

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC  
3 DEVELOPMENT  
4 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL  
5 LICENSING  
6 BEFORE THE ALASKA STATE MEDICAL BOARD  
7

8 In the Matter of: )  
9 )  
10 Colleen M. Murphy, M.D. )  
11 )  
12 Respondent )  
13 Case No. 2800-05-026, *et. al.*  
14

15 **MEMORANDUM OF AGREEMENT**

16 IT IS HEREBY AGREED by the Department of Commerce, Community  
17 and Economic Development, Division of Corporations, Business and Professional  
18 Licensing (Division) and Colleen M. Murphy M.D. (Respondent) as follows:

19 1. Licensure. Respondent is currently licensed as a physician  
20 in the State of Alaska, and holds License number # 3162. This license was first issued  
21 on October 27, 1993 and will expire unless renewed by December 31, 2006.

22 2. Admission/Jurisdiction. Respondent admits and agrees that  
23 the Alaska State Medical Board (Board) has jurisdiction over the subject matter of her  
24 license in Alaska and over this Memorandum of Agreement (MOA).

25 3. Admission/Facts. Respondent neither admits nor denies the  
26 following allegations:

1 a) On April 12, 2005, the Division received a written  
2 report from Alaska Regional Hospital (ARH), advising that the Medical Executive  
3 Committee (Committee) had summarily suspended Respondent's obstetrical privileges.

4 b) On July 7, 2005, the Alaska State Medical Board  
5 summarily suspended the Respondent's license. On July 14, 2005, an accusation was  
6 filed against the Respondent's license. A summary suspension hearing was held from  
7 July 15-22, 2005. On July 22, 2005, an amended accusation was filed against the  
8 Respondent's license.

9 c) On October 21, 2005, the Board adopted the  
10 Administrative Law Judge's Proposed Decision and Order that found that there was not  
11 a basis for the summary suspension and recommended that the Respondent's license be  
12 reinstated. In the decision, the Administrative Law Judge recommended that the issues  
13 addressed at the summary suspension hearing could be heard by the Board in the more  
14 deliberative and complete context of an administrative hearing on the merits of an  
15 accusation for the imposition of any disciplinary sanctions.

16 d) On March 10, 2006, the Division filed a second  
17 amended accusation against the Respondent's license.

18 e) On July 1<sup>st</sup>, 2005, Providence Alaska Medical Center  
19 issued a letter to the Respondent affirming that Respondent was a member in good  
20 standing in the Department of Obstetrics and Gynecology. On July 8<sup>th</sup>, 2005,  
21 Providence Alaska Medical Center terminated medical staff membership of the  
22

1 Respondent as a result of her summary suspension by the Alaska State Medical Board.  
2 On May 26, 2006, Providence Alaska Medical Center approved an option for  
3 Respondent to reinstate her obstetrical privileges, which is attached as Exhibit A and is  
4 filed under seal.

5 f) The Alaska State Medical Board decided that there were grounds for  
6 possible suspension, revocation, or other disciplinary sanctions of his or her license  
7 pursuant to AS 08.01.075, AS 08.64.326(a)(8)(A) and AS 08.64.331(a).

8 4. Formal Hearing Process. It is the intent of the parties to this  
9 MOA to provide for the compromise and settlement of all issues which have been raised  
10 by the second amended accusation, which requests the Board to revoke, suspend, or  
11 impose disciplinary sanctions against Respondent's license through a formal hearing  
12 process.

13 5. Waiver of Rights. Respondent understands she has the right  
14 to representation by an attorney of her own choosing and has a right to an administrative  
15 hearing on the facts in the second amended accusation. Respondent understands and  
16 agrees that by signing this MOA, Respondent is waiving her right to a hearing. Further,  
17 Respondent understands and agrees that she is relieving the Division of any burden it  
18 has of proving the facts listed above. This MOA is for the purposes of settlement only  
19 and is not to be considered an admission of wrongdoing by the Respondent. Respondent  
20 further understands and agrees that by signing this MOA she is voluntarily and  
21 knowingly giving up her right to present oral and documentary evidence, to present

1 rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the  
2 Board's decision to Superior Court.

3                   6.     Effect of Non acceptance of Agreement. Respondent and  
4 the Division agree that this MOA is subject to the approval of the Board. They agree  
5 that, if the Board rejects this agreement, it will be void, and a hearing on the second  
6 amended accusation will be held. If this agreement is rejected by the Board, it will not  
7 constitute a waiver of Respondent's right to a hearing on the matters alleged in the  
8 second amended accusation and any admissions contained herein will have no effect.  
9 Respondent agrees that, if the Board rejects this agreement, the Board may decide the  
10 matter after a hearing, and its consideration of this agreement shall not alone be grounds  
11 for claiming that the Board is biased against Respondent, that it cannot fairly decide the  
12 case, or that it has received *ex parte* communication.

13                   7.     Memorandum of Agreement, Decision and Order.  
14 Respondent agrees that the Board has the authority to enter into this MOA and to issue  
15 the following Decision and Order.

**PROPOSED DECISION AND ORDER**

IT IS HEREBY ORDERED that the license issued to Respondent is under probation. This license shall be subject to the following terms and conditions of license probation.

**A. Duration of Probation**

Respondent's license shall be on probation for one (1) year from the effective date of this Order, retroactive to the date of the agreement with PAMC, attached under seal as Exhibit A, May 26, 2006. If Respondent fully complies with all of the terms and conditions of this license probation, the probationary period will end as conditioned under this Order. If Respondent completes the terms of the agreement with PAMC, attached under seal as Exhibit A, the respondent may petition the Board to be released earlier from the terms of this license probation.

**B. Conditions for Privileges**

Respondent agrees to comply with all required conditions of Providence Alaska Medical Center (PAMC), attached under seal as Exhibit A, and any other conditions imposed on her hospital privileges by PAMC ~~or other hospitals~~ during the probationary period.

7/5/06  
FD's  
7/5/06 CMM

**C. Hospital Privileges**

During the probationary period, Respondent shall notify the Chief of Staff and Administrator of any hospital in which Respondent has privileges of the terms of her probation and provide them with a copy of this MOA. Respondent shall also notify

1 the Board's representative immediately of obtaining hospital privileges at any hospital  
2 during the probationary period. The Board's representative will be permitted to discuss  
3 with the Chief of Staff and Administrator of any hospital at which she has privileges  
4 about the subject matter of this agreement during the probationary period. The  
5 Respondent shall sign a release of information from PAMC for reports relating to her  
6 progress and performance in obstetrics during the probationary period.

7 **D. Periodic Interview With the Board**

8 While under license probation and upon the request of the Board or its  
9 agent, Respondent shall report in person to the Board or its agent to allow a review of  
10 her compliance with this probation. Respondent shall be excused from attending any  
11 interview only at the discretion of the person requesting the interview.

12 **E. Compliance with Laws**

13 Respondent will obey all laws pertaining to her license in this state or any  
14 other state.

1                   **F.     Probation Violation**

2                   If Respondent fails to comply with any term or condition of this  
3 Agreement, her license will be subject to disciplinary sanctions according to current  
4 regulations and statutes adopted by the Alaska State Medical Board. If Respondent's  
5 license is modified, she will continue to be responsible for all license requirements  
6 pursuant to AS 08.64

7                   **G.     Authorization**

8                   Respondent will sign all authorizations necessary for the release of the  
9 information required by the MOA to the Board's agent.

10                  **H.     Non cooperation by Reporting Persons**

11                  If any of the persons required by this Order to report to the Board, fails or  
12 refuses to do so, and after adequate notice to Respondent to correct the problem, the  
13 Board may terminate probation and invoke other sanctions as it determines appropriate.

14                  All costs are the responsibility of the Respondent.

15                  **I.     Good Faith**

16                  All parties agree to act in good faith in carrying out the stated intentions of  
17 this MOA.

18                  **J.     Address of the Board**

19                  All required reports or other communication concerning compliance with  
20 this MOA shall be addressed to:

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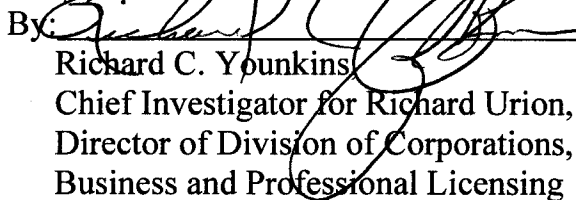
Brian Howes, Investigator  
Division of Corporations, Business  
and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
(907) 269-8109 Fax (907) 269-8195

It is the responsibility of Respondent to keep the Board's agent advised in writing at all times of his or her current mailing address, physical address, telephone number, current employment, and any change in employment. Failure to do so will constitute grounds for suspension of his or her license in accordance with paragraph 'H' above.

IT IS HEREBY FURTHER ORDERED that this Order shall take effect immediately upon its adoption by the Alaska State Medical Board and is a public record of the Alaska State Medical Board and the State of Alaska. The state may provide a copy of it to any person or entity.

DATED this 19th day of June, 2006 at Anchorage, Alaska.

WILLIAM C. NOLL, COMMISSIONER

By:   
Richard C. Younkins  
Chief Investigator for Richard Urion,  
Director of Division of Corporations,  
Business and Professional Licensing

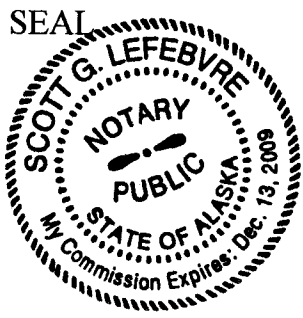


1 I, Colleen M. Murphy, M.D., have read the MOA, understand it, and agree  
2 to be bound by its terms and conditions.

3 DATED: 7/5/06 Colleen M. Murphy MD

4 SUBSCRIBED AND SWORN TO before me this 5th day of  
5 JULY, 2006, at ANCHORAGE, Alaska.

6 [Signature]



7 Notary Public in and for Alaska.  
8 SCOTT G. LEFEBVRE  
9 Notary Printed Name  
10 My commission expires: DEC. 13, 2009

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Telephone 907-269-8160 Fax 907-269-8195

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15 **ORDER**

16 The Alaska State Medical Board for the State of Alaska, having examined  
17 the MOA and Proposed Decision and Order, Case No. 2800-05-026 *et al*, Colleen M.  
18 Murphy, M.D. adopted the MOA and Decision and Order in this matter.

19 DATED this 14<sup>B</sup> day of July, 2006, at Anchorage, Alaska.

20 Alaska State Medical Board

21 By: Ed Hall A-L  
22  
23 Chairperson  
24  
25

Memorandum of Agreement  
In the Matter of:  
Colleen M. Murphy, M.D.  
Case No. 2800-05-026, *et al*.

# **Exhibit A to Memorandum of Agreement**

is available upon request to:

State of Alaska  
Department of Law  
1031 West 4<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501

Attn: Karen L. Hawkins  
Assistant Attorney General