

AGENDA ITEM 2

In the Matter of Jamie Ash PA-C

Dr. Head explained that Ms. Ash signed the Memorandum of Agreement but wants the amount of the fine reduced.

Ms. Gallant advised that Ms. Ash saw 200 to 250 patients over a long period of time. She was sent a renewal and a reminder. Ms. Ash confirmed that the board had her correct address.

Mr. Tauriainen moved and Mr. Hall seconded a motion to accept the memorandum of agreement with Jamie Ash, PA-C but reducing the civil fine to \$500. He felt that she kind of self-reported and there was no indication that she endangered patients by continuing to practice after the license had expired. Her letter is persuasive and she had personal issues. He did not believe she intentionally misled the board. Others with much more grievous issues are not fined at all. He subsequently amended his motion to accept the memorandum of agreement with Jamie Ash, PA-C but to reduce the amount of the fine to \$1,000. The motion failed by a vote of three yea votes (Tsigonis, Hall, Tauriainen) to four nay votes (Head, Breffeilh, Duddy, Puckett).

Ms. Gallant explained that if the board wants to change any Memorandum of Agreement they need to tell investigation by rejecting them and changing what they want to see changed, such as fines.

Mr. Hall would like to see the fine reduced to \$1,000. Dr. Head would like to see \$1,500 to \$2,000.

MOTION	PUCKETT moved to accept the Memorandum of Agreement with Jamie Ash PA-C but to reduce the fine to \$1,500.
2nd	Breffeilh
VOTE	5 Yea votes (Head, Tsigonis, Duddy, Breffeilh, Puckett)
	2 Nay votes (Hall, Tauriainen)
	0 Abstentions

AGENDA ITEM 3

In the Matter of Brian A. Tansky, MD

Dr. Head noted that when he read the meeting book, he questioned why there was no fine included in the MOA.

Mr. Tauriainen agreed and also questioned why the probation time would be tolled when Dr. Tansky is out of state.

Ms. Gallant explained that all states toll time in probation agreements because they expect that the time will be satisfied in the state where the violation occurs. The exception to this is when the applicant is under an agreement for chemical dependency.

Dr. Tsigonis questioned whether he needed to report the event since the hospital reported it.

Dr. Head noted that Dr. Tansky was off by a year in his explanation.

Ms. Puckett agreed that there should be a civil fine included in the MOA.

MOTION	TAURIANINEN moved to accept the memorandum of agreement with Brian A. Tansky, MD, with the inclusion of a civil fine of \$2000.
2nd	BREFFEILH
VOTE	7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)
	0 Nay votes
	0 Abstentions

AGENDA ITEM 4 in the Matter of Jacqueline W. Walter, MD

Ms. Gallant explained that Dr. Walter came to the board's attention because she was selected for audit of her continuing medical education. The case was referred to state paralegal, Steve Winkler. She did not take kindly to being referred to Mr. Winker and claimed she was being harassed. She decided to voluntarily surrender her license.

Dr. Head asked if she ever sent in a report in writing of the harassment details. He requested more details on any such allegation of harassment.

Ms. Gallant answered she received an email and Mrs. Sherwood said she received a telephone call.

Dr. Breffeilh asked if Dr. Walter was advised of the consequences of her surrender.

Ms Gallant explained that all individuals are advised that license surrender is a serious action and reportable action to the National Practitioners Data Base. All doctors are advised that reports are submitted to all appropriate data banks when a license is surrendered. Many view this as an easy way out of a sticky situation where they are likely to be disciplined for some violation and they see the surrender as an easy to deal with the matter. It is not a good decision but they are fully apprised of the ramifications prior to making the decision.

MOTION	TAURIAINEN moved to accept the voluntary surrender of the license of Jacqueline W. Walter, MD
2nd	PUCKETT
VOTE	7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)
	0 Nay votes
	0 Abstentions

AGENDA ITEM 5 In the Matter of James L. Glenn, PA-C

Ms. Gallant advised that the MOA with Mr. Glenn was distributed in the manila file folders to each board member before the meeting started.

Mr. Tauriainen asked if Mr. Glenn actually had a DEA registration.

Ms. Gallant explained that he had a DEA registration but never submitted a copy of it to the board as required by law. The failure to file a copy of the DEA registration to the board was compounded by the fact that he was writing prescriptions for Schedule II drugs.

Dr. Breffeilh noted that Mr. Glenn's DEA didn't cover schedule II narcotics.

Mr. Hall agreed that the collaborative plan did not grant him the authority to handle Schedule II drugs. He noted that other PAs have been confused by getting Schedule II authority on the DEA registration when they do not have that authority by state law.

Dr. Head asked if a suspended fine is typical in these situations. Ms Gallant answered that she has asked investigations not to suspend fines when writing the MOAs as that is a decision to be made by the board. It was noted that there are occasions that the investigator must be a little flexible when negotiating the agreements.

MOTION	BREFFEILH moved to approve the memorandum of agreement with James L. Glenn, PA-C.
2nd	DUDDY

Off the record at 12:10 pm; on the record at 1:20 pm.

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Roll Call

Present were:	David M. Head, MD, Chair	Nancy Puckett
	Robert A Breffeilh, MD	Michael J. Tauriainen
	John T. Duddy, MD	Jean M. Tsigonis, MD
	Edward A Hall, Pa-C	

Dr. Kevin Tomera was absent from the meeting.

Staff Members present were Linda Sherwood and Colleen Wilson, licensing examiners, and Leslie Gallant, the board's executive administrator. Visitors Robert Janik and Mr. Tom Dale

AGENDA ITEM 12 **Special Applications for Consideration**

TAB 7 **In the Matter of Scott Roissing, MD**

Dr. Roissing was present to meet with the board and discussion his application.

Dr. Head offered executive session to Dr. Roissing. Dr. Roissing declined the executive session.

Dr. Head explained that Dr Roissing had discipline during his post-graduate training. He noted that Dr. Duddy had reviewed the application initially.

Dr. Duddy asked Dr. Roissing to explain and clarify his application and the events that occurred during his residency training.

Dr. Roissing explained that during his post-graduate training he made a mistake and harassed another student. He acknowledged that he had sent inappropriate emails to the other resident involved and was suspended from the program for one month. He expressed regret for his actions. He has had no further problems.

MOTION	DUDDY moved to grant Scott Roissing, MD, a full and unrestricted license.
2nd	TAURIAINEN
VOTE	7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)
	0 Nay votes
	0 Abstentions

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AGENDA ITEM 8 **In the Matter of Glenn S. Hartig, MD**

Dr. Head offered executive session to Dr. Hartig. Dr. Hartig requests executive session.

MOTION	BREFFEILH moved that in accordance with AS 44.62.310(c) (2), the board go into executive session for the purpose of discussing the matter of Dr. Glen Hartig, MD.
2nd	TAURIAINEN
VOTE	7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)
	0 Nay votes
	0 Abstentions

Off the record 1:32 pm; on the record 1:50 pm.

MOTION PUCKETT moved to restore the license of Glenn Hartig, MD under the terms of a memorandum of agreement with the stipulation that he be monitored by the Investigations Unit for at least the first year.

2nd
VOTE BREFFEILH
7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialinen, Tsigonis)
0 Nay votes
0 Abstentions

Permission was given for an Anchorage board member to sign the memorandum of agreement.

Brian Howes entered the meeting at 1:50 pm.

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AGENDA ITEM 12 Special Applications for Consideration

In the Matter of Brenda K. Hinton, MD

Dr. Breffeilh asked if anyone thought Dr. Hinton's situation rose to the level of requiring an MOA. Following discussion, board members determine an MOA would not be necessary as Dr. Hinton seems to have good control over her situation.

MOTION BREFFEILH moved to grant Brenda Hinton, MD a full and unrestricted license.

2nd
VOTE TSIGONIS
7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialinen, Tsigonis)
0 Nay votes
0 Abstentions

In the Matter of Dag A. Jensen, MD

MOTION HALL moved to grant the license of Dag Jensen, MD under the terms of a memorandum of agreement with a civil fine and a reprimand.

2nd
VOTE BREFFEILH
7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialinen, Tsigonis)
0 Nay votes
0 Abstentions

In the Matter of Adaeze C. N. Okeke, MD

MOTION BREFFEILH moved to grant the license of Adaeze Okeke, MD under the terms of a memorandum of agreement as written.

2nd
VOTE HALL
6 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialinen)
1 Nay vote (Tsigonis)
0 Abstentions

In the Matter of, Daron L. Scherr, MD

Ms. Gallant reported that she discussed with the Investigations Unit whether Dr. Scherr should be put under a memorandum of agreement similar to the one he has with Idaho. It was decided not to pursue that because the nature of the agreement was such that the violation would not have been considered a violation of law in Alaska.

Dr. Scherr requested that only a letter be given him so he won't have to report this incident of failure to disclose.

MOTION PUCKETT moved to grant the license of Daron Scherr, MD under the terms of the

2nd
VOTE

proposed memorandum of agreement as written.

BREFFELH

7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialnen, Tsigonis)

0 Nay votes

0 Abstentions

In the Matter of Otis A. Plunk, MD

Ms. Gallant explained that this case is similar to another failure to disclose case the board reviewed at the April meeting. Dr. Plunk failed to complete CME for Florida and never paid the civil fine. It was a non-disciplinary action in Florida but they reported him as being investigated. Dr. Plunk's situation is expanded in that the Iowa board issued him a warning letter following the Florida situation. This case differs from an earlier, similar one in that with the earlier case, the doctor failed to complete the CME, Dr. Plunk did complete the CME. Florida has specific requirements for the CME. Dr. Plunk completed the specified CME on the Internet but later, after submitting to the Florida board, he was informed that the CME he completed was out of date. Unlike the previous case he did pay the fine, redid the same CME, and complied with everything Florida required. He is currently licensed in both states.

MOTION

2nd

VOTE

TSIGONIS moved to grant a full and unrestricted license to Dr. Otis Plunk.

PUCKETT

7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Taurialnen, Tsigonis)

0 Nay votes

0 Abstentions

Off the record 2:15 pm; on the record 2:28.

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AGENDA ITEM 10

Gary S. Gerlay, MD

Joining the meeting via teleconference were Administrative Law Judge Stanley and assistant attorney general Robert Auth.

Judge Stanley explained he would be the advisor to the board on this matter. It would be up to the board to decide if they want executive session for their deliberations. It is also the board's choice if it wishes to hear from Dr. Gerlay. If Dr. Gerlay is to speak about the proposed order and sanctions, then he must speak on the record. He cannot participate in any executive session deliberation of the board.

Dr. Head advised that the board would give Dr. Gerlay five minutes to speak and would also give assistant attorney general Mr. Auth the same amount of time to speak to the board.

Dr Gerlay explained his actions to the board and defended what he has done. He further asserted that "bad testimony" was made against him during the hearing. He asserted that:

- Practice involved chronic pain patients.
- Practice bad reputation when he bought it and no one wanted to work there.
- He didn't write prescriptions for patients he didn't see.
- He had chronic health issues that kept him up at night.
- He did fall asleep at work, but that was not related to drugs.
- Bad testimony was accepted by the board.
- He denied that any blood draws or blood testing were done in his office.

Dr. Gerley felt that because, when he took over the practice, he started reducing quantities of drugs that patients had been receiving. That created a lot of animosity.

He felt that he has been suspended for two years and that is enough; he would like to get back to work.