

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

In the matter of)
)
VERNER STILLNER,)
)
Respondent.)
_____)

Case No. 2018-000222

CONSENT AGREEMENT, DECISION AND ORDER

IT IS HEREBY AGREED by the Department of Commerce, Community, and Economic
Development, Division of Corporations, Business and Professional Licensing (Division), and Verner
Stillner (Respondent) as follows:

1. **Licensure.** Respondent holds Alaska Physician License No. MEDS4023. This license was first issued on March 17, 1998, and will expire on December 31, 2018, unless renewed.
2. **Admission/Jurisdiction.** Respondent admits and agrees the Alaska State Medical Board (Board) has jurisdiction over the subject matter of his license in Alaska and over this Consent Agreement.
3. **Admission/Facts.** Respondent admits to the following facts:
 - a) To renew his physician license for the licensing period beginning January 1, 2017, through December 31, 2018, Alaska Statute (AS) 08.64.312 required Respondent to have completed certain continuing medical education requirements (CME) between January 1, 2015, and December 31, 2016 (concluding licensing period). These requirements are set out in 12 AAC 40.200-240, and include the completion of 50 credit hours obtained in a Category I CME program accredited by the American Medical Association (AMA) or obtained in a Category I or II CME program accredited by the American Osteopathic Association (AOA). These hours can also be earned by the receipt of (1) a current physician's recognition award from the

American Medical Association, American Podiatry Association, American Osteopathic Association, or a recognized subspecialty board; or (2) initial certification or recertification during the concluding licensing period by a specialty board recognized by the American Medical Association or the American Osteopathic Association; or (3) participation in a residency program during the concluding licensing period.

- b) A physician who fails to meet the CME requirements during a concluding licensing period due to illness or other extenuating circumstances may request an extension of time to meet those requirements under the provisions of 12 AAC 40.200(b), or may allow their license to lapse and complete the required hours after the expiration date of the license under 12 AAC 02.965(a).
- c) As part of the 2017-2018 Online Renewal for Physician license application (renewal application), Respondent affirmed he had completed the required CME and he had complied with the CME requirements set forth in 12 AAC 40.200–.240 during the concluding licensing period.
- d) Respondent's renewal application was submitted November 10, 2016, and his physician license was renewed without lapse in reliance on his certification he had complied with the CME requirements and the information in the application was true and correct.
- e) Following the renewal of his physician license, Respondent was informed his license renewal application was among the group randomly selected for audit to monitor compliance with CME requirements. In accordance with 12 AAC 40.220 and 12 AAC 02.960, Respondent was instructed to provide documentation to verify the completion of required CME as certified on his renewal application.

- 1 f) In response to the audit, Respondent provided documentation verifying his
2 completion of 29 hours of approved CME between January 1, 2015, and
3 December 31, 2016 (the concluding license period), as described in Appendix A.
- 4 g) Respondent further completed 21 hours of approved CME after December 31, 2016,
5 as shown in Appendix B.
- 6 h) Respondent admits that he completed only 29 contact hours of approved CME
7 between January 1, 2015, and December 31, 2016.
- 8 i) Respondent admits his certified response on the renewal application, affirming that he
9 had been awarded the required CME and he had complied with the calendar year
10 CME requirements of 12 AAC 40.200–.240, was not accurate.
- 11 j) Respondent acknowledges under 12 AAC 40.220(c), the Board may consider an
12 inaccurate statement of compliance as “the licensee securing a license through
13 intentional misrepresentation” under AS 08.64.326(a)(1).
- 14 k) Respondent admits as a result of the above facts, grounds exist for the possible
15 revocation, suspension, or imposition of other disciplinary sanctions to his Alaska
16 physician license pursuant to AS 08.64.326 and AS 08.64.331.
- 17 4. **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to
18 provide for a compromise and settlement of all issues addressed in paragraph 3 above that
19 could be raised by an accusation to revoke, suspend, or impose disciplinary sanctions against
20 Respondent’s license through a formal administrative hearing process. It does not address any
21 issues not specifically raised in paragraph 3.
- 22 5. **Waiver of Rights.** Respondent understands he has the right to consult with an attorney of
23 his own choosing and he has a right to an administrative hearing on the facts in this case.
24 Respondent understands and agrees by signing this Consent Agreement, he is waiving his
25 right to a hearing. Respondent understands and agrees he is relieving the Division of any

burden it has of proving the above facts. Respondent understands and agrees by signing this Consent Agreement he is voluntarily and knowingly giving up his right to present oral and documentary evidence, to present rebuttal evidence, to cross examine witnesses against him at a hearing, and to appeal the Board's decision to Superior Court.

6. **Effect of Non-acceptance of Consent Agreement.** Respondent and the Division agree this Consent Agreement is subject to the approval of the Board. They agree if the Board rejects this Consent Agreement, it will be void and an accusation may be filed. If this Consent Agreement is rejected by the Board, it will not constitute a waiver of Respondent's right to a hearing on matters alleged in an accusation, and any admissions contained herein will have no effect. Respondent agrees if the Board rejects this Consent Agreement, the Board may decide the matter after a hearing, and its consideration of this Consent Agreement shall not alone be grounds for claiming the Board is biased against Respondent, it cannot fairly decide the case, or it has received *ex parte* communication. This paragraph is binding on the parties to the Consent Agreement regardless of the Board's approval of the Consent Agreement.

7. **Consent Agreement, Decision, and Order.** Respondent agrees the Board has the authority to enter into this Consent Agreement and to issue the following Decision and Order.

Respondent and the Division agree the Board may adopt or reject the proposed Decision and Order in its entirety.

8. **Severability.** Respondent and the Division agree in the event any part or parts of this Consent Agreement are deemed invalid by a court of competent jurisdiction, all other parts of this Consent Agreement shall remain in full force and effect.

DECISION AND ORDER

IT IS HEREBY ORDERED for his failure to verify his completion of the continuing medical education (CME) required under 12 AAC 40 during the concluding license period of January 1, 2015, through December 31, 2016, and as claimed by his response on his renewal

1 application for the 2017-2018 license period, Verner Stillner (Respondent) shall:

- 2 1) Be assessed a civil fine of \$3,500.00 with \$2,500.00 of that amount suspended under
3 the conditions described in **Section A** below; and
- 4 2) Satisfy the CME requirements of 12 AAC 40 to renew this license for the 2017-
5 2018 licensing period in accordance with **Section B** below;
- 6 3) Receive a reprimand from the Alaska State Medical Board that is made part of this
7 agreement in **Section C** below; and
- 8 4) Comply with the terms of a mandatory audit to verify compliance with the CME
9 requirements for two future periods that this license is subject to renewal in
10 accordance with **Section D** below.

11 **A. Civil Fine**

12 Respondent shall pay the unsuspended portion of the civil fine in the amount of **\$1,000.00**
13 **within 90 days from the date the Board adopts this Consent Agreement** in the form of a
14 cashier's check, money order, or personal check made payable to the "*State of Alaska*." Payment of
15 the civil fine will be sent to the attention of Marilyn Zimmerman, Paralegal, Alaska Department of
16 Commerce, Community, and Economic Development, Division of Corporations, Business and
17 Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Respondent may also pay the
18 unsuspended portion of the civil fine by credit card at the discretion of the Division.

19 **NONPAYMENT OF THE CIVIL FINE IN ACCORDANCE WITH THESE**
20 **TERMS WILL CONSTITUTE A VIOLATION OF THIS CONSENT AGREEMENT**
21 **AND WILL RESULT IN THE REINSTATEMENT OF ANY SUSPENDED AMOUNT**
22 **IN ACCORDANCE WITH SECTION F OF THIS CONSENT AGREEMENT.**

23 **B. Compliance with Continuing Medical Education (CME) Requirements**

24 In response to this audit, Respondent has provided documentation of 29 contact hours of
25 approved CME completed between January 1, 2015, and December 31, 2016, in partial compliance

1 with 12 AAC 40 (Appendix A).

2 Respondent has also submitted documentation verifying 21 contact hours of approved CME
3 completed after December 31, 2016. The Board agrees to accept these 21 hours as meeting the
4 requirements of 12 AAC 40 for the renewal of the Respondent's license for the licensing period
5 January 1, 2017, through December 31, 2018 (Appendix B).

6 **THE CME CREDIT HOURS USED TO MEET THIS REQUIREMENT AS**
7 **SHOWN IN APPENDIX B CANNOT BE USED TO SATISFY THE CME**
8 **REQUIREMENTS FOR ANY FUTURE RENEWAL OR REINSTATEMENT OF THIS**
9 **LICENSE.**

10 **C. Reprimand**

11 The purpose of the CME requirement is to promote a high degree of competence in the
12 practice of medicine in Alaska (AS 08.64.312). The Board issues the renewal of physician licenses in
13 reliance upon an applicant's certification of compliance with the CME requirement in advance of
14 requiring proof it has been satisfied.

15 Under AS 08.64.312, to renew this license for the 2017-2018 licensing period, Respondent
16 was required to indicate whether he complied with the CME requirements of 12 AAC 40.200--240.
17 Respondent's response on his renewal application indicated he met the CME requirements to qualify
18 for the renewal of his physician license, and in reliance on his certification of compliance the Board
19 issued Respondent a physician license.

20 Following the renewal of his license, Respondent was unable to verify his compliance of the
21 CME requirements of 12 AAC 40.

22 Respondent's completion of CME activities that do not comply with the requirements of 12
23 AAC 40.200--240 for purposes of the concluding license period is noted and appreciated by the
24 Board. However, the Board expects each Alaska licensed physician to be aware of all laws and
25 regulations pertaining to their license and the practice of medicine in Alaska, including those which

1 relate to continuing medical education. Furthermore, the Board relies upon each applicant to respond
2 accurately to questions on renewal applications.

3 Dr. Verner Stillner is hereby reprimanded for his inaccurate response regarding CME on the
4 renewal application and for his failure to meet the continuing medical education requirements of AS
5 08.64 and 12 AAC 40 during the concluding license period (January 1, 2015, to December 31, 2016)
6 as indicated on his renewal application for the 2017-2018 license period.

7 **D. Mandatory Audit to Verify Compliance with the CME Requirements**

8 Respondent's renewal application for his Alaska physician license will be subject to a
9 mandatory audit for two future renewal periods to ensure compliance with the continuing medical
10 education (CME) requirements of AS 08.64 and 12 AAC 40.

11 It is understood and agreed Respondent's renewal application for two license renewals will
12 not be processed until documentation to verify his successful completion of the required CME has
13 been received and approved by the Board or its designee.

14 If Respondent chooses not to renew his license during a future licensing renewal period, then
15 all terms and conditions of this Consent Agreement will remain in effect until such time as his Alaska
16 physician license has been renewed subject to this audit requirement for two future licensing periods.
17 A decision by Respondent not to renew his Alaska license following its expiration shall not constitute
18 a violation of this Consent Agreement or this Order.

19 Respondent understands compliance with this mandatory audit must be made in advance of
20 processing any future license renewal application. Respondent accepts responsibility to provide the
21 documentation necessary to verify compliance with the CME requirement, and understands he will
22 not receive additional notice of this requirement with renewal applications subject to this mandatory
23 audit.

24 **E. Compliance with Laws**

25 Respondent shall obey all federal, state, and local laws, and all statutes and regulations

governing his license or relating to his fitness to practice medicine in Alaska, and remain in full compliance with any orders by another licensing jurisdiction.

F. Violation of Agreement

If Respondent fails to comply with any term or condition of this Consent Agreement, the Division shall enforce this Consent Agreement by immediately suspending Respondent's license without an additional order from the Board or without a prior hearing. In addition, any suspended portion of the civil fine will become immediately due.

If Respondent's license is suspended under this paragraph, as provided above, he will be entitled to a hearing, on an expedited basis, regarding the issue of the suspension in accordance with AS 44.62. If Respondent's license is suspended, he will continue to be responsible for all license requirements pursuant to AS 08.64.

In the event Respondent's physician license lapses for nonrenewal while in a suspended status, the license will be considered "lapsed while under suspension," and to reinstate the license:

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

Respondent agrees that failure to comply with a request by the Board or its agent to allow review of his compliance with the conditions of this Consent Agreement shall be deemed a violation of the terms of this Consent Agreement.

G. Address of the Board

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Marilyn Zimmerman, Paralegal II
Alaska Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, AK 99811-0806

1 It is the responsibility of Respondent to keep the Board's agent advised in writing of any
2 changes to his current mailing address, physical address, and telephone number.

3 **H. Good Faith**

4 All parties agree to act in good faith in carrying out the stated intentions of this Consent
5 Agreement.

6 IT IS HEREBY FURTHER ORDERED that this Consent Agreement, Decision and Order
7 shall take effect immediately upon its adoption by the Board and is a public record of the Board and
8 the State of Alaska. The State of Alaska may provide a copy of this Consent Agreement, Decision
9 and Order to any person or entity making a relevant inquiry. The action taken by the Board in this
10 Consent Agreement, Decision and Order will be reported to the Federation of State Medical Boards
11 (FSMB), National Practitioner Data Bank (NPDB), and any other entities as may be required by law.

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1 ACCEPTANCE OF AGREEMENT

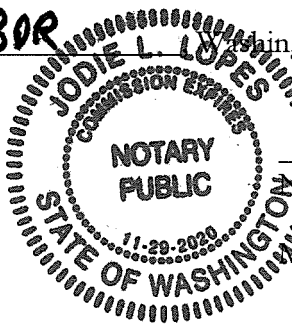
2 I, Verner Stillner, MD, have read this Consent Agreement, Decision and Order in its entirety,
3 understand it, and agree to be bound by its terms and conditions. I declare I am not under the
4 influence of any medication, drugs or other substances that would affect my ability to consider this
5 action clearly and rationally. I further declare I am entering into this Consent Agreement voluntarily
6 and of my own free will and there have been no promises or threats made to me by anyone to
7 compel me to sign this document.

8 DATED: 9/25/18

Verner Stillner
Verner Stillner, MD

9 SUBSCRIBED AND SWORN TO before me this 25 day of SEPTEMBER,
10 2018, at GIG HARBOR, Washington.

11
12
13 SEAL



Jodie L. Lopez
Notary Public in and for the State of Washington

My Commission Expires: 11/29/20

14
15 On behalf of the Alaska Department of Commerce, Community, and Economic Development,
16 Division of Corporations, Business and Professional Licensing, the undersigned, having read this
17 Consent Agreement, Decision and Order in its entirety, approve the terms and conditions of the
18 agreements subject to its adoption by order of the Alaska State Medical Board.

19 DATED this 3RD day of October, 2018, at Juneau, Alaska.

20 MIKE NAVARRE, COMMISSIONER
21 DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

22
23 By: Janey McCullough

24 Janey McCullough, Director
25 Division of Corporations, Business and
Professional Licensing

1 **ALASKA STATE MEDICAL BOARD**
2 **ALASKA DEPARTMENT OF COMMERCE, COMMUNITY,**
3 **AND ECONOMIC DEVELOPMENT**
4 **DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**

5 In the matter of)
6 VERNER STILLNER,)
7 Respondent.)
8 _____
9 _____

Case No. 2018-000222

10 **ORDER**

11 The Alaska State Medical Board (Board), having examined the Consent Agreement and
12 proposed Decision and Order, Case No. 2018-000222, signed by Verner Stillner, MD (Respondent),
13 hereby adopts the Consent Agreement, Decision and Order in this matter.

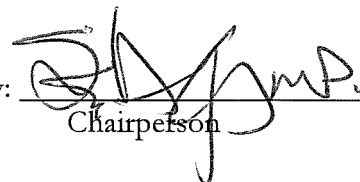
14 This Consent Agreement takes effect immediately upon signature of this Order in accordance
15 with approval of the Board.

16 The Division may enforce the Consent Agreement, Decision and Order by immediately
17 suspending Respondent's license without an additional order from the Board or without a prior
18 hearing for a violation of the Consent Agreement.

19 This Order is a public document and will be maintained in Respondent's licensing file.

20 DATED this 1st day of November, 2018, at _____, Alaska.

21 ALASKA STATE MEDICAL BOARD

22 By: 
23 Chairperson

| APPENDIX A: CONTINUING EDUCATION COMPLETED BETWEEN JANUARY 1, 2015, AND DECEMBER 31, 2016 | | | |
|---|---|----------------------|--------------|
| DATE | COURSE | PROVIDER | TOTAL HOURS |
| 9/10-13/2015 | U.S. Psychiatric and Mental Health Congress | NACCME | 29.00 |
| | TOTAL CONTACT HOURS | | 29.00 |
| | | | |
| APPENDIX B: CONTINUING EDUCATION COMPLETED AFTER DECEMBER 31, 2016 | | | |
| DATE | COURSE | PROVIDER | TOTAL HOURS |
| 2/16-18/2017 | 22nd Annual Psychopharmacology Update | University of Nevada | 21.00 |
| | TOTAL CONTACT HOURS | | 21.00 |

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