

**BEFORE THE STATE OF ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL BY THE ALASKA STATE MEDICAL BOARD**

In the Matter of:)	
)	
KURT E. SORENSON,)	
)	
Respondent.)	OAH No. 05-0656-MED
_____)	Board No. 2808-04-0001

DECISION

I. Introduction

The division of corporations, business and professional licensing filed an accusation requesting the imposition of a disciplinary sanction on Kurt Sorenson, a licensed mobile intensive care paramedic, on the ground that he had had been convicted of fourth degree misconduct involving a controlled substance, a class C felony.

Mr. Sorenson requested a hearing. The case was referred to the Office of Administrative Hearings and the assigned administrative law judge conducted an administrative hearing on November 29, 2005.

The administrative law judge recommends that the board issue a reprimand and impose a civil fine of \$5,000.

II. Facts¹

Kurt Sorenson trained as a mobile intensive care paramedic in 1987-1988 and received his initial Alaska license in 1988,² as an employee of the Anchorage Fire Department.³ Mr. Sorenson regularly renewed his license renewed over the years as he continued his employment with the fire department, regularly receiving “above average” or “outstanding” evaluations.⁴ By

¹ The division objected to the admission of a variety of documents on the grounds of hearsay or relevance. In a proceeding under the Administrative Procedure Act, the technical rules of evidence (other than privilege) do not apply. Hearsay is admissible but a fact finding may not be based entirely on hearsay. AS 44.62.460(d). The relevance of the exhibits has been considered in the significance attached to them; no findings have been made that are based solely upon inadmissible hearsay. *See infra*, notes 6, 8, 10, 13, 16.

² Ex. 5 at 220, 222, 227. Mr. Sorenson’s training was in Colorado, and he was licensed in that state shortly before he obtained his Alaska license. *Id.*

³ Ex. 5 at 218.

⁴ Ex. E.

1998, he was the afternoon shift supervisor and by 2003 he was battalion chief for the emergency medical service component of the fire department.⁵ Mr. Sorenson was highly respected within the department, both for his professionalism and his character⁶ and was active in efforts to improve emergency medical services in the community.⁷

Beginning in 2002, Mr. Sorenson was under a psychiatrist's treatment for depression and anxiety.⁸ He was treated with Lexapro, Wellbutrin and Xanax. In January, 2004, Mr. Sorenson discontinued the Xanax. In April, 2004, his psychiatrist placed him back on Xanax, with a daily 2 mg dosage, and a second tablet as needed. Among the possible side effects of Xanax are memory impairment and drowsiness or, with changes in dosage, insomnia.⁹

In mid-May, 2004, Mr. Sorenson was assigned to a three-member task force to review a proposed departmental reorganization and make recommendations to Fire Department Chief John Fullenwider.¹⁰ Mr. Sorenson's work for the task force involved soliciting input from affected personnel as well as attending meetings, at times outside of his paid work hours.¹¹ By mid-June, Mr. Sorenson was overworked and under-rested: he began making mistakes at work, such as forgetting meetings or failing to fill in forms.¹² Mr. Sorenson, who was experiencing difficulty in sleeping,¹³ began working excessive overtime, working more than 160 hours in a two-week period. This led to an admonishment from Chief Fullenweider.¹⁴

Among other duties, as the battalion chief Mr. Sorenson was required to maintain, inspect, and ensure the accuracy of drug distribution logs kept by the fire department to conform with

⁵ Ex. E.

⁶ Ex. F (testimonials); Ex. K (awards). The division's objection to Exhibit F is denied. *See* Evidence Rule 803(21).

⁷ Ex. J.

⁸ Ex. G. The division's objection to Exhibit G is denied. Mr. Sorenson testified as to his course of treatment, and his doctor's letter supplements and explains his testimony.

⁹ Ex. G (9/26/05 web posting).

¹⁰ Ex. D (5/14/2004 email, K. Sorenson to garbe@uaa.alaska.edu); Ex. I (6/4/2004 email, K. Sorenson to D. LeBlanc). The division's objection to Exhibits D and I is denied. Mr. Sorenson testified as to his work with the task force, and the referenced emails supplement and explain his testimony. In addition, because Mr. Sorenson testified on the topics covered in his own emails, to the extent inconsistent with Mr. Sorenson's testimony they are admissible pursuant to Evidence Rule 801(d)(1)(A)(i) and to the extent consistent with his testimony they are admissible pursuant to Evidence Rule 801(d)(1)(B). The shift records are admissible as business records. Evidence Rule 803(6).

¹¹ Ex. I (5/23/2004 email, K. Sorenson to AFD personnel).

¹² *E.g.* Ex. I (6/14/2004 email, K. Sorenson to M. Crotty; 6/23/2004 email, K. Sorenson to M. McNamara; 6/28/2004 email, K. Sorenson to J. Kiewik).

¹³ Ex. G. *See also* emails at Ex. I (6/4/2004, K. Sorenson to R. Harris, *et al.*; 6/11/2004, K. Sorenson to M. Jones). In addition to any other grounds for admission, Mr. Sorenson's prior out of court statements regarding his physical and mental condition are admissible under Evidence Rule 803(1) and (3).

¹⁴ Ex. D (7/7/04 email, Fullenweider to Le Blanc); Ex. I (7/16/2004 email, K. Sorenson to R. Harris *et al.*).

state and federal law. Under the fire department's drug inventory control system, the battalion chief distributes drugs to the various emergency medical service units. Each transaction is recorded on two separate inventory sheets, with a total of four signatures: the battalion chief maintains an inventory record showing each transaction involving the distribution of drugs to individual units, initialed by the battalion chief ("controller") and the receiving unit personnel ("witness");¹⁵ each individual unit maintains a separate inventory record of the same transaction, showing the receipt of the drugs, also initialed by both the individual unit's personnel ("controller") and the battalion chief ("witness").

In the spring of 2004, it was not unusual within the fire department for drug inventory logs to be improperly maintained and to lack one or more signatures.¹⁶ At times, supervisory officials with responsibility for the logs were unable to determine who should have signed.¹⁷ Audits discovered that a high proportion of drug kits had improper paperwork.¹⁸

On three occasions in the summer of 2004, Mr. Sorenson knowingly omitted material information from a drug inventory log. In the first instance, on June 26, Mr. Sorenson initialed an inventory log as controller indicating that he had issued three tubexes of a controlled substance, without obtaining the initials of the recipient as witness. (Mr. Sorenson noted in his journal for that date that he did not have the log with him at the time of the transaction, and that he would "complete the paperwork...tomorrow.")¹⁹ In the second instance, alleged to have occurred on July 25,²⁰ Mr. Sorenson signed an inventory log as controller indicating that he had issued three tubexes of morphine and five tubexes of fentanyl to Medical Unit 12; he obtained a witness signature on that log from a member of Medical Unit 12, but on the corresponding inventory log for Medical Unit 12, only the fentanyl, and not the morphine, was recorded.²¹ In

¹⁵ See Controlled Medications Policy, §1.5 (all transactions require four signatures on two separate forms).

¹⁶ Ex. C (3/11/2004 email, R. Parry to S. Threadgill *et al.*); Ex. I (5/23/04 email, K. Sorenson to AFD personnel). The division's objection to Exhibits C is denied. Mr. Sorenson testified as to widespread problems with maintaining the drug inventory logs, and the referenced emails supplement and explain his testimony.

¹⁷ *Id.*

¹⁸ Ex. C, p. 6 (7/4/2004 email) and p. 3 (3/11/2004 email re DEA audit); Ex. I (5/23/2004 and 6/1/2004 emails, K. Sorenson to AFD personnel)).

¹⁹ Ex. B, pp. 1-2. A subsequent review of the inventory logs sheets of the various emergency services units revealed that none of the units had recorded receipt of the drugs.

²⁰ According to the records in evidence, the transaction in question occurred on July 24, not on July 25.

²¹ The substance of the criminal charge, apparently, is that Mr. Sorenson knowingly omitted the morphine from the Medical Unit 12 when he signed that unit's inventory log as a witness. However, the individual who signed as the witness on Mr. Sorenson's inventory log, not Mr. Sorenson, would have had the primary responsibility for the information recorded on Medical Unit 12's inventory log. Given that fact, and the misdated information, the basis for Mr. Sorenson's criminal liability for this transaction is unclear.

the third instance, on August 16, Mr. Sorenson signed an inventory log as controller indicating that he had issued three tubexes of morphine and two tubexes of fentanyl to fire department employee Jamie Anderson, but he did not record the unit to which Mr. Anderson was assigned.²²

On September 10, 2004, Mr. Sorenson was placed on administrative leave as a result of the omissions on the drug inventory logs.²³ Later that fall, his psychiatrist transitioned him off Xanax and onto Nerontin; Mr. Sorenson's sleeping and short term memory improved.²⁴ Early in 2005 he was terminated from his position with the Anchorage Fire Department, and on January 1, 2005, he was convicted on three counts of violation of AS 11.71.040(a)(8), a class C felony, under a plea agreement for a suspended imposition of sentence. His current license will expire, unless renewed, on December 31, 2006. Because Mr. Sorenson lacks a physician sponsor, he is presently unable to practice under his license.

III. Discussion

A. The Board Has Statutory Authority, in its Discretion, to Impose a Sanction.

Under AS 08.64.326(a)(4)(B), a Class B or C felony conviction that is substantially related to the qualifications, functions, or duties of a licensee is grounds for imposition of a disciplinary sanction. Under AS 08.64.326(a)(9), unprofessional conduct, defined by 12 AAC 40.967(17) as including a felony conviction, is separately grounds for imposition of a disciplinary sanction.

Mr. Sorenson's conviction is subject to the provisions of AS 12.55.085, under which the conviction may be set aside after Mr. Sorenson's term of probation ends. If the conviction is set aside prior to the imposition of a disciplinary sanction, it will be necessary to determine whether a sanction may be based upon a conviction that has been set aside.²⁵ However, because the conviction has not yet been set aside, and may not be, it may at present be considered as grounds for imposition of a disciplinary sanction.

²² In this instance the material omission, apparently, is the identity of Mr. Anderson's unit. According to the information, an "audit failed to reveal the three tubexes of morphine being issued to or received by [any fire department unit]." R. 0108.

²³ Ex. C (Index).

²⁴ Ex. G.

²⁵ See *Platt v. State, Division of Occupational Licensing, Alaska Board of Nursing*, No. 3KN-04-663 CI (Superior Court, Memorandum Decision and Order, October 10, 2005), *on appeal*, *State v. Platt*, No. S-12173.

The conviction is for a class C felony, and Mr. Sorenson does not dispute that it is substantially related to the qualifications, functions or duties of a licensee. Accordingly, the board has statutory authority, in its discretion, to impose a disciplinary sanction.

B. A Civil Fine is Warranted.

Imposition of a disciplinary sanction, and the nature of the sanction imposed, if any, are within the discretion of the board.²⁶ The available disciplinary sanctions, which may be imposed singly or in combination, include permanent revocation, suspension, censure, letter of reprimand, probation (with associated requirements), limitations or conditions on the license, or a civil fine.²⁷ In determining whether imposition of a disciplinary sanction is appropriate, and the nature of the sanction, if any, the board must be consistent.²⁸ To maintain consistency, significantly different outcomes in cases involving similar situations must be explained.²⁹ In making its decision, the board should consider any relevant facts, including: (1) the nature and circumstances of the conduct authorizing the imposition of a disciplinary sanction; (2) the licensee's, experience, and professional record, and (3) any other relevant information.³⁰

(1) Nature and Circumstances of the Conduct

In this case, the board's authority to impose a sanction is based on a felony conviction. The conviction was for violation of AS 11.71.040(a)(8), misconduct involving a controlled substance in the fourth degree. This provision prohibits knowingly furnishing false or fraudulent information, or omitting material information, from a record required to be kept under AS 17.30. The inventory logs maintained by Mr. Sorenson are among those records.

As a class C felony, Mr. Sorenson's conviction was the least serious type of felony conviction. Furthermore, within the range of conduct subject to a conviction under AS 11.71.040(a)(8), Mr. Sorenson's conduct was less culpable than other possible violations, because the charging document does not allege any improper motive: to the contrary, the criminal charges against Mr. Sorenson lack any allegation of fraud or entry of false records. In summary, while the violation involves criminal conduct associated with controlled substances, the specific conduct alleged is among the least serious within the scope of AS 11.71: erroneous

²⁶ See Wendte v. State, Board of Real Estate Appraisers, 70 P.3rd 1089, 1093 (Alaska 2002).

²⁷ AS 08.64.331(a).

²⁸ AS 08.64.331(f).

²⁹ *Id.*

³⁰ See generally, 12 AAC 40.055(b), 12 AAC 40.967.

record-keeping by omission of material information, albeit with knowledge of the error. Furthermore, the record indicates that Mr. Sorenson's offense was not an isolated occurrence in the fire department, and that similar record-keeping offenses had likely occurred, involving other personnel, on a number of occasions.

Despite these indications that Mr. Sorenson's conduct should be viewed as less serious than other conduct associated with a felony conviction, the relationship between the conviction and his duties as a licensee is direct and close, rather than indirect or attenuated. In addition, as the supervisor with primary responsibility for maintaining accurate records, and with particular knowledge of both the requirements of law and of applicable fire department policies, Mr. Sorenson's repeated failure to maintain accurate records is relatively more serious with respect to his obligations as a licensee.

On balance, notwithstanding the direct correlation between Mr. Sorenson's conviction and the requirements of his position and license, and his supervisory position, his conviction is among the least serious range for purposes of a disciplinary sanction because it is a class C felony, there was no allegation of an improper intent, and his conduct posed no risk of harm to a patient.

(2) Licensee's Skills, Experience, and Professional Record

Mr. Sorenson's record as a licensee is exemplary. He has been twice named paramedic of the year, and he is highly regarded within his community of professional peers.

(3) Other Relevant Circumstances

Mr. Sorenson's offenses occurred during a period of time when he was working unusually long hours and experiencing difficulties in sleeping and in short-term memory. He was under professional care for stress and anxiety and was taking medications that could have affected his short-term memory. Mr. Sorenson's criminal conduct may be viewed as mitigated by these personal circumstances.

(4) Other Cases

The record includes a summary of the disciplinary actions taken by the board since 1997. Review of the board's actions since that time indicates three broad groups of cases that are to some degree comparable to Mr. Sorenson's: first, cases involving a felony conviction; second, cases involving improper record-keeping related to controlled substances or prescription drugs,

but no criminal conviction; and third, cases involving improper prescription or other delivery of controlled substances or prescription drugs, but no criminal conviction.

(i) Felony Conviction

Most of the cases in which the board has imposed a disciplinary sanction involving a felony conviction have involved fraud-related violations³¹ or sexual assault.³² These are substantially more serious criminal offenses than Mr. Sorenson's. The fraud-related cases appear to involve deliberate, ongoing criminal activity over a substantial period of time. Sexual assault is egregious conduct. These cases typically resulted in surrender or revocation of the license. They are not comparable to Mr. Sorenson's except for the fact of a felony conviction.

In three cases, the board imposed a disciplinary sanction for a conviction of misconduct involving controlled substances where the offense involved possession or distribution of a controlled substance. In Gottlieb,³³ the board revoked the license of a licensee convicted on 234 counts of health care fraud, forgery, perjury, theft, and misconduct involving controlled substances in the third degree, AS 11.71.030(a)(2). In Palmer,³⁴ the board accepted the voluntary surrender of the license of a licensee who, on probation for violating a permanent prohibition against prescribing Schedule II controlled substances resulting from a 1978 felony conviction, was convicted of attempted third degree misconduct involving a controlled substance. In Ok,³⁵ the board issued a reprimand, imposed a civil fine of \$10,000 (\$5,000 suspended), obtained relinquishment of federal registration, and suspended the license for one year. The licensee had sold controlled substances, including morphine, and was convicted of misdemeanor theft. All of these cases are not comparable to Mr. Sorenson's because the offenses involve illegal possession or distribution of drugs, which is inherently more serious than Mr. Sorenson's record-keeping offense, and because each involved other criminal conduct or other wrongdoing. Two of the three cases resulted in revocation; one in suspension.

³¹ In Re Steven J. Kaniadakis, No. 2804-99-5127 (January 15, 2004) (conviction on 16 counts of health care fraud and 42 counts of mail fraud; license revocation); In Re Jay D. Van Houten, No. 2802-99-5 *et al.* (indictment on 83 counts of health care fraud and one count of conspiracy to commit health care fraud; license surrender); In Re Samuel H. Schurig, No. 2802-03-009 (July 7, 2004 & December 23, 2004) (felony fraud conviction; prior suspension extended); In Re Elisabeth-Anne Douce, No. 2800-01-75 (May 3, 2005) (conviction on six counts of fraud; MOA license suspension).

³² In re Glen W. Straatsma, No. 2800-98-21 (April 16, 1999) (second degree sexual assault; license surrender).

³³ In Re Jeffrey Gottlieb, No. 2800-00-018 (January 16, 2004).

³⁴ In Re Martin Palmer, No. 2800-03-005 (August 7, 2003 & May 3, 2005).

³⁵ In Re Tae Duk Ok, No. 2806-03-007 (October 21, 2004).

(ii) Record Keeping

The board has not previously confronted a disciplinary proceeding based on violations of AS 11.71.040 or -.050, the provisions of law criminalizing certain record-keeping offenses related to controlled substances. However, in four cases since 1997, and in one prior reported case, the board has imposed disciplinary sanctions based on failure to maintain appropriate records for prescription drugs (in three of the cases, the licensee also was found to have improperly prescribed or delivered those drugs): in Herold,³⁶ the board issued a reprimand and imposed a fine of \$2,500 on a licensee who prescribed controlled medications without maintaining proper records; in Davidhizar,³⁷ the board placed a licensee on probation for two years, issued a reprimand, and imposed a civil fine of \$5,000 on a licensee who prescribed drugs without maintaining appropriate records, and left presigned scripts used inappropriately by a physician's assistant; in Brockman,³⁸ the board issued a reprimand and imposed a civil fine of \$5,000 on a licensee who prescribed drugs without maintaining appropriate records, for a person with whom he had a personal relationship; in Rapoport,³⁹ the board issued a reprimand and imposed a civil fine of \$5,000 (\$2,000 suspended) on a licensee who failed to maintain records and prescribed drugs to a person with whom he had a personal relationship; and in Halter,⁴⁰ the board imposed a civil fine of \$3,000 on a licensee who failed to appropriate chart prescriptions in four instances.

These cases are, apart from the lack of criminal charges, comparable to Mr. Sorenson's because they involve faulty record-keeping. Whether the lack of criminal charges in these cases was because the record-keeping requirements were not subject to AS 17.30, or for other reasons, is unknown. In none of the cases did the board suspend the license; in all it issued a reprimand.⁴¹ In the three cases which involved improper prescription or other disposition of the drugs, in

³⁶ In Re William L. Herold, No. 2800-02-9 (January 15, 2004).

³⁷ In Re Lavern R. Davidhizar, Nos. 2802-00-002, 2802-99-001 (October 27, 2000).

³⁸ In Re Ronald Brockman, No. 2802-00-004 (October 27, 2000).

³⁹ In Re Dov Rapoport, No. 2800-99-054 (August 4, 2000).

⁴⁰ Halter v. State, Department of Community and Economic Development, Medical Board, 990 P.2d 1035 (Alaska 1999).

⁴¹ One case involving alleged record keeping violations remained pending, according to the record. In Re Lisa Carole Routh, No. 2800-99-120. Somewhat different are cases in which the board imposed disciplinary sanctions on licensees who lacked the appropriate authority to administer or prescribe drugs. See In Re Susan K. Fenn, No. 2804-00-002 (January 18, 2001) (failed to renew DEA registration, continue to prescribe drugs for ten years); In Re Marciano D. Bautista, No. 2802-02-31 (December 20, 2002) (expired DEA registration); In Re Ashley F. Marquardt, No. 2806-05-002 (April 21, 2005) (expired DEA registration); In Re Matthew S. McCorkle, No. 2809-05-001 (July 21, 2005) (administered Schedule II controlled substances without valid paramedic license).

addition to record-keeping matters, the board imposed a civil fine of \$5,000 or more; in Herold and Halter, the cases that involved only record-keeping problems, the board imposed civil fines of \$2,500 and \$3,000, respectively.

(iii) Improper Prescription, Administration or Delivery

The board has imposed disciplinary sanctions in a dozen cases involving the improper prescription, administration or delivery of controlled substances (in addition to the three cases previously mentioned that also involved record-keeping problems). In none of those cases did the board suspend the license; in all it issued a reprimand. In two, Aaron⁴² and McKinley,⁴³ the licensee was placed on probation; in both of those cases the licensee had improperly distributed drugs for their own or a personal acquaintance's use. By contrast, in Craddick⁴⁴ and Brudenell,⁴⁵ the board did not place on probation licensees whose conduct was less objectionable.

In six of the twelve cases, the board imposed a civil fine of \$5,000 or more.⁴⁶ In three cases, the board imposed a civil fine of \$2,500,⁴⁷ and three cases a lesser fine or no fine.⁴⁸ In all of these cases, the licensee prescribed controlled substances for use by individuals, without authority or in an improper manner. All of the cases are more serious than Mr. Sorenson's record-keeping offense: he did not prescribe, deliver or administer of drugs to an individual for use, but to another licensee in the course of business. Of the twelve cases, those involving the

⁴² In Re Deborah L. Aaron, No. 2800-02-037 (August 2, 2002) (probation, reprimand, \$5,000 fine with \$4,500 suspended; licensee (MD) wrote controlled substances prescriptions for a person, not her patient, with whom she had a personal relationship).

⁴³ In Re Gena K. McKinley, No. 2800-02-045 (October 24, 2002) (probation, reprimand, \$10,000 fine with \$5,000 suspended; licensee (MD) forged controlled substances prescriptions for her personal use.

⁴⁴ In Re Steven L. Craddick, No. 2806-99-006 (January 20, 2000) (reprimand, \$5,000 fine with \$3,000 suspended; licensee (PA-C) removed controlled substances from his place of employment and administered them to his dying sister).

⁴⁵ In Re Ross N. Brudenell, No. 2800-04-055 (July 21, 2005) (reprimand, \$10,000 fine with \$6,000 suspended; licensee (MD) prescribed Schedule II controlled substances without direct patient contact).

⁴⁶ In addition to Aaron, McKinley, Craddick, and Brudenell, these cases are: In Re Nancy Marlene Mackey, No. 2806-99-003 (April 27, 2000) (reprimand, \$5,000 fine with \$2,000 suspended; licensee (PA-C) issued prescriptions for Schedule II controlled substances); In Re Winnona Gay Petro, No. 2806-02-009 (October 21, 2004) (reprimand, \$5,000 fine with \$1,500 suspended; licensee (PA-C) issued prescriptions for Schedule II controlled substances).

⁴⁷ In Re Carl Lester Brown, Jr., No. 2806-02-003 (April 1, 2004), In Re Donna Jean Hanson, No. 2806-02-002 (April 1, 2004), In Re Jennifer Jan Oxford, No. 2806-02-004 (April 1, 2004) (reprimand, \$2,500 fine; licensees used pre-signed forms to prescribe Schedule II controlled substances).

⁴⁸ In Re Kami Rae Jowlett, No. 2806-04-002 (June 9, 2004), In Re David Paul Wonchala, No. 2806-04-003 (June 9, 2004) (reprimand, \$1,000 fine; licensees (PA-C) unlawfully prescribed Schedule II controlled substances); In Re Sylvia A. Wyatt, No. 2806-0101 (January 18, 2001) (reprimand, no fine; licensee (PA-C) authorized use of Schedule II controlled substance without proper authorization by physician).

use of pre-signed prescriptions are somewhat similar to Mr. Sorenson's record-keeping offense. In those cases, the board typically imposed a fine of no more than \$2,500.

IV. Conclusion

The division has not recommended any particular sanction. A suspension of Mr. Sorenson's license would not be consistent with the prior cases reviewed, nor would probation. Censure is a more serious sanction than a letter of reprimand,⁴⁹ and in none of the prior cases reviewed was censure imposed. Because the violation was knowing, and in light of Mr. Sorenson's supervisory responsibilities, a letter of reprimand would be appropriate and consistent with the prior cases reviewed. Mr. Sorenson's conduct was substantially similar to multiple cases in which licensees have engaged in wrongdoing connected to controlled substances, without facing criminal sanctions, and without impairment of their license. A reprimand and a civil fine would be consistent with the board's actions in those cases. In prior cases involving record-keeping offenses of a similar nature the board has typically imposed a civil fine of \$2,500. Because of the criminal conviction in this case, a larger civil fine than those cases would be appropriate.

In light of the criminal conviction, the nature of the conduct, Mr. Sorenson's past record, and prior cases, the administrative law judge recommends that the board impose a civil fine of \$5,000 and issue a letter of reprimand.

DATED August 14, 2006.

By: Signed
Andrew M. Hemenway
Administrative Law Judge

⁴⁹ Censure is a formal public rebuke by board resolution. A letter of reprimand, by contrast, is issued to the licensee. See In re Inquiry Concerning a Judge, 788 P.2d 716, 725 n. 13 (Alaska 1990 (baseline sanction in similar cases was private reprimand; public censure might be appropriate in the presence of aggravating factors)).

Non-Adoption Options

1. The undersigned, on behalf of the Alaska State Medical Board and in accordance with AS 44.64.060, declines to adopt this decision, and instead orders under AS 44.64.060(e)(2) that the case be returned to the administrative law judge to

take additional evidence about _____;

make additional findings about _____;

conduct the following specific proceedings: _____.

DATED this _____ day of _____, 2006.

By: _____

Signature

Name

Title

2. The undersigned, on behalf of the Alaska State Medical Board and in accordance with AS 44.64.060(e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

The Board’s decision is to revoke Mr. Sorenson’s license and reject the administrative law judge’s decision without prejudice. Mr. Sorenson may apply at the time the conviction is set aside.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 13th day of October, 2006.

By: *Signed* _____

Signature

David M Head, M.D.

Name

Chair, Alaska State Medical Board

Title

[This document has been modified to conform to the technical standards for publication.]