



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS, AND
PROFESSIONAL LICENSING
Anchorage Office

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01/26/2019 10:08 AM

October 24, 2019

John Eugene Pappenheim
C/O Donna Meyer, Esq.
Delaney Wiles, Inc.
1007 West Third Ave Suite 300
Anchorage, Alaska 99501

Hand Delivered

RE: Alaska State Medical Board Case #2017-000838, 2019-000532, & 2019-000585

**SUSPENSION OF LICENSE FOR NON-COMPLIANCE WITH CONSENT
AGREEMENT**

Dr. Pappenheim,

On August 3, 2017, the Alaska Medical Board (Board) adopted a Consent Agreement case number 2017-000473 in the matter of John Eugene Pappenheim, license number MEDS6873. The Consent Agreement included, in part, five-years probation, to include, but not limited to; Compliance with Laws, Act in Good Faith, Civil Fine, Psychotherapy Counseling, Quarterly Reports, Consume No Alcohol or Controlled Drugs, AA Meetings, participate regularly in the Alaska Physician Health Committee Program (PHC), Drug and Alcohol Testing, and a Board Reprimand.

Your license (MEDS6873) is currently on Probation status from August 3, 2017 – August 3, 2022, as required in your 2017 Consent Agreement. As explained below, Paragraph "B" of the 2017 Consent Agreement provides authority for the Division of Corporations, Business and Professional Licensing (the "Division") to immediately suspend your license for violation of that agreement. Through this letter, the Division exercises its authority under Paragraph "B."

Paragraph "B" of the 2017-000838 Consent Agreement, Violation of Agreement, states:

If Respondent fails to comply with any term or condition of this Consent Agreement, the Division may enforce this agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of this agreement.

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. If Respondent's license is suspended, he will continue to be responsible for all license requirements pursuant to AS 08.64.

Paragraph "D" of the 2017 Consent Agreement, Compliance with Laws, states:

Respondent shall obey all Federal laws and State statutes and regulations governing his license, or relating to his fitness to practice.

Paragraph "M" of the 2017 Consent Agreement, Consume No Alcohol or Controlled Drugs, states:

While under license probation, Respondent shall consume no alcohol or controlled drugs whatsoever, including foods, medicines, and other substances containing controlled drugs or alcohol. However, if Respondent is hospitalized and receiving inpatient care, or is receiving outpatient care for a medical/dental condition that cannot be adequately treated without medicines containing controlled drugs, Respondent must inform his treating health care provider of his history of alcohol use. Respondent may then take drugs on his health care provider's written prescription, in the prescribed dosage for the prescribed duration, and for the prescribed purpose. The Board's agent will be notified of any prescription for controlled drugs at the time Respondent's receives it, and a copy of the prescription will be promptly sent to the Division. Further, Respondent shall not self-medicate with any other prescription drug. If a condition exists which requires the use of such a drug, it must be prescribed by Respondent's health care provider. All costs are the responsibility of the Respondent.

Paragraph "O" Health Care Provider Support Group:

Respondent shall participate regularly in the Alaska Physician Health Committee (PHC). The program will submit quarterly evidence, as specified in Paragraph L, of participation in the group. All costs of compliance with this paragraph are the responsibility of the Respondent.

On June 10, 2019, the Division received a complaint from a patient under your care. The patient stated that on June 6, 2019, you initially contacted them and requested them to complete a Phosphatidylathanol (PEth) test for you. (A PEth test measures blood levels of Phosphatidylathanol, an alcohol-specific biomarker). The patient stated that you had contacted them multiple times between June 6 – 10, 2019 regarding your request. The patient stated you instructed them on how to complete the PEth test by fraudulently impersonating you at Bartlett Regional Hospital in Juneau, Alaska. The patient stated you would compensate them for completing the PEth test for you. Complainant subsequently refused your request.

On June 10, 2019, the Division contacted the Physicians Health Committee (PHC) to discuss the PEth test ordered for you. PHC explained that on May 31, 2019, you tested positive for alcohol during a breathalyzer test that was conducted by PHC. PHC stated that you claimed the positive breathalyzer test was due to you ingesting a menthol cough drop. PHC explained they ordered you to complete a PEth test due to the positive breathalyzer test. PHC explained that they had received communication from you via text message stating you had completed the PEth test, which in fact had not occurred.

On June 10, 2019, the Division received additional information from the patient who stated that you had contacted them again, and stated that you went and registered for the PEth test at Bartlett Regional Hospital but never completed the PEth test. The patient stated that you asked them if they could be available in case PHC requested a re-test, but communicated that you were hoping it would appear to be a clerical error by the lab.

On June 11, 2019, the Division received communication from PHC regarding your scheduled PEth test. PHC stated that they had contacted you, and you stated the PEth test was completed on June 10, 2019. PHC reported that you used your own order due to the fact that a physician had to be credentialed at the Bartlett Regional Hospital in order for the Bartlett lab to accept the order. PHC explained that your own order was not necessary due to PHC already submitted an order for the PEth test to the lab a week ago.

On June 20, 2019, the Division made contact with you via telephone to discuss the allegations made against you from the patient. During the interview you admitted that you had "solicited" an Alcoholics Anonymous (AA) member to complete the PEth test in your place due to being concerned with testing positive for alcohol, but you denied intentionally consuming alcohol and denied that the individual you asked to complete the test was a patient of yours.

On June 24, 2019, the Division received the results of the PEth test from PHC which was positive for Phosphatidylathanol at 52 ng/mL which flagged as a "High" result for blood levels of Phosphatidylathanol (alcohol specific bio-markers) in your system.

On June 24, 2019, PHC reported to the Division that on June 24, 2019, they conducted an interview with you regarding the positive PEth results and advised you to complete an evaluation at Center for Professional Recovery (CPR), Malibu, California and you complied with the recommendation.

On June 26, 2019, the Division received an email from you which stated that you would be completing a Comprehensive Diagnostic Evaluation at CPR per recommendation by PHC.

On July 19, 2019, the Division received an email from the patient which stated that you had made contact with them and gave them a hand-written letter to use if the patient was contacted or questioned in relation to any investigation. The hand-written letter included what the patient should tell an investigator if they were contacted. A copy of the letter was obtained and is part of Division records.

On August 2, 2019, the Division received an email from you which stated that you would be entering in-patient treatment at CPR, Malibu, California on August 5, 2019, and would notify the Division when you were discharged.

On August 7, 2019, the Division received the Integrated Evaluation Summary for you which was completed by the CPR, during the Comprehensive Diagnostic Evaluation on July 9, 2019. The report diagnosed you with a DSM-5, Alcohol User Disorder, Severe, with recommendations for completion of the in-patient treatment for professionals at CPR.

On September 4, 2019, the Division received communication from CPR that you had successfully completed the CPR in-treatment program, were released from treatment, and had returned to Juneau, Alaska.

On September 9, 2019, the Division received your Treatment Discharge Summary report from CPR. The report summarized multiple incidents of intentional alcohol use and an attempt to solicit a patient to complete a PEth test in your place to prevent a positive test result for alcohol. You were diagnosed with Alcohol Use Disorder, Severe with a verbal admission of a sobriety date of June 1, 2019.

On September 16, 2019, the Division contacted you via telephone to discuss the non-compliance issues related to your consent agreement and possible violations of statutes and regulations governed by the (Board). During the interview you admitted to; intentionally consuming alcoholic beverages, timing your consumption of alcoholic beverages to prevent detection of alcohol use by your drug and alcohol monitoring with the Board and PHC, and involving a patient to complete the PEth test in your place. Additionally, you admitted that you began violating your consent agreement by intentionally consuming alcohol in February of 2019, and that you were "misleading" on a previously self-evaluation that was submitted to the Division regarding your positive PEth test being a result of inadvertent consumption of alcohol. You admitted that involving a patient to complete the PEth test in your place was a violation of patient boundaries and professional conduct.

On September 20, 2019, the Division received an email from you which included your letter of explanation related to the non-compliance of your consent agreement. The alleged violations of statutes and regulations governed by the Board by soliciting a patient to fraudulently represent you in the administration of a test that would detect prior alcohol consumption. In your letter you summarized your struggles with alcoholism, and the shame resulting from your deceptive and dishonest behavior. You stated that you had successfully completed your treatment with the CPR, and have followed recommendations.

On October 11, 2019, two reviewing board members of the Alaska State Medical Board reviewed the information you provided and opined you violated Alaska Statute (AS) 08.64.326(a)(2), 08.64.326(a)(7), 08.64.326(a)(11), and 12 AAC 40.967 by consuming alcohol and soliciting a patient to complete a required test for you.

Based on this information, the Division is suspending Physician license number MEDS6873 issued to John Eugene Pappenheim. This license is being suspended for failing to comply with an order of the board, specifically failing to comply with your 2017-000838 Consent Agreement by admittedly consuming alcohol and soliciting a patient to complete an alcohol test for you, which constitutes violations of Alaska Statute (AS) 08.64.326(a)(2), 08.64.326(a)(7), 08.64.326(a)(11), and 12 AAC 40.967.

Prior to petitioning for reinstatement of your license, you must prove to the Board that you are currently in compliance with all conditions imposed by your 2017-000838 Consent Agreement and other statutes and regulations governed by the Board, and fit to practice in a manner consistent with public safety. This does not mean that your Alaska license will automatically be reinstated, as the Board will consider the violation of your 2017-000838 Consent Agreement and other

statutes and regulations governed by the Board and determine the appropriate action if any at that time.

If you wish to contest the suspension, complete the attached Notice of Defense form and you will be entitled to a hearing, on an expedited basis, regarding the issue of this suspension.

This suspension becomes effective immediately.

If you have questions in reference to this matter please contact Inv. Homestead at (907) 269-6238.

A handwritten signature in blue ink, appearing to read "G. A. Francois", is written over a horizontal line.

Greg Francois, Chief Investigator
for Sara Chambers, Director
Division of Corporations, Business and Professional Licensing

Enclosed:
Notice of Defense

ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

In the matter of:)

John E. Pappenheim)

Case No. 2017-000838, 2019-000532, & 2019-000585

NOTICE OF DEFENSE / REQUEST FOR HEARING

The Respondent, pursuant to AS 44.62.390, hereby gives Notice of Defense in this proceeding. A hearing on the matters set forth in the Accusation is hereby requested.

I. Respondent Initiating Request

Date: _____

Respondent's Signature: _____

Mailing Address: _____

City State Zip Code

Phone Number: _____

OR

II: Attorney Representing Respondent

(Note: An attorney is not required for this proceeding.)

Name of Attorney Representing Respondent: _____

Mailing Address: _____

City State Zip Code

Phone Number: _____

Date: _____ Signature: _____

NOTE: This Notice of Defense must be signed by or on behalf of Respondent, must set forth Respondent's current mailing address, and must be filed with Edward Decker, Office Assistant, Division of Corporations, Business and Professional Licensing, Investigations Section, 550 West 7th Avenue, Suite 1500, Anchorage, AK 99501-3567, within 15 days after the enclosed Accusation was mailed or delivered to the Respondent.