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Gavin Newsom, Governor, State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

July 19, 2019

Mark Edward Trump, M.D.
27 Alexander Street, Apt. 202
Vancouver, BC V6A 1B2

RE: Physician's and Surgeon's Certificate No. A122454
Case No. 800-2019-053063

Public Letter of Reprimand

On February 7, 2019, the Alaska Dept. of Commerce, Community, & Economic Development, Division of Corporations, Business and Professional Licensing issued a Consent Agreement, Decision and Order (Exhibit A) wherein you were assessed a civil fine, required to complete continuing medical education (CME) requirements, reprimanded and required to comply with terms of a mandatory audit to verify compliance with the CME requirements for two future periods. This action was based on your admission that you failed to maintain sufficient evidence verifying your completion of the CME required as claimed on your 2017 renewal application. These actions constitute a violation of California Business and Professions Code sections 141(a), 2234 and 2305.

Pursuant to the authority of the California Business and Professions Code section 2233, you are hereby issued this Public Letter of Reprimand by the Medical Board of California.

Kimberly Kirchmeyer
Executive Director

Exhibit A

ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

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

In the matter of MARK E. TRUMP, Respondent.	Case No. 2018-000223

CONSENT AGREEMENT, DECISION AND ORDER

IT IS HEREBY AGREED by the Alaska Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing (Division), and Mark E. Trump (Respondent) as follows:

1. **Licensure.** Respondent holds Alaska Physician License No. MEDS8094. This license was first issued on June 13, 2014, and will expire on December 31, 2018, unless renewed.

2. **Admission/Jurisdiction.** Respondent admits and agrees the 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 Online Renewal application for Physician, Respondent affirmed he had completed the required CME and he had complied with the CME requirements set forth in 12 AAC 40.200–.240 between January 1, 2015, and December 31, 2016 (the concluding licensing period).

d) Respondent's renewal application was submitted December 7, 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.

f) In response to the audit, Respondent provided documentation of the CME he had completed.

g) The Board asked Respondent to provide documentation certifying American Medical Association and/or American Osteopathic Association accreditation of his CME hours.

h) The Board approved CME completed by Respondent and accredited by the AMA during the concluding licensing period (January 1, 2015, through December 31, 2016) as reflected in Appendix A attached.

i) Although the remaining CME hours submitted by Respondent could qualify for accreditation under American Osteopathic Association standards, Respondent is not a Doctor of Osteopathy and he was unable to obtain documentation of accreditation from the American Osteopathic Association.

j) The remaining CME hours completed by Respondent during the concluding licensing period were not approved for the reason he was not able to obtain verification from the AMA or AOA that these CMEs were Category I AMA- or AOA-accredited.

k) Respondent now agrees he failed to maintain sufficient evidence of compliance in support of his certification of compliance with the CME requirements of 12 AAC 40.200-.240.

l) Respondent admits as a result of the above facts, grounds exist for the possible revocation, suspension, or imposition of other disciplinary sanctions to his Alaska physician license pursuant to AS 08.64.326 and AS 08.64.331.

4. **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide for a compromise and settlement of all issues addressed in paragraph 3 (above) that could be raised by an accusation to revoke, suspend, or impose disciplinary sanctions against

Respondent's license through a formal administrative hearing process. It does not address any issues not specifically raised in paragraph 3.

5. **Waiver of Rights.** Respondent understands he has the right to consult with an attorney of his own choosing and he has a right to an administrative hearing on the facts in this case. Respondent understands and agrees by signing this agreement, he is waiving his 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, 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 maintain sufficient evidence verifying 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 2017 renewal application, Mark E. Trump (Respondent) shall:

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

A. Civil Fine

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

Nonpayment of the civil fine in accordance with these terms will constitute a violation of this agreement and will result in the reinstatement of any suspended amount in accordance with Section F of this Consent Agreement.

B. Compliance with Continuing Medical Education (CME) Requirements

In response to this audit, Respondent provided documentation of three approved contact hours of CME completed between January 1, 2015, and December 31, 2016, in partial compliance with 12 AAC 40 (Appendix A).

Within 90 days of the date this Consent Agreement is adopted, Respondent will submit documentation verifying completion of 47 credit hours of approved CME completed after December 31, 2016. The Board agrees to accept these credit hours completed as meeting the requirements of 12 AAC 40 for the renewal of the Respondent's license for the licensing period January 1, 2017, through December 31, 2018.

The CME credit hours completed after December 31, 2016, used to meet this requirement not be used to satisfy the CME requirements for any future renewal or reinstatement of this license.

C. Reprimand

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

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

Following the renewal of his license, Respondent was unable to produce sufficient documentation that his CME was accredited by the AMA and/or AOA as required by 12 AAC 40.

The Board expects each Alaska licensed physician to be aware of all laws and regulations pertaining to their license and the practice of medicine in Alaska, including those which relate to continuing medical education. Furthermore, the Board relies upon each applicant to respond accurately to questions on renewal applications.

Dr. Trump is reprimanded for failing to produce documentation from the AMA and/or the AOA demonstrating that Respondent's CME was accredited as required by the continuing medical education requirements of AS 08.64 and 12 AAC 40 during the concluding license period (January 1, 2015–December 31, 2016) as indicated on his 2017 renewal application.

D. Mandatory Audit to Verify Compliance with the CME Requirements

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

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

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

Respondent understands compliance with this mandatory audit must be made in advance of processing any future license renewal application. Respondent accepts responsibility to provide the documentation necessary to verify compliance with the CME requirement, and understands he will

not receive additional notice of this requirement with renewal applications subject to this mandatory audit.

E. Compliance with Laws

Respondent shall obey all federal, state, and local laws, and all statutes and regulations governing his license or relating to his fitness to practice, 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 be 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

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

H. Good Faith

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

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

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ACCEPTANCE OF AGREEMENT

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

DATED: November 27, 2018.

Mark E. Trump, M.D.

SUBSCRIBED AND SWORN TO before me this 27th day of November, 2018, at 1211 N 16th Ave, Yakima, WA.

JOLENE M JONES
COMMISSION EXPIRES
NOTARY PUBLIC
SEAL
04/01/2022
STATE OF WASHINGTON

Notary Public in and for the State of ~~Arizona~~ WA

My Commission Expires: 04/01/2022

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

DATED this 11th day of December, 2018, at Juneau, Alaska.

Julie Anderson
~~MIKE NAVARRE~~, COMMISSIONER
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

By:

~~Janey McCullough, Director~~
Division of Corporations, Business and Professional Licensing
Sara Chambers, Acting Director

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

In the matter of MARK E. TRUMP, Respondent.	)	Case No. 2018-000223

ORDER

The State Medical Board (Board), having examined the Consent Agreement, Decision and Order, Case No. 2018-000223 , signed by Mark E. Trump, M.D., hereby adopts the Consent Agreement, Decision and Order in this matter.

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

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

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

DATED this 7th day of February, 2018, at Anchorage, Alaska.

STATE MEDICAL BOARD

By: _____
Chairperson