

1 Dr. Head indicated that he would need a lot more from Dr. Beirne before he would consider returning a
2 license to him. He was guilty of a lot of significant misconduct that would disqualify him from licensure.

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4 Dr. Duddy agreed with Dr. Breffeilh and felt that the board needed to adopt the ALJ's decision.

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6 Mr. Tauriainen read 12 AAC 40.965. His concern was that the board would be forever banning a doctor
7 because he did something that the board could sanction for. He was not specifically arguing the
8 Beirne case but was arguing for future cases as well. He felt that was too harsh.

9
10 Ms. Gallant pointed out to the board that the board already denied Dr. Beirne's application for a
11 license. About a year and a half ago, the board interviewed Dr. Beirne and denied his application at
12 that time. He appealed that decision and went to hearing and pled his case before the judge. What
13 the board has before them at this meeting is the judge's decision from that hearing.

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15 Mr. Tauriainen's concern was that this could be overturned by a judge in an appeal and that it might
16 be unconstitutional. He thought the foundation for the decision is weak.

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18 Ms. Gallant pointed out that this is the same board, with one exception, who voted to deny Beirne a
19 license a year ago.

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21 Mr. Tauriainen stated that he was not arguing the question of relicensing Dr. Beirne but that he was
22 arguing with the reasoning behind the judge's decision which seems to him to be grossly unreasonable.

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24 **MOTION** **BREFFEILH moved to adopt the decision of the administrative law judge in the**
25 **matter of Mark J. Beirne, MD.**
26 **2nd** **HALL**
27 **VOTE** **6 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tsigonis)**
28 **1 No vote (Tauriainen)**
29 **0 Abstentions**

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31 Dr. Head requested that Ms. Gallant ask the judge if this prohibition in regulation 12 AAC 40.965 is too
32 harsh.

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35 **AGENDA ITEM 2** **In the Matter of Samuel H. Schurig, DO**
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38 Dr. Head summarized for the board members that they already moved to return Dr. Schurig's license to
him under the terms of a memorandum of agreement.

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Ms. Gallant clarified that the MOA has not yet been signed by the board. Dr. Schurig submitted the name of a supervising physician at the April meeting; that physician declined to serve in that capacity. Dr. Schurig had not provided the name of a replacement supervising physician. She did receive a fax document from Dr. Schurig's attorney only a day or two previous to the board meeting in which he requested approval for two new physicians. In addition, if Dr. Schurig goes to a remote location such as Delta Junction or to another city like Soldotna, the board needs to know how he intends to comply with all the provisions of the MOA. She advised that the staff has information to offer to the board regarding the proposed physicians that should be considered before it decides whether to approve them. Additional information on this matter was distributed to the board members at the beginning of the day's meeting.

MOTION **TAURIAINEN** 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. Samuel H. Schurig.

2nd **BREFFEILH**

VOTE **7 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)
0 Nay votes
0 Abstentions

Off the record at 9:53 am; on the record at 10:17 am.

Dr. Head advised the board there are three issues to be decided:

- 1) consider the MOA;
- 2) consider Dr. Andreasson to be a supervising physician;
- 3) consider Dr. Davidhizar to be a supervising physician.

Dr. Breffeilh moved to approve Dr. Laverne Davidhizar as a supervising physician for Dr. Schurig. The motion was seconded by Dr. Duddy. The motion failed by a vote of 0 Yea votes to seven Nay votes.

MOTION **TAURIAINEN** moved to approve Dr. Andreassen to be a supervising physician for Dr. Schurig and to request that Investigator Lee Strout interview Dr. Andreassen and insure he is fully aware of the conditions of the MOA with Dr. Schurig and to insure he understands the requirements of the supervising physician.

2nd **BREFFEILH**

VOTE **7 Yea votes** (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)
0 Nay votes
0 Abstentions

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2 Dr. Head clarified that the board wishes written confirmation from Dr. Andreassen that he fully
3 understands the requirements of a supervising physician and that he agrees to comply with those
4 requirements.

5

6 Dr. Schurig advised the board that he would be commuting to Delta Junction from his home in Eagle
7 River and that he would continue with all his appointments with his treatment providers in Anchorage
8 (Wolf and Schultz).

9

10 Dr. Head again requested that Mr. Strout obtain Dr. Andreassen's written assurance that he understands
11 the requirements being placed on him as Dr. Schurig's supervisor and with the other provisions of the
12 MOA. It is the board's desire that Dr. Schurig succeed in this endeavor. He cautioned Dr. Schurig to be
13 careful to remain in compliance with all provisions of the MOA.

14

15 Dr. Schurig confirmed his understanding of the importance of the MOA and his careful adherence to its
16 provisions.

17

18 Ms. Gallant is to notify Dr. Andreassen of the need for his written understanding of the MOA.

19

20 The board members thanked Dr. Schurig for meeting with them.

21

22

23 **AGENDA ITEM 3** **In the Matter of William M. Palmer, MD**

24

25 Dr. Head was concerned about the amount of the civil fine of this agreement. He would favor
26 suspending the \$2,500 and leaving the fine at \$1,000.

27

28 Ms. Gallant explained to the board that the agreement is exactly in compliance with the board's policy
29 for handling such cases as Dr. Palmer's.

30

31 Dr. Tsigonis asked if there is information in the renewal that addresses how many hours are needed and
32 what to do if you don't have them.

33

34 Ms. Gallant responded that the entire regulations regarding CME are printed in the renewal document
35 and instructions as to what the applicant should do if they do not have the minimum hours.

36

37 Dr. Breffeilh advised that Dr. Palmer is a friend of his and he believes the MOA is appropriate.

38

1 **MOTION** **BREFFEILH moved to approve the MOA.**
2 **2nd** **DUDDY**
3 **VOTE** **7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)**
 0 Nay votes
4 **0 Abstentions**

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8 **NEW AGENDA ITEM** **In the Matter of Lawrence Stanley Jackson, MD**

9
10 Ms. Gallant distributed to the board members the memorandum of agreement with Dr. Jackman which
11 also concerns CME matters. Dr. Jackson could only identify 45.75 hours and was 4.25 hours short of the
12 minimum.

13
14 **MOTION** **HALL moved to approve the memorandum of agreement with Dr. Lawrence S.**
15 **Jackman.**
16 **2nd** **BREFFEILH**
17 **VOTE** **7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)**
18 **0 Nay votes**
19 **0 Abstentions**

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21 **AGENDA ITEM 4** **In the Matter of Frederick T. Waller, MD**

22
23 Ms. Gallant explained that Dr. Waller has had to restrict his practice due to personal health issues. Since
24 the board does not enter into verbal agreements, a non-disciplinary memorandum of agreement was
25 prepared and Dr. Waller has signed off on it. His record is clean with no actions.

26
27 **MOTION** **TAURIAINEN moved to approve the memorandum of agreement with Dr. Frederick**
28 **T. Waller.**
29 **2nd** **BREFFEILH**
30 **VOTE** **7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)**
31 **0 Nay votes**
32 **0 Abstentions**

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35 **AGENDA ITEM 5** **Definition of "Surgery"**

36
37 The board had previously adopted a position on the use of lasers. Dr. John Troxel gave the board a
38 presentation on lasers and it was at that time the board adopted its position. A letter which was

1 received from the American College of Surgeons issued an expanded version of this position. The
2 director of the ACS advised that numerous states and the AMA have adopted this expanded position
3 on the performance of surgery and use of lasers. Ms. Gallant emphasized that this is a board guideline
and not a law.

5
6 Mr. Tauriainen felt that the board has gone far enough with its current position. People get hurt every
7 day by many professionals. It is simply a risk that is taken.

8
9 Dr. Tsigonis was in favor of including the additional language offered by the ACS and liked the idea of
10 making a broader distribution of the board's position.

11
12 **MOTION** **BREFFELH moved to accept the ACS Statement into the board's existing policy**
13 **language on the use of lasers.**

14 **2nd** **HALL**

15 **VOTE** **6 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Tsigonis)**

16 **1 No vote (Tauriainen)**

17 **0 Abstentions**

18
19 Following discussion, the board asked that this new position be distributed to the Alaska State Medical
20 Association, to the boards of nursing, chiropractors, and barbers and hairdressers.

21
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23 **AGENDA ITEM 9** **MICP Scope of Practice Questions**

24
25 As the board prepared to discuss the letter from Dr. David Vastola, Nancy Sanders of the Board of
26 Nursing was connected to the board meeting via telephone.

27
28 Dr. Head noted that the board has addressed this issue in the past on a case by case basis. In those
29 cases, the board requested detailed protocols of what would comprise the arrangement where the
30 paramedics would practice outside the usual scope of practice. He also noted that paramedics do
31 not have the proper training to provide routine care. In his opinion, the occasions where the board has
32 approved paramedics to functions outside their usual scope of practice are situations that required
33 close supervision by sponsoring physicians. He further felt that Dr. Vastola's letter indicates that they are
34 seeking to utilize paramedics as nurses.

35
36 Ms. Sanders felt that as described in Dr. Vastola's letter, the use of the paramedics was actually a
nurse's job. She represented from the nursing community that they would not encourage this practice

1 [using paramedics rather than nurses] but they understand there are some situations that would require
2 it.

3
4 Board members discussed if a medical technician or health aid could provide the services described in
5 Dr. Vastola's letter. One suggestion was that the paramedic under question obtains the health aid
6 training.

7
8 The board requested that Ms. Gallant send a letter to Dr. Vastola describing what has been done in the
9 past [in permitting paramedics to practice outside their normal scope] and to request he provide
10 additional details about the specific situation he references in his letter, perhaps to be present by
11 telephone at the next meeting. The board asked this be returned to at the next meeting for further
12 discussion.

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15 **AGENDA ITEM 6 Full Board Interview – Barbour, Youssef Khaled, MD**

16
17 Dr. Barbour was scheduled to be present for a full board interview but he did not appear. He was
18 contacted by telephone and would appear later in the meeting. He advised he did not get the letter
19 scheduling him for the meeting.

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22 Off the record at 11:23 am; on the record at 1:09 pm.

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25 **AGENDA ITEM 7 Full Board Interview – Zarembo, Claudette Ann, MD**

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27 Dr. Zarembo was present to discuss her application for an Alaska license with the board. Dr. Head
28 offered to her the opportunity to go into executive session for her interview. She declined the offer.

29
30 Dr. Zarembo advised that she holds three licenses (Colorado, Wyoming and California) and there are
31 no issues with any of them.

32
33 Ms. Gallant reviewed with the board the summary of Dr. Zarembo's application and the processes
34 involved in obtaining additional information for the board's consideration.

35
36 The board discussed with Dr. Zarembo her responses in the application to questions regarding her
37 postgraduate training, her criminal background, her malpractice history, her license history in the state
38 of Colorado including an application withdrawal, and her personal health history. They also discussed

1 her failure to notify the Colorado board about her conviction and her incorrect responses to the two
2 renewals of her Colorado license that asked about criminal convictions.

3
4 Dr. Duddy stated that Dr. Zaremba has been "less than straightforward" in her dealings with the board.
5 He was concerned about her failure to disclose important information in her application and to the
6 Colorado board.

7
8 Dr. Head summarized the case with the opinion that Dr. Zaremba should definitely have responded
9 'yes' to questions 22, 28a, 30a, and 37.

10
11 One point of some discussion was that after advising Dr. Zaremba to withdraw her application, the
12 Colorado board subsequently licensed her and back dated her license to the earlier date. The back
13 dating of the issued license sent a confusing message regarding Colorado's perspective on the
14 application.

15
16 Dr. Breffeilh asked that whatever action the board elected to take, that it not make the action so
17 onerous that SEARHC would find her unemployable. He wanted to avoid using the word
18 "probationary." Dr. Head agreed and suggested that a proposed motion include disciplinary sanctions
19 consistent with past actions.

20
21 **MOTION** **HALL moved to grant a license to Dr. Zaremba with a memorandum of agreement**
22 **to include a \$4,000 civil fine, a reprimand, and a requirement to meet with the**
23 **board at the Juneau meeting [April board meeting].**

24 **2nd** **BREFFEILH**

25 **VOTE** **7 Yea votes (Head, Breffeilh, Duddy, Hall, Puckett, Taurainen, Tsigonis)**

26 **0 Nay votes**

27 **0 Abstentions**

28
29 The board wishes Dr. Zaremba to meet with them at the April meeting [in Juneau] to see how she is
30 doing in Sitka.

31
32 Dr. Head authorized an Anchorage board member to sign off on the MOA on his behalf. Ms. Gallant
33 will have a draft of the MOA sent to Dr. Head before it is executed.

34
35 Ms. Gallant advised Dr. Zaremba to notify the states where she is licensed of the Alaska action
36 immediately. She also noted that this is a formal board action and will be reported to all appropriate
37 authorities and copies will be provided to her states of licensure.

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AGENDA ITEM 6 Full Board Interview – Barbour, Youssef Khaled, MD

Dr. Barbour appeared to discuss his application with the board.

Dr. Duddy was consulted to review Dr. Barbour's application. He wanted to clarify Dr. Barbour's examination history where he failed Step 3 of the USMLE two times before passing it on the third attempt.

Dr. Barbour advised that he sat for Step 3 before starting his residency program. He also had personal family issues during the times that he was sitting for the examination. He did experience a little confusion with the examination questions. He ultimately scored the highest in his class.

Ms. Gallant confirmed with Dr. Barbour that he was licensed in both Syria and Ohio. He failed to list these licenses in his application. She reminded him to include all his licenses in such applications.

MOTION **HALL moved to grant a license to Dr. Youssef Khaled Barbour, MD.**
2nd **TAURIAINEN**
VOTE **7 Yea votes (Head, Breffellh, Duddy, Hall, Puckett, Tauriainen, Tsigonis)**
0 Nay votes
0 Abstentions

AGENDA ITEM 8 New Regulations Project

The board reviewed the proposed regulations changes in the meeting book.

With regard to regulation 1, changes to 12 AAC 40.405, this was a part of the larger project that changed the physician assistant regulations. This part was redacted out from the larger project and re-written by the regulations attorney, Steve Weaver.

Regarding proposed regulation No. 2, this change to the paramedics' continuing education language was voted on by the board at the July 2006 meeting.

Proposed regulation No. 3 is a new paragraph that is being requested by the staff. This exact regulation appears in the laws of some of the other boards. The additional of this language would give greater weight to the board's decisions on failure to disclose cases. Mr. Tauriainen pointed out that there should

1 be a phrase inserted regarding "the denial or an application for licensure." That proposed language
2 was inserted in the proposed draft.

3
4 Changes to regulation 12 AAC 40.025, No. 4, are housekeeping changes that will add greater clarity to
5 the existing regulation.

6
7 Proposed regulation No. 5 is also a housekeeping change that will make this regulation consistent with
8 other regulations regarding continuing medical education requirements.

9
10 Proposed regulation No. 6 is the regulation that was drafted by the board and ophthalmology
11 representatives to resolve the problem of doctors leaving their post-surgical patients in the care of
12 others who are not physicians.

13
14 Number 7 is a proposal to add a clear statement to the regulations that the performance of
15 independent medical evaluations is the practice of medicine and requires a license. There is another
16 version of this proposed regulation being offered by Dr. Larry Kropp, a pain management specialist,
17 which includes more language to this proposed regulation.

18
19 Dr. Duddy wished to include language that makes IME doctors accountable as this is a true problem for
20 both the patients and their physicians.

21
22 Dr. Breffeilh felt it would be advantageous to include language regarding expert witnesses.

23
24 Dr. Head suggested adopting the shorter version of the proposal and working separately on the expert
25 witness issue.

26
27 Regulation No. 8 in the package is the restoration of a regulation from the physician assistant project
28 that the staff believes was inadvertently dropped. The staff is requesting the board restore this
29 regulation.

30
31 Mr. Hall asked if physician assistants or other midlevels could be added to the proposal No. 6. He
32 wanted to make sure that the regulation did not exclude physician assistants. Drs. Head and Duddy did
33 not believe the regulation would exclude PAs from performing such tasks as designated by their
34 collaborative physicians.

35
36 Dr. Head felt that physician assistants are still covered by the proposed language and that is not
37 necessary to add other language. He felt it should go to public comment as offered.

