Hartig.**

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

Off the record at 1:33 pm; on the record at 1:54 pm.

MOTION **MILLER moved to reduce the number of random Etg tests for Dr. Hartig to 14 times each year and required attendance at AA meetings to two times each week to reflect his ongoing and continuous improvement and having satisfactorily met the criteria of the board's agreement to date.**

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

Again, Dr. Tsigonis approved Mr. Hall to sign orders on her behalf that have been approved at this meeting.

Samuel H. Schurig, DO

Dr. Schurig met with the board to discuss his current status. Dr Schurig declined the offer to go into executive session to discuss his case. Dr. Schurig was requesting the board to allow him to work unsupervised on evenings and weekends. Board members indicated they were not comfortable with making that change to his agreement.

MOTION **MILLER moved to keep the memorandum of agreement with Dr. Schurig as it is currently written.**

**2nd
VOTE** **MILLAR**
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

[Dr. Cullen was not present on the telephone for this vote.]

Brian A. Tansky, MD

Dr. Tansky was present to discuss his probation.

[Dr. Cullen was re-connected to the meeting via telephone.]

MOTION **MILLER moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the case of Dr. Brian Tansky.**

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

Off the record at 2:09 pm; on the record at 2:16 pm.

The board thanked Dr. Tansky for meeting with them and congratulated him for his compliance with his agreement.

Kevin M. Tomera, MD

Dr. Tomera was present with his attorney, Mr. Eric Sanders.

The board briefly discussed Dr. Tomera's case.

MOTION **MILLER moved to release Dr. Kevin Tomera from the terms of his memorandum of agreement effective immediately.**

**2nd
VOTE** **HALL**
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)

0 Nay Vote
0 Abstentions

[Dr. Cullen was not present on the telephone for this vote.]

Agenda Item 6 Full Board Interviews

M. Jane Moore, MD

MOTION HALL moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the case of Dr. M. Jane Moore.
2nd
VOTE RESINGER
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 2:41 pm; on the record at 2:47 pm.

MOTION HALL moved to grant a full and unrestricted license to M. Jane Moore, MD
2nd
VOTE MILLAR
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Kristi J. Salinas, MD

MOTION HALL moved that in accordance with the provisions of AS 44.62.310(c)(2) the board go into executive session for the purpose of discussing the case of Dr. Kristi J. Salinas.
2nd
VOTE TAURIAINEN
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Off the record at 2:50 pm; on the record at 2:58 pm.

MOTION HALL moved to grant a full and unrestricted license to Kristi J. Salinas, MD.
2nd
VOTE RESINGER
8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

Agenda Item 11 Reports, Ethics, Minutes

Ethics

Dr. Miller disclosed to the board that because of his personal knowledge of the situation regarding Dr. Borden, he recused himself from discussion and deliberation on that matter.

There were no other issues disclosed by board members.

Agenda Item 6 Full Board Interviews

Thomas Day, MD

Dr. Day was present to discuss his application and his malpractice history and the hospital privileges reports received by the board. He declined the offer of executive session.

MOTION MILLER moved to grant an unrestricted license to Dr. Thomas Day.
2nd
HALL

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

Agenda Item 11 Reports, Ethics, Minutes

MOTION **TAURIAINEN** moved to accept as written the minutes of the July 16 – 17, 2009 board meeting.
2nd **CULLEN**
VOTE **8 Yea Votes (Tsigonis, Cullen, Hall, Millar, Miller, Powers, Resinger, Tauriainen)**
0 Nay Vote
0 Abstentions

Agenda Item 10 Probation Monitoring

David S. Killebrew, MD

Dr. Killebrew was present to discuss his probation with the board members. Probation monitor Bautista reported that Dr. Killebrew has been in compliance with his consent agreement. The board thanked him for meeting with them. [Dr. Cullen disconnected from the meeting at 3:35 pm.]

Agenda Item 12 License Application Review

MOTION **MILLER** moved to approve the physicians for licensure in Alaska:

Bartok, Stephen J	Lantzman, Eric Jonathan
Beesley, Susan Rymer	Lund, Richard Elwood
Brighton, Patrick Andrew	Lunoe, Leif Chesnut
Burkhardt, Thomas Brian	Martynowicz, Marek Adam
Carino, Brian Bells	Matadeen-Ali, Chandra
Carricaburu, Justin Elliot	Merritt, II, John Lawrence
Coen, John Jeremiah	Morison, David Scott
Crisafi, Leah Hill	Neher, Jon Oscar
Dolgonos, Lior	Nettlow, Mary McKenzie
Elam, Suzhanna Marie	Nolan, Genevieve Barbara
Emery, Robert Lewis	Orzach, Harris Elliot
Enlow, Susan Alice	Park, Gary Steven
Fix, Susanne Elisabeth	Pates, Jason Andrew
Fraile, Roberto Jesus	Pauli, Andrew Denzil
Galvin, Susan Catherine	Peters, Paul Leon
Gardner, Richard Dennis	Reimann, Julie Dylan R.
Garrison, Martha Hoel	Reploeg, Mark David
Garritano, Ann Marie	Rethy, Michael Charles
Ganapathy, Pugera Vinoo	Schlesinger, Margaret Ruth
Glenn, James Michael	Schmidgall, James Robert
Hague, Andrew Bradley	Sexton, Nicholes Shane
Hewitt, Shannah Marie	Silva, William Joseph
Hines, Scot David	Smiley, Shannon LaVerne
Hoffman, Lucas Raphael	Su, Daniel L.
Holmes, John Richard	Suarez, Jose Carlos
Jabbusch, Mark Robert	Subramanian, Sanjay
Jachimiec, Jessica Joyce	Tapia-Centola, Beatriz Amalia

James, David Martin
Jensen, Christopher Jonathan
Kaminski, Anna Wildy
Korn, Daniel Lewis
Lam, Kelvin Nhon-Tro

Thilo, Thomas Kent
Thorward, Sul Ross Olen
Tice, Paul
Trapasso, Robert Louis
Tsukerman, Zhanna M.
Tucker, Jamelah Danielle

2nd
VOTE

HALL
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

MOTION

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

Betts, William Blaisedale
Biggs, Jeremy James
Cheng, Lorraine Lorwen
Del Los Reyes, Raul Alberto

Kozicz, Kevin Alexander
Taplin, Craig Eaton
Yoo, Charles Chulhoon

2nd
VOTE

HALL
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

MOTION

MILLER moved to approve the following doctors of osteopathy for licensure in Alaska:

Claeys, Sean Paul
Couture, Holly May
Dyer, David Lee

Holland, Craig William
Mathieu, Ross Martin
Solberg, Ronald Ray

2nd
VOTE

HALL
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

MOTION

MILLER moved to approve the following doctor of osteopathy for licensure in Alaska pending completion of his application file:

Woods, Curtis John

2nd
VOTE

HALL
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

MOTION

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

Donaldson, Craig S
Knight, Mary Elizabeth
Millard, Isaac Thomas
Moore, Ben R.

Mumma, Trevor Zane
Muntz, James Randall
O'Farrell, Melissa Lynn
Scharff, Mira Lisa
Skaflestad, Kenya

2nd
VOTE

HALL
7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)
0 Nay Vote
0 Abstentions

MOTION

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

2nd
VOTE

Campbell, Christopher Joseph
Carleton, Taylor M
Christian, Stephanie Nicole
Coleman, Rachel Alesha

HALL

7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)

0 Nay Vote

0 Abstentions

Crass, Megan Elizabeth
Lindsey, Terry F.
Rather, Douglas Marshall
Rulapaugh, Katherine Grace

MOTION
2nd
VOTE

MILLER moved to adjourn this meeting of the Alaska State Medical Board.

TAURIAINEN

7 Yea Votes (Tsigonis, Hall, Millar, Miller, Powers, Resinger, Tauriainen)

0 Nay Vote

0 Abstentions

The meeting adjourned at 4:34 pm.

Respectfully submitted:

Approved:



Leslie A. Gallant, Executive Administrator
Alaska State Medical Board

4/15/10
Date



Jean M. Tsigonis, MD, Chair
Alaska State Medical Board

4/15/10
Date

I. Absence from Community of Residence

While under license probation, Respondent shall notify the Board or its agent in writing in advance of each and every expected absence from community of residence in excess of seven (7) days. Absences from the state of Alaska must be reported pursuant to Paragraph 'A'.

J. Periodic Interview with the Board

While under license probation and upon the request of the Board or its agent, Respondent shall report in person to the Board or its agent to allow a review of her compliance with this probation. Respondent shall be excused from attending any interview only at the discretion of the person requesting the interview.

K. Psychiatric/Psychotherapy Counseling

Respondent is required to undergo ~~monthly~~ ^{quarterly} psychiatric care from a psychiatrist and follow all treatment recommendations of this psychiatrist for five years. ~~Respondent is to engage a minimum of one hour of weekly psychotherapy with a doctorate-level therapist. If Respondent's psychiatrist does not facilitate this psychotherapy, then Respondent shall be referred to a doctorate-level psychologist with whom her psychiatrist regularly communicates.~~

All psychiatrist, psychologist ~~and~~ counselors will be licensed in Alaska, approved by the Board and provided with a copy of this Consent Agreement.

The Board may consider releasing Respondent from the treatment requirement upon receipt of a written statement from Respondent's psychiatrist that her treatment has progressed to the point that continued treatment is no longer necessary. However, the Board will not release Respondent from the treatment requirements until it is satisfied that doing so is consistent with the public interest.

All costs are the responsibility of the Respondent.

L. Psychiatric/Psychotherapy Counseling Reports

Respondent's psychiatrist and psychotherapist shall report to the Board in writing regarding Respondent's progress or lack thereof. Reports shall be provided ~~monthly~~ ^{quarterly}, or as otherwise requested by the Board. Respondent's psychiatrist or psychotherapist shall immediately report to the Board's agent if the Respondent fails to present herself for treatment or otherwise fails to comply with the

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Telephone 907-269-8160 Fax 907-269-8195

Chapter 40. State Medical Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 40 is amended by adding a new section to read:

12 AAC 40.024. Licensing requirements for applicants from fifth pathway programs.

(a) A physician applicant who graduated from a fifth pathway program on or after January 1, 2010 may not apply for and receive licensure by examination in this state.

(b) A physician applicant for licensure by credentials who graduates from a fifth pathway program on or after January 1, 2010 must provide verification of the following information in order to be licensed in this state:

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

(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 consecutive years

(3) board certification by a board under the American Board of Medical Specialties. (Eff. ___/___/___, Register ___)

Authority: AS 08.64.100

12 AAC 40.036(a) is amended by adding a new paragraph to read:

(4) if the applicant is a foreign medical graduate, the applicant must meet the requirements of 12 AAC 40.016.

Register _____, _____ 2010 **PROFESSIONAL REGULATIONS**

(Eff. 5/18/85, Register 94; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 08.64.100 AS 08.64.275 AS 08.64.279
AS 08.64.180

12 AAC 40.038(a) is amended by adding a new paragraph to read:

(4) if the applicant is an foreign medical graduate, the applicant must meet the requirements of 12 AAC 40.016(a)(1).

(Eff. 8/2/86, Register 99; am 8/20/87, Register 103; am 4/10/88, Register 106; am 8/17/97, Register 143; am 12/16/99, Register 152; am 8/9/2000, Register 155; am 10/14/2006, Register 180; am ___/___/___, Register ___)

Authority: AS 08.64.100 AS 08.64.272 AS 08.64.279

12 AAC 40.370(b)(2) is amended to read:

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

(Eff. 1/13/80, Register 73; am 8/24/90, Register 115; am ___/___/___, Register ___)

Authority: AS 08.64.100 AS 08.64.107

12 AAC 40.490 is amended by adding a new paragraph to read:

(9) in the clinical setting, a physician assistant shall clearly identify oneself as a

physician assistant to patients and shall not use or permit to be used on the physician assistant's behalf the term "doctor", "Dr.", nor "doc", nor hold oneself out in any way to be represented to be a physician or surgeon. (Eff. 1/13/80, Register 73; am 9/30/81, Register 79; am 8/20/87, Register 103; am 3/12/89, Register 109; am 6/28/97, Register 142; am 9/1/2007, Register 183; am ___/___/___, Register ___)

Authority: AS 08.64.100 AS 08.64.107

12 AAC 40 is amended by adding a new section to read:

12 AAC 40.944. 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 the physician 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. (Eff. ___/___/___, Register ___)

Authority: AS 08.64.100

12 AAC 40.967(29) is repealed and readopted to read:

(29) prescribing, dispensing, or furnishing a prescription medication to a person that the licensee has not first conducted a physical examination of that person or previously established a patient-physician or patient-physician assistant relationship; the provisions of this paragraph do 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;

bioterrorism;

12 AAC 40.967 is amended by adding a new paragraph to read:

(30) any conduct described in (1) – (29) of this section that occurred in another licensing jurisdiction and is related to the applicant's or licensee's qualifications to practice or ability to safely practice. (Eff. 3/16/2000, Register 153; am 9/5/2002, Register 163; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 7/25/2008, Register 187; am ___/___/___, Register ___)

Authority: AS 08.01.070 AS 08.64.100 AS 08.64.326

The board is proposing to have some kind of provisions that establishes fees that medical care providers can charge for reproduction of medical records. (I don't think the board has authority to as for this proposal?). I know other states have copying charge limits in their law but I don't see one in Medical Board and other programs that we administer.

12 AAC 40 is amended by adding a new section to Article 6 to read:

12 AAC 40.988. 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. (Eff. ___/___/___,

Register ___)

Authority: AS 08.64.100

*voted:
add to 967(26) with 30 days
at end of [unclear]
4 Y - except [unclear]*

Adopted as

[Staff note: For the purpose of a resident permit, we felt it only necessary to reference the IMG regulation 12 AAC 40.016, paragraph (a) (1) that requires that the international medical school be on the approved California list since the resident most likely cannot meet the other requirements of the regulation.]

8 NEW - Revision to Regulation

NOT ADOPTED BY BOARD YET

12 AAC 40.967 Unprofessional conduct.

(26) failing to report to the board any disciplinary action against the licensee, taken by another licensing jurisdiction, health care entity, law enforcement agency, or any conviction of a crime referred to in AS 08.64.326(a)(4) within 30 days from the effective date of such action;

9 NEW - Revision to Regulation

NOT ADOPTED BY BOARD YET

12 AAC 40.965 Reinstatement of a Surrendered License

(a)(1)(B) the applicant continues to qualify under AS 08.64 and this chapter for the license requested to be reinstated unless the applicant is not qualified under AS 08.64.240(b).

Alaska State Medical Board Meeting:
 Anchorage/Atwood Building
 October 22~~23~~, 2009

Printed Name	Signature	Mailing Address	Representing
HEBY L CHANG	<i>[Signature]</i>	18181. Butterfield #170 N. H Ca	FSMB
LISA ROBIN	<i>[Signature]</i>	6120 Plum Valley, Ft Worth, TX	FSMB
Mary Ann Foland	<i>[Signature]</i>	4100 Lake Oaks #322 Anch AK 99508	ASMA Phys Health Com.
Alexander von Herberich	<i>[Signature]</i>	PO BOX 230069 Anchorage AK 99523	ASMA PHC
Brian Donaldson	<i>[Signature]</i>	PO Box 230444 Anchorage AK	MD
Emilio Arca	<i>[Signature]</i>	3340 Providencia. #366, Anch. AK 99508	MD.
Samuel H. Schwarzbach	<i>[Signature]</i>	10216 Larch St AN	
Brian A Tausky	<i>[Signature]</i>	PO Box 55289, North Pl.	AK 99705
Paul Sandberg	<i>[Signature]</i>	500 L #400 ANCH	AK 99501
M. Jane Moore	<i>[Signature]</i>	PO Box 220943 Anch 99522	self.