



# MEDICAL BOARD OF CALIFORNIA

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## Enforcement Program

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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**

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

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

7 b) A physician who fails to meet the CME requirements during a concluding licensing  
8 period due to illness or other extenuating circumstances may request an extension of  
9 time to meet those requirements under the provisions of 12 AAC 40.200(b), or may  
10 allow their license to lapse and complete the required hours after the expiration date  
11 of the license under 12 AAC 02.965(a).

12 c) As part of the 2017 Online Renewal application for Physician, Respondent affirmed  
13 he had completed the required CME and he had complied with the CME  
14 requirements set forth in 12 AAC 40.200-.240 between January 1, 2015, and  
15 December 31, 2016 (the concluding licensing period).

16 d) Respondent's renewal application was submitted December 7, 2016, and his physician  
17 license was renewed without lapse in reliance on his certification he had complied  
18 with the CME requirements and the information in the application was true and  
19 correct.

20 e) Following the renewal of his physician license, Respondent was informed his license  
21 renewal application was among the group randomly selected for audit to monitor  
22 compliance with CME requirements. In accordance with 12 AAC 40.220 and 12 AAC  
23 02.960, Respondent was instructed to provide documentation to verify the  
24 completion of required CME as certified on his renewal application.  
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- 1 f) In response to the audit, Respondent provided documentation of the CME he had  
2 completed.
- 3 g) The Board asked Respondent to provide documentation certifying American Medical  
4 Association and/or American Osteopathic Association accreditation of his CME  
5 hours.
- 6 h) The Board approved CME completed by Respondent and accredited by the AMA  
7 during the concluding licensing period (January 1, 2015, through December 31, 2016)  
8 as reflected in Appendix A attached.
- 9 i) Although the remaining CME hours submitted by Respondent could qualify for  
10 accreditation under American Osteopathic Association standards, Respondent is not a  
11 Doctor of Osteopathy and he was unable to obtain documentation of accreditation  
12 from the American Osteopathic Association.
- 13 j) The remaining CME hours completed by Respondent during the concluding licensing  
14 period were not approved for the reason he was not able to obtain verification from  
15 the AMA or AOA that these CMEs were Category I AMA- or AOA-accredited.
- 16 k) Respondent now agrees he failed to maintain sufficient evidence of compliance in  
17 support of his certification of compliance with the CME requirements of 12 AAC  
18 40.200-.240.
- 19 l) Respondent admits as a result of the above facts, grounds exist for the possible  
20 revocation, suspension, or imposition of other disciplinary sanctions to his Alaska  
21 physician license pursuant to AS 08.64.326 and AS 08.64.331.
- 22 4. **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to  
23 provide for a compromise and settlement of all issues addressed in paragraph 3 (above) that  
24 could be raised by an accusation to revoke, suspend, or impose disciplinary sanctions against  
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1 Respondent's license through a formal administrative hearing process. It does not address any  
2 issues not specifically raised in paragraph 3.

3 5. **Waiver of Rights.** Respondent understands he has the right to consult with an attorney of  
4 his own choosing and he has a right to an administrative hearing on the facts in this case.  
5 Respondent understands and agrees by signing this agreement, he is waiving his right to a  
6 hearing. Respondent understands and agrees he is relieving the Division of any burden it has  
7 of proving the above facts. Respondent understands and agrees by signing this Consent  
8 Agreement he is voluntarily and knowingly giving up his right to present oral and  
9 documentary evidence, to present rebuttal evidence, to cross examine witnesses against him,  
10 and to appeal the Board's decision to Superior Court.

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

21 7. **Consent Agreement, Decision, and Order.** Respondent agrees the Board has the authority  
22 to enter into this Consent Agreement and to issue the following Decision and Order.  
23 Respondent and the Division agree the Board may adopt or reject the proposed Decision and  
24 Order in its entirety.  
25

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

4 **DECISION AND ORDER**

5 IT IS HEREBY ORDERED for his failure to maintain sufficient evidence verifying his  
6 completion of the continuing medical education (CME) required under 12 AAC 40 during the  
7 concluding license period of January 1, 2015, through December 31, 2016, and as claimed by his  
8 response on his 2017 renewal application, Mark E. Trump (Respondent) shall:

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

18 **A. Civil Fine**

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

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

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

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

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

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

16       **C.     Reprimand**

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

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



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

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

7           Dr. Trump is reprimanded for failing to produce documentation from the AMA and/or the  
8 AOA demonstrating that Respondent's CME was accredited as required by the continuing medical  
9 education requirements of AS 08.64 and 12 AAC 40 during the concluding license period (January 1,  
10 2015–December 31, 2016) as indicated on his 2017 renewal application.

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

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

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

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

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

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

3 **E. Compliance with Laws**

4 Respondent shall obey all federal, state, and local laws, and all statutes and regulations  
5 governing his license or relating to his fitness to practice, and remain in full compliance with any  
6 orders by another licensing jurisdiction.

7 **F. Violation of Agreement**

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

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

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

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

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

24

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1 **G. Address of the Board**

2 All required reports or other communication concerning compliance with this Consent

3 Agreement shall be addressed to:

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

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

10 **H. Good Faith**

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

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

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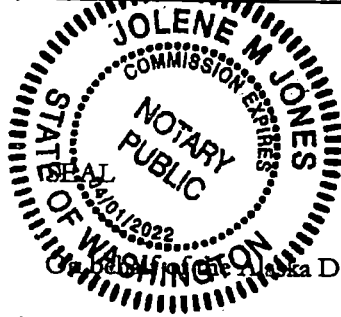
ACCEPTANCE OF AGREEMENT

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

[Signature]  
Mark E. Trump, M.D.

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



[Signature]  
Notary Public in and for the State of ~~Arizona~~ WA

My Commission Expires: 04/01/2022

[Signature] 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 11<sup>th</sup> day of December, 2018, at Juneau, Alaska.

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

By: [Signature]

Jacey McCullough, Director

Division of Corporations, Business and  
Professional Licensing

Sara Chambers, Acting Director

