

Department of Commerce, Community & Economic Development
Division of Corporations, Business & Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

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**ALASKA DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING
BEFORE THE ALASKA STATE MEDICAL BOARD**

In the matter of:)
Charles Frank Burgess, M.D., M.S.W.)
Respondent)

Case No. 2010-001132

NONDISCIPLINARY CONSENT AGREEMENT, DECISION AND ORDER

IT IS HEREBY AGREED by the Department of Commerce, Community and Economic Development, Division of Corporations, Business & Professional Licensing (Division), and Charles Frank Burgess, M.D., M.S.W. (Dr. Burgess) as follows:

1. Licensure. Dr. Burgess holds Alaska physician license number 3113, that was first issued to him on August 13, 1993, and will expire on December 31, 2010 unless renewed.
2. Admission/Jurisdiction. Dr. Burgess admits and agrees that the Alaska State Medical Board (Board) has jurisdiction over the subject matter of his physician license in Alaska and over this agreement.
3. Facts. Dr. Burgess admits the following:
 - a. To renew his physician license for the licensing period beginning January 1, 2011 through December 31, 2012 (2011-2012), Alaska Statute (AS) 08.64.312 requires Dr. Burgess to have completed certain continuing medical education requirements (CME) during the concluding license period (January 1, 2009 - December 31, 2010). These requirements are set out in 12 AAC 40.200 - 12 AAC 40.240 and include the completion of 50 credit hours obtained in a Category I CME program accredited by the American Medical Association or obtained in a Category I or II CME program accredited by the American Osteopathic Association (AOA).
 - b. A physician who fails to meet the CME requirements during a concluding licensing period may request an extension of time to meet those requirements under the provisions of 12 AAC 40.200(b).
 - c. Dr. Burgess applied to renew his physician's license for the January 1, 2011 - December 31, 2012 licensing period by completing a 2011-2012 Medical License (MD/DO/DPM) Renewal Application (renewal application), received by the Division on December 6, 2010. As part of his renewal application, Dr. Burgess disclosed that he had not completed the required CME during the concluding licensing period, and he attached a letter of explanation.
 - d. Dr. Burgess admits that he completed only 31.5 of the 50 CME hours required under 12 AAC 40.200 during the concluding licensing period.

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- c. Dr. Burgess explained that his failure to meet the CME requirements is due to his having been diagnosed and treated for cancer in 2009 and 2010. He relocated to Seattle in July 2009 for surgery, radiation and chemotherapy. After returning to Alaska and to work in April 2010, he has continued to undergo monthly treatment in Seattle. Under these extenuating circumstances, Dr. Burgess has requested an extension of time to complete the remaining ~~19.5~~ ^{18.5 CEC} hours of CME.
- f. In accordance with 12 AAC 40.200, Dr. Burgess has made the request for an extension of time on his renewal application. He has explained his illness and extenuating circumstances, and has provided documentation verifying his illness and treatment, as well as documentation of his completion of 31.5 hours of CME completed between January 1, 2009 and December 31, 2010.

4. Effect of Non-Acceptance of Agreement. This Consent Agreement is subject to the approval of the Board. Dr. Burgess and the Division agree that if the Board rejects this agreement, it will be void, and Dr. Burgess' physician license application will be denied. If the Board rejects this agreement, it will not constitute a waiver of Dr. Burgess's right to a hearing on the license denial and any admissions contained herein will have no effect. Dr. Burgess agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing, and its consideration of this agreement alone shall not be grounds for claiming the Board is biased against him, that it cannot fairly decide the case, or that it has received ex parte communication.

5. Consent Agreement, Decision and Order. Dr. Burgess agrees that the board has the authority to enter into this Consent Agreement and to issue the following Decision and Order. Dr. Burgess and the Division agree that the Board may adopt the Decision and Order in its entirety, or may adopt a revised Decision and Order.

DECISION AND ORDER

IT IS HEREBY ORDERED:

- 1) Dr. Burgess shall be granted an extension of time of 120 days in which to satisfy the CME requirements of 12 AAC 40.200, in accordance with AS 12 AAC 200(b) and as further described in Paragraph A below.
- 2) Dr. Burgess' physician's license shall be renewed for the 2011-2012 licensing period in accordance with 12 AAC 40.200(b).

A. Compliance with the Continuing Medical Education (CME) Requirements

With this agreement, Dr. Burgess provides documentation of 31.5 Category I AMA approved CME credit hours obtained by completing the activities approved by the Board or its designee as indicated on the attached Continuing Education Review Form and documentation.

Dr. Burgess agrees to submit documentation verifying his completion of at least 18.5 hours of Category I AMA CME credit hours no later than 120 days from the date of adoption of this agreement by the Board.

Under the terms of this agreement, the board agrees to accept 18.5 hours of approved Category I AMA CME credit hours completed no later than 120 days from the date of adoption of this

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Division of Corporations, Business
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1 agreement by the Board, in order to meet the requirements of 12 AAC 40.200 for the renewal of
2 Dr. Burgess' 2011-2012 renewal.

3 The CME credit hours used to meet this requirement may not be used to satisfy the CME
4 requirement for any future renewal or reinstatement of this license.

5 **B. Violation of Agreement**

6 Dr. Burgess hereby agrees that if he fails to complete the 18.5 hours of Category I AMA CME
7 credit hours within 120 days of the date the Board adopts this agreement, his license shall be
8 suspended.

9 If his license is suspended under this section, he shall be entitled to an administrative hearing
10 regarding the issue of the suspension in accordance with AS 44.62. If Dr. Burgess's license is
11 suspended, he will continue to be responsible for all license requirements pursuant to AS 08.64.

12 In the event Dr. Burgess's physician license lapses for nonrenewal while in a suspended status, the
13 license will be considered "lapsed while under suspension" and to reinstate this license:

- 14 1) All terms of this agreement must be satisfied; and
- 15 2) All requirements pursuant to AS 08.64 and 12 AAC 40 to reinstate a lapsed
16 physician license must be met.

17 Dr. Burgess agrees that failure to comply with a request by the board or its agent to allow review
18 of his compliance with the conditions of this agreement shall be deemed a violation of the terms
19 of this agreement.

20 **C. Address of the Board**

21 All communication concerning this agreement should be addressed to:

22 Karen Wilke, Paralegal
23 Department of Commerce, Community
24 & Economic Development
25 Division of Corporations, Business & Professional Licensing
P.O. Box 110806, Juneau, AK 99811-0806

It is the responsibility of the licensee to keep the Board's agent advised in writing of any
changes of his current mailing address, current physical address and telephone number. Failure
to do so will constitute grounds for the suspension of his license in accordance with section (G)
above.

D. Good Faith

All parties agree to act in good faith to carry out the stated intentions of this agreement.

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1 THIS AGREEMENT SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION BY THE
 2 BOARD and is a public record of the board and the State of Alaska. The State may provide a copy of this
 3 agreement to any person or entity making a relevant inquiry. The license action taken by board in this
 4 agreement will be reported to the Federation of State Medical Boards, U.S. Department of Health and
 5 Human Services (DHHS), National Practitioner Data Bank (NPDB), Healthcare Integrity and Protection
 6 Data Bank (HIPDB) and any other entities as may be required by law.

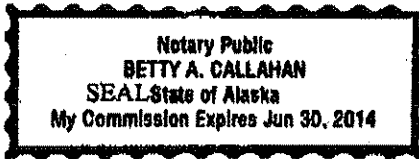
ACCEPTANCE OF AGREEMENT

7 I, Charles Frank Burgess, M.D., M.S.W., have read this Consent Agreement, Proposed Decision and
 8 Order in its entirety and understand its contents and agree to be bound by its terms and conditions. I
 9 declare that I am not under the influence of any medication, drugs or other substances that would affect
 10 my ability to consider this action clearly and rationally. I further declare that I am entering into this
 11 agreement voluntarily and of my own free will and there have been no promises or threats made to me by
 12 anyone to compel me to sign this document.

DATED: 12/29/10

Charles Frank Burgess M.D., M.S.W.
 Charles Frank Burgess, M.D., M.S.W.

13 SUBSCRIBED AND SWORN TO before me this 29th day of December, at 2010
 14 Alaska.



Betty A. Callahan
 Notary Public in and for the State of Alaska
 My Commission Expires: 06/30/2014

15 On behalf of the Alaska Department of Commerce, Community and Economic Development, Division of
 16 Corporations, Business and Professional Licensing the undersigned, having read this Memorandum
 17 Agreement in its entirety, approves the terms and conditions of this agreement subject to its adoption by
 18 the order of the Alaska State Medical Board.

DATED this 29 ~~30~~ day of December, 2010, at Juneau, Alaska.

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By: *Donald E. Habeger*
 Donald E. Habeger, Director
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ORDER

The Alaska State Medical Board, having examined the Consent Agreement, Proposed Decision and Order, under Case No. 2010-001132 signed by the parties, hereby adopts the Consent Agreement, Proposed Decision and Order.

DATED this 20th day of Jan, 2011, at Juneau, Alaska.

ALASKA STATE MEDICAL BOARD

By: *James R. Brown*
Chairperson

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Division of Corporations, Business
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CONTINUING EDUCATION REVIEW FORM

TO: Debora Stovern, Executive Administrator
Alaska State Medical Board

DATE: December 21, 2010

FROM: Karen Wilke, Paralegal

SUBJECT: Continuing Education Review
Charles Burgess

In response to the request for an extension of time, information concerning the following activities completed between January 1, 2009 – December 31, 2010 was received. Based on this information, please indicate the number of hours that would be accepted under 12 AAC 40.

Date Complete	Activity/Program/Course	Sponsor/Provider/Instructor	CME Claimed	CME Hours Approved	Activity is not Approved
3/27/09	FDA Approvals: Symbyax and Edluar	Medscape	.25	.25	
6/1/09	Cholinesterase Inhibitors Linked to Serious Adverse Events in Older Adults with Dementia	Medscape	.25	.25	
6/26/09	APA Nicotine Patch May Sooth Schizophrenic Smokers	University of Pennsylvania	.25	.25	
6/27/09	Antipsychotic Treatment in Major Mental Illness	Medscape	1.5	1.5	
6/27/09	Updates on Bipolar Disorder	Medscape	1.25	1.25	
6/27/09	Plant Compound Enhances Fitness and Endurance in Nonathletes	University of Pennsylvania	.25	.25	
6/27/09	ENDO: Chronic Opiod Therapy Risks Hypopituitarism	University of Pennsylvania	.25	.25	
6/27/09	Pediatric Use of Stimulants Linked to Sudden Death	University of Pennsylvania	.25	.25	
6/28/09	APSS: Nonsedating Sleep Aid Improves Insomnia and Performan	University of Pennsylvania	.25	.25	
7/13/09	New Test May Detect Early Alzheimer's Disease	Medscape	.25	.25	
7/27/09	ICD: Biology-Psyche Link Explore in Psoriasis	University of Pennsylvania	.25	.25	
9/15/09	Lithium Nephrotoxicity Revisited: Lithium induced Nephropathy	Medscape	.75	.75	
12/15/09	Cannabis Extracts May Ease MS Spasticity	University of Pennsylvania	.25	.25	
12/15/09	Antidepressant Also Improves Personality	University of Pennsylvania	.25	.25	
4/6/10	End-of-Life Care in the Setting of Cancer: Withdrawing Nutrition and Hydration	Medscape	1.5	1.5	
4/19/10	Combination Therapy Best for Co-Occuring Depressing and Alcohol Dependence	Medscape	.25	.25	
4/30/10	ECE: Low Vitamin D Link to Fatigue After Brain Injury	Penn Medicine	.25	.25	
5/24/10	Early Cannabis Use May Contribute to Psychosis-Related Outcomes in Young Adults	Medscape	.25	.25	
6/2/10	APA: Lasting Benefit Seen for TMS in Depression	Penn Medicine	.25	.25	
6/2/10	Fish Oil May Prevent Psychotic Episodes	Penn Medicine	.25	.25	
8/13/10	Why Don't We Recognize Obesity as a Treatable Disease	Medscape	.5	.5	
9/12/10	SSRIs Not Recommended for Autism in Children or Adults Based on Current Evidence	Medscape	.25	.25	
9/23/10	Acamprosate May Be Helpful to Treat Alcohol Dependence	Medscape	.25	.25	
9/23/10	Depression Plus Heart Disease a Particularly Lethal Combination	Medscape	.25	.25	
9/24/10	Planning Treatment in Pediatric Bipolar Disorder	Medscape	1.0	1.0	
11/14/10	ACR: A Tale of Vioxx, Opioids, and Falls	Penn Medicine	.25	.25	
11/14/10	Mixed Message on Midlife Lipid Dementia Line	Penn Medicine	.25	.25	

11/14/10	Brain Cancer Study Casts Doubt on Cell Phone Danger	University of Pennsylvania	.25	.25	
11/14/10	ACR: Anti-TNF Drugs May Protect Against Alzheimer's	Penn Medicine	.25	.25	
11/14/10	Acne May Increase Suicide Risk	Penn Medicine	.25	.25	
11/14/10	IDSA: Deadly Fungus Spreads Across Pacific Northwest	Penn Medicine	.25	.25	
11/24/10	AHA: Vitamin D Levels Tied to Fatal Stroke in Whites But Not Blacks	Penn Medicine	.25	.25	
11/24/10	Adolescent Obesity Linked to Severe Obesity in Adulthood	Medscape	.25	.25	
11/24/10	Childhood Sexual Abuse linked to Later Schizophrenia	Medscape	.25	.25	
11/25/10	Antipsychotic Treatment in Major Mental Illness, Volume 8	Medscape	1.0	1.0	
11/25/10	Adherence to Antipsychotic Medications and Long-acting Injectable Antipsychotics	Medscape	1.0	1.0	
11/29/10	Strategies for the Diagnosis and Treatment of Restless Legs Syndrome: A Practical Approach	Purdue University	.5	.5	
1/1/09	X-Ray Conference (AAFP)	South Peninsula Hospital	2.0	2.0	
4/17 - 4/19/09	16 th Annual Spring Education Meeting	Alaska Psychiatric Association	13.5	13.5	

Activities meeting the requirements to be accepted under 12 AAC 40 are indicated above. A total of 31.5 contact hours are approved. For any CME activity above **not approved** under 12 AAC 40, the **specific reason(s)** for this determination are indicated below. For any activity above **where no action** is taken (tabled), additional information that may be needed is indicated below.

N/A

attach additional page(s) if necessary

Date: Dec. 28, 2010

Debra Stovern
Debra Stovern, Executive Administrator