

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 13, 2020

1:35 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator Natasha von Imhof, Vice Chair
Senator Cathy Giessel
Senator Tom Begich

MEMBERS ABSENT

Senator Mike Shower

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

State Medical Board
Christopher Gay - Anchorage
Steve Parker - Palmer
Richard Wien - Sitka

- CONFIRMATIONS ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

CHRISTOPHER GAY, M.D., Appointee
State Medical Board
Department of Commerce, Community and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Testified at appointee to the State Medical Board.

STEVE PARKER, M.D., Appointee
State Medical Board
Department of Commerce, Community and Economic Development
Palmer, Alaska

POSITION STATEMENT: Testified at appointee to the State Medical Board.

RICHARD WEIN, M.D., Appointee
State Medical Board
Department of Commerce, Community and Economic Development
Sitka, Alaska

POSITION STATEMENT: Testified at appointee to the State Medical Board.

ACTION NARRATIVE

[1:35:00 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Giessel, Begich, and Chair Wilson. Senator von Imhof arrived as the meeting was in progress.

CONFIRMATION HEARING(S) **State Medical Board**

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CHAIR WILSON announced the confirmation hearings for the governor's appointees to the State Medical Board.

He informed members that Dr. Abbate notified his office that morning that he was withdrawing his name. He turned to the first appointee on the agenda and asked Dr. Gay to speak to why he wants to serve on the board.

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CHRISTOPHER GAY, M.D., Appointee, State Medical Board Department of Commerce, Community and Economic Development (DCCED), Anchorage, Alaska, said he has a background in interventional pain management. Opioids and pain management are a big issue across the country, especially in Alaska. He said he brings his expertise in opioids and pain management to the board. He is interested in making sure that patients in the state are safe and that providers are following the law. Legislators spent time crafting statutes that the board interprets and enforces. The board's duty is to help police medical professionals and provide good, safe access to care for all Alaskans.

DR. GAY said that he grew up in eastern North Carolina with people similar to the ones he meets in Alaska. He performed his medical training in anesthesiology and pain management at Columbia University and worked at one of largest pain management practices in northern Virginia. He has lived in different parts

of the country and has observed different laws. He said he is excited to be an asset to the board in terms of providing specific background information for some of the pain-related issues the state faces.

CHAIR WILSON asked if he had read the last review from the state ombudsman. One of its findings was the lack of regulations regarding the PDMP [Prescription Drug Monitoring Program], the number of physicians not registered with the PDMP, and no follow through on registration. He said the expectation is for the board to develop regulations to address this finding. He asked about his general philosophy about the PDMP.

DR. GAY replied he finds the PDMP useful. His patients are in pain and some were on prescription pain medication before seeing him. Being able to review his patient's history, including the number of providers the patient has seen is invaluable for him or anyone prescribing controlled substances. He said there are different categories of controlled substances and one of the biggest complaints he hears from physicians is that some controlled substance medications are not necessarily addictive. Prescribing controlled substances puts an onerous burden on physicians. In general, the registry is very useful, but some things could be tweaked.

CHAIR WILSON said there is some discussion of removing veterinarians from the PDMP requirement.

DR. GAY replied his initial reaction is mixed because some veterinarians are prescribing controlled medications that can be diverted. It could be useful to make a list of medications to be used with the PDMP. Certain antiseizure medications do not have a high addictive value but are still controlled. To have to check the registry every time those are prescribed can be an undue burden on veterinarians and physicians alike.

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SENATOR GIESSEL asked if had served on a health care regulatory board before.

DR. GAY answered no.

SENATOR GIESSEL asked why he was interested in serving on this board.

DR. GAY answered that during his five years in the state, he has seen instances of providers engaged in behavior that is less

than the standard of care. He and his family plan to be in Alaska a long time and he wants the state to have providers who will do the right thing for him, his family members, and other Alaskans.

SENATOR GIESSEL said that is a great reason. She asked if he applied for the position out of interest or if he was solicited to apply.

DR. GAY indicated he was not solicited to apply.

SENATOR GIESSEL asked him to describe the role of the board.

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DR. GAY responded that he views the board as an interpreter. Statutes are made by the legislative body and the board translates those into actionable items for providers and ensures that the laws are enforced. The board determines whether statutes and regulations are violated and ultimately decides if a response is needed.

SENATOR GIESSEL said he seems to be aware that the board is a quasi-adjudicatory body with investigators who work under board's guidance. The board itself makes judgements, similar to a jury. She relayed that the state is in a quandary about veterinarians dispensing from their clinics for animals. One of the common medications veterinarians prescribe is a controlled substance, tramadol, which in rural villages sells for a high price per pill. She said tramadol has been listed as a controlled substance and veterinarians have asked if the owner or the pet name should be entered in the PDMP. She asked him to ponder that issue and pass along any advice he may have.

DR. GAY said he would think about it. He offered that given the structure of the PDMP and the way it is queried, there could be an issue either way.

SENATOR GIESSEL, noting that every person on the State Medical Board will be new, asked if he has been offered any orientation.

DR. GAY answered nothing formal but he understands that there will be some orientation at the next board meeting. Also, some resources have been made available so board members could orient themselves on policies, procedures, and regulations related to the board.

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SENATOR BEGICH referenced his statement about bad provider performance and asked if he referred those bad providers to the board.

DR. GAY replied the short answer is no. The longer answer is that he sometimes finds out about them after the fact or through hearsay. He expressed interest in finding out more about the avenues in which the providers have been brought to justice.

SENATOR BEGICH asked if he was familiar with the issue of [transferring oversight of paramedics from the State Medical Board] and if he had an opinion.

CHAIR WILSON clarified that emergency medical technicians (EMTs) are under the State Medical Board. Under SB 173, that authority would be moved to the Department of Health and Social Services (DHSS), where all the rest of the Emergency Management System (EMS) is housed. The only thing not handled by the EMS is the issuance of licenses for medical technicians, which is done through the medical board. The previous State Medical Board supported this change, but the committee was interested in the views of the new board.

DR. GAY said he was not familiar with the proposed change, but given the information just provided, it makes sense to have the licenses regulated by DHSS. He added that he reserves the right to change his opinion.

CHAIR WILSON clarified that it is for licensed mobile intensive care paramedics.

SENATOR BEGICH expressed surprise that Dr. Gay was not familiar with the issue. He offered that Dr. Gay's credentials looked great and he appreciated the comments about his intentions and reasons he applied.

CHAIR WILSON noted that SB 173 was in the Finance Committee. That would be a question to follow up on in the Senate Finance Committee.

SENATOR GIESSEL reported that at noon President Trump declared a national emergency or disaster and referenced removing the regulatory restrictions on physicians providing care across state lines, regardless of licensure in those respective states. She asked Dr. Gay if he had an opinion on that.

DR. GAY replied the board will need to make a state-level assessment of what Alaska needs. If it is in the best interest of the state, he would be in agreement with that proposal, but he would certainly impose a time limit.

SENATOR GIESSEL agreed there are some elements of concern. She characterized Alaska is as an end-of-the-road location and sometimes people come to Alaska to escape their records in other states. She offered her belief that having the door wide open can be a double-edged sword.

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CHAIR WILSON thanked Dr. Gay for putting his name forward.

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STEVE PARKER, M.D., Appointee, State Medical Board, Department of Commerce, Community and Economic Development (DCCED), Palmer, Alaska, said he has a family medical practice that offers a wide spectrum of care, including veteran care at the Palmer Pioneer Home. He was raised in Michigan and studied at Michigan State University College of Human Medicine. He served nine years of active duty in the U.S. Army. He practiced obstetrics in Michigan and in 2009 moved to Alaska where he continued in obstetrics until about 2012. At that time he opened his own clinic.

DR. PARKER said the military provided lots of opportunity for leadership. He has served as a medical and clinic director and has been involved in numerous committees through the military. He has been active in hospital committees in Michigan and at Mat-Su Regional Hospital. His current interest in the medical board was sparked by his own interaction with the board. After 30 years of practicing medicine, he had his first patient complaint. He thought it was frivolous, yet it took two years to complete the process and the outcome was confusing. Through this process, he realized that the board could have significant impact on medical providers and patients. He said he hoped to assist his colleagues by making accurate and efficient investigations and by focusing on complaints that have a strong potential for improving patient care. He said his experience with the board could adversely affect attracting quality medical talent to the state. That is an important issue since Alaska needs more physicians. When the state attracts good medical talent, it protects patients from poor medical practices.

DR. PARKER said the PDMP can be burdensome for some of the less scheduled medications. He would encourage a focus on the highly

addictive medications, as previously discussed by Dr. Gay. Using the PDMP creates a record, which shows usage.

DR. PARKER said he does not have a lot of insight into the EMT issue, although he agreed with Dr. Gay that there did not seem to be any reason not to transfer paramedic licensure to DHSS.

CHAIR WILSON said the issue with the PDMP is that a number of physicians are not registered to use the PDMP but are licensed through the DEA. The audit concern was that the board needs to develop regulations to enforce registration with the PDMP by those licensees. He asked the appointees to think about that issue. The second issue related to veterinarians using the PDMP and whether they should track the controlled substance through the animal's name, the radio frequency tag, or the owner. He asked Dr. Parker for his initial reaction.

DR. PARKER said he thinks the only way to track the controlled substance would be through the dog owner, but he would need to consider it further.

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SENATOR VON IMHOF said this is an example of the interesting conundrums this board will be facing. She noted his motivation for joining the board and offered her belief that there will be different challenges and consequences to consider.

SENATOR GIESSEL asked how he would describe the role of the State Medical Board.

DR. PARKER responded that the State Medical Board must license good, talented physicians and other medical personnel to make sure these professionals regulate their practices in a way that meets a level of care. The board looks for practices that fall out of line and either corrects or disciplines those medical professionals. At the same time, the board potentially helps medical providers who are out of the norm to effectively be rehabilitated to a better mode of practice.

SENATOR GIESSEL said she particularly appreciated helping MDs "out of the norm" to get rehabilitated because health care professionals are just as susceptible to addictive behaviors as the general population and sometimes the board must deal with that issue. She asked his opinion of the emergency regulation to allow physicians to move from state to state without requiring further licensure from the states.

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DR. PARKER said if there is a true emergency and someone can review the other state's licensing board, he dd not see any difficulty with bringing people in for a short period of time, but the timeline should be well delineated.

SENATOR GIESSEL noted the lack of experience in the new board and suggested he review the State Medical Board's most recent sunset audit. She explained that all boards and commissions have sunset audits, which scrutinize and evaluate how well the board fulfills its mission. Audits highlight board deficiencies as well as positives, which can be useful.

CHAIR WILSON asked about his role at the Palmer Pioneer Home.

DR. PARKER answered that he is the medical director. About 15 patients are veterans. His contract is through the state. The vast majority of these veterans have dementia, but he also has some private patients at the Pioneer Home.

CHAIR WILSON asked if he generally sees the veterans at the Palmer Pioneer Home, which is a Veterans home.

DR. PARKER answered yes; he sees just one wing.

CHAIR WILSON asked what the Pioneer Home is doing to ensure the health and safety of the residents during Covid-19.

DR. PARKER replied people who are sick are not coming to the Pioneer Home; there are sanitizer stations throughout the building; and sick people are quarantined. He said he does not believe that has changed from the influenza season to the coronavirus season.

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CHAIR WILSON thanked him for being willing to serve on the board and invited Dr. Richard Wein to testify.

2:09:40 PM

RICHARD WEIN, M.D., Appointee, State Medical Board, Department of Commerce, Community and Economic Development (DCCED), Sitka, Alaska, gave his adoptive Tlingit name and said he is a member of the Wolf house and his moiety is Eagle. He is a physician and surgeon and has spent more than 20 of his 40 years of clinical and administrative experience in Sitka. He is board certified by the American Board of Surgery and a fellow of the American College of Surgeons. He has a Doctor of Medicine from Tufts

University School of Medicine, a bachelor's degree from Columbia University, and a master's degree in journalism from the Columbia Graduate School of Journalism. Throughout his career, he has been a strong patient advocate. Through his many years of clinical practice, he has a strong background in quality assurance. He is well versed in reviewing medical charts. He learned how to review credentials. That is one of the major things a board member does as far as credentialing. He has been chief of staff at a hospital with more than 520 physicians. He has been director of surgery for more than 125 surgeons. He has been a division chief of general surgery for 26 surgeons, and he has been on the executive committee of the board of a large hospital group.

DR. WEIN said he is aware of the issues facing the board and looks forward to helping it address and solve these issues and move forward to promote the highest health care standards for the state and its citizens. The board members are all new so they are on a steep learning curve. As far as orientation, the board met and had an excellent presentation on constructing emergency regulations. These orientations will be regularly scheduled. Clearly, the major portion of training will be board members reviewing various regulations and statutes governing how the board functions.

DR. WEIN said that as far as the PDMP, he remembers the old days when the pharmacist would advise him if patients had surreptitiously been getting prescriptions. The PDMP is excellent and needs to be optimized. As far as veterinarians using the PDMP, he believes that any controlled substance is a substance that can be abused and veterinarians need to be registered. One way to handle a veterinarian situation is to get a urine test from the dog or cat to ensure that the medications are being utilized. In Sitka, ketamine, which is an abused substance, was stolen from a vet clinic. At that time, he thought the regulation should require that any controlled substances must be handled in same way that a hospital or clinic does, including a lockup with records of distribution.

DR. WEIN said as far as EMS, it is not necessarily a good idea to fragment health care administration. He would need to take a closer look at that since paramedics deliver medications and perform procedures in the field.

DR. WEIN said regarding moving practitioners across state lines, the board needs to develop a "hyperpath" to get licensed. The state must have documentation that someone is duly licensed in

one state. These days that is easily done. The board needs to recognize the emergency nature of this and allow appropriately-licensed physicians to come to the state.

DR. WEIN said he is aware of the challenges facing the board and looks forward to helping it be the best it can be.

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SENATOR GIESSEL asked him to talk about being placed on administrative leave from the Sitka Community Hospital, as reported in an article from February 28, 2017.

DR. WEIN clarified that he was not placed on administrative leave; it was that his contract was not renewed. He said it was a situation involving employment aspects and that none of the issues were about patient care or his interactions with patients.

SENATOR GIESSEL thanked him for his answer.

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SENATOR BEGICH asked how many times he has referred someone to the board for bad practice.

DR. WEIN said he has not done that individually in Alaska. In New Jersey, as chief of staff, he routinely had to deal with physicians who were having difficulties and he suspended three to five of them. In New Jersey, by statute, someone suspended is automatically reported to the board. In Alaska, he has had great difficulty in moving things forward as he tried to go through a chain of command.

SENATOR BEGICH asked if there were any other times when his contract was not renewed.

DR. WEIN answered that he worked for SEARCH [Southeast Alaska Regional Health Consortium] for about 10 years. He signed a nondisclosure agreement and when he left SEARCH gave him a generous severance. He said he cannot speak of the matter. After he left Sitka Community Hospital, he served as an assemblyman in Sitka. Seven of his 10 years at SEARCH, he was on call 24/7. For many years he was only the surgeon at Sitka Community Hospital. He treats his patients well, enjoys the practice of medicine and sometimes things happen and people move on.

SENATOR BEGICH said legislators are charged with the responsibility of determining that people appointed to

regulatory boards, especially those that regulate professionals who manage life decisions, are fair and equitable. He said I hope you understand the reasons committee members must ask these questions.

DR. WEIN replied he appreciates it and welcomes it. He would be happy if SEARCH released him from the nondisclosure agreement so that he could speak freely about it, but there are no health care issues. He worked diligently and cared for tens of thousands of people. He has nothing to be concerned about in relation to his professional care. He has a great knowledge about how medicine works.

SENATOR GIESSEL asked where his clinical practice is currently.

DR. WEIN answered that he is retired from surgery. He serves on the Sitka assembly. Patients still come to him and ask him for advice about their current care. He advocates for them when patients have trouble understanding what their physicians have told them. He will speak with their physicians and help guide them through what is sometimes a complicated maze. After more than 40 years of practice, it is still important to advance the cause of patient advocacy.

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CHAIR WILSON opened public testimony and after ascertaining no one wished to testify, closed public testimony on the confirmation hearings.

[2:27:25 PM](#)

At ease

[2:27:40 PM](#)

CHAIR WILSON reconvened the meeting and solicited a motion.

[2:28:20 PM](#)

At ease

[2:28:26 PM](#)

CHAIR WILSON reconvened the meeting.

SENATOR VON IMHOF stated that in accordance with AS 39.05.080, the Senate Health and Social Services Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

State Medical Board

Christopher Gay - Anchorage
Steve Parker - Palmer
Richard Wien - Sitka

[Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.]

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There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee at 2:29 p.m.