

**MINNESOTA BOARD OF MEDICAL PRACTICE
BOARD MEETING
2829 UNIVERSITY AVE. SE
MINNEAPOLIS, MN 55414-3246**

July 9, 2016

The Minnesota Board of Medical Practice met on July 9, 2016, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Subbarao Inampudi, M.B., B.S., FACR; Gerald T. Kaplan, M.A., L.P., Vice President; Irshad H. Jafri, M.B., B.S., FACP, Secretary; Mark A. Eggen, M.D.; V. John Ella, J.D.; Kelli Johnson, M.B.A.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Kimberly W. Spaulding, M.D., M.P.H.; Maria K. Statton, M.D., Ph.D.; Jon V. Thomas, M.D., M.B.A.; Patrick R. Townley, M.D., J.D.; Joseph R. Willett, D.O., FACOI

PUBLIC SESSION

Agenda Item 1: Call to Order and Roll Call

The meeting was called to order by Board President Subbarao Inampudi, M.B., B.S., FACR. Roll call was taken by Board staff.

Agenda Item 2: Minutes of the May 14, 2016, Board Meeting

The minutes of the May 14, 2016, Board meeting were received and approved as circulated.

Dr. Inampudi introduced and welcomed new Board members Kimberly W. Spaulding, M.D., M.P.H., and Patrick R. Townley, M.D., J.D.

Dr. Spaulding has practiced family medicine with obstetrics from the St. Cloud Medical Group for the past 15 years. Dr. Spaulding received a BA in biology from St. Olaf College and a Master's of Public Health in Maternal and Child Health from the University of Minnesota School of Public Health. Dr. Spaulding completed medical school at the University of Minnesota – Minneapolis and residency at Park Nicollet/Methodist Hospital. Dr. Spaulding represents Congressional District Six and replaces Rebecca J. Hafner-Fogarty, M.D., M.B.A., on the Board.

Dr. Townley is an internal medicine physician and Medical Director at Axis Medical Center in Minneapolis. Dr. Townley completed his internal medicine training at the University of Chicago Hospitals and received his law and medicine degrees from the University of Minnesota. Dr. Townley represents Congressional District Five and replaces Charles F. Moldow, M.D., on the Board.

Agenda Item 3: Overview of Allied Health Professionals Presentation

Acupuncture Advisory Council Member (Gary) Steve Compton, L.AC, provided an overview of the acupuncture profession. A question and answer session followed. The Board gave a round of applause.

Naturopathic Doctor Advisory Council Chair Helen C. Healy Soley, N.D., provided an overview of the naturopathic doctor profession. A question and answer session followed. The Board gave a round of applause.

Michael Green, M.D., physician member and Chair of the Acupuncture Advisory Council and member of the Naturopathic Doctor Advisory Council, provided a summary of his background

and involvement in the Board's advisory councils. A question and answer session followed. Dr. Inampudi thanked Dr. Green for his service. The Board gave a round of applause.

Rebecca Ness, P.A., President of the Minnesota Academy of Physician Assistants provided an overview of the physician assistant profession. Leslie Milteer, P.A., immediate past President of the Minnesota Academy of Physician Assistants, and Gay Lentfer, P.A., Chair of the Physician Assistant Advisory Council were also in attendance and added to the discussion. A question and answer session followed. The Board gave a round of applause.

Agenda Item 4: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 – 352 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 353 - 355 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 356 - 361 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainers Advisory Council, athletic trainer applicants 362 - 372 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 373 - 394 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Therapist Advisory Council, respiratory therapist applicants 395 – 398 of the agenda were approved for licensure subject to the receipt of verification documents.

Agenda Item 5: Licensure Committee Report

- Agenda Item 6a: Minutes of the June 16, 2016, Licensure Committee
Licensure Committee Chair Patricia Lindholm, M.D., FAAFP, presented the minutes of the June 16, 2016, Licensure Committee Meeting.

Dr. Lindholm summarized the Licensure Committee's actions and discussions.

Ms. Martinez acknowledged the efforts and resilience of Board staff in processing residency permit applications, license applications, and renewal applications for the allied professions renewing by June 30, during this peak application season. The volume of applications has been overwhelming, particularly with the significant staff turnover in licensure positions over the last two years, based on several retirements and a promotion of experienced staff. The entire office has pitched in to help. A special thanks to Licensure Unit Supervisor Molly Schwanz. The Board gave a round of applause.

Agenda Item 6: Health Professionals Services Program (HPSP) Program Committee Report

Allen G. Rasmussen, M.A., the Board's representative and Chair of the Health Professionals Services Program (HPSP) Program Committee presented his report summarizing the May 10, 2016, HPSP Program Committee meeting.

HPSP's authorizing statute requires that one health licensing Board be the administering Board for the HPSP Program. The previous administering Board was the Board of Dentistry and, most recently, the Board of Physical Therapy. Several smaller Boards were approached to

administer the HPSP Program but were not interested. HPSP Director Monica Feider inquired if the Board of Medical Practice would become the administering Board for the HPSP Program. Ms. Martinez stated that Board staff and she are willing to take on the duties of the administering Board for the HPSP Program.

After Board discussion, the motion to transfer administrative duties of the HPSP Program from the Board of Physical Therapy to the Board of Medical Practice passed unanimously.

Dr. Inampudi thanked Mr. Rasmussen for a great job.

Agenda Item 7: Executive Director's Report

Ruth M. Martinez, M.A., provided a summary of the Executive Director's Report.

- The Board continues to participate in the following external work groups:
 - State Opioid Oversight Project (SOOP)
 - National Governors' Association (NGA) Health Care Workforce Technical Assistance Program
 - Immigrant International Medical Graduate (IMG) Stakeholder Advisory Group & subgroups:
 - Licensure Study work group
 - Alternate Pathways work group
 - Drug Diversion Coalition through the MN Department of Health
 - The group has been reconvened to address current issues
 - - Dr. Berge and Ms. Martinez are, once again, involved with the group
 - One Health MN Antibiotic Stewardship
 - Community Dialogue on Diagnostic Error
 - MN Alliance for Patient Safety
 - Interstate Collaboration in Healthcare

Ms. Martinez will continue to report on the activities of external work groups.

- MN Tri-Regulatory Symposium
On June 1, 2016, the Minnesota Boards of Medical Practice, Nursing and Pharmacy hosted the inaugural MN Tri-Regulatory Symposium (Symposium) at The Commons Hotel in Minneapolis. The Symposium was a great success, with more than 60 attendees representing the national regulatory organizations and the Minnesota Boards of Medical Practice, Nursing and Pharmacy. Presentations by the national organizations' Chief Executive Officers and speakers Dr. Barbara Brandt and Dr. Doris Gundersen were well-received. A survey has been distributed to attendees and Ms. Martinez will provide the survey results at the September 10, 2016, Board meeting. Ms. Martinez invited comments from Board members who attended the Symposium.

Board members thought it was a wonderful, well organized event. They enjoyed being seated with Board members and staff from the other participating Boards. They also learned a lot about the other Boards from the presentations. Ms. Martinez will ask the executive directors of the Board of Nursing and Board of Pharmacy whether they are interested in hosting another Symposium and how frequently such an event should be held.

Ms. Martinez invited Board members to contact her with any suggestions for future Symposium topics.

Ms. Martinez thanked Medical Board Administrative Assistant Cheryl Johnston, Nursing Board Administrative Assistant Mary Luecke, and Pharmacy Board Office Manager Pat

Eggers for the great job they did organizing and facilitating the Symposium. The Board gave a round of applause.

- Interstate Medical Licensure Compact (IMLC) Commission Meeting
On June 24, 2016, the IMLC Commission held its fourth meeting in Salt Lake City, Utah. Since the last meeting in St. Paul on March 31 – April 1, five states have joined the IMLC, bringing the total number of member states to 17. New Commissioners were welcomed and the Executive Committee presented its report and a timeline for implementing issuance of licenses through the IMLC. IMLC committees reported on committee work since the last meeting and requested action on specific issues. The Commission passed a Conflict of Interest Policy and a resolution specifying that it does not have a conflict of interest with the Federation of State Medical Boards in the FSMB's facilitation of IMLC activities. The Commission passed a motion to set a target date of January 2017 to begin issuing licenses, and gave direction to committees for the significant work that will be required to meet the January 2017 target date. The Commission set dates for future meetings, on August 24, 2016 via conference call, and on October 3, 2016 in Kansas City, Kansas. Dr. Thomas serves on the Executive Committee and Technology Committee, and Ms. Martinez serves on the Bylaws and Rules Committee. Dr. Thomas and Ms. Martinez will keep the Board informed regarding IMLC progress.

- Other Activities

- Board staff was pleased to welcome Hanan Ahmad on June 7, 2016, as a Licensure Specialist.
- Board of Medical Practice, Attorney General, and MNiT staff provided orientation to new Board and advisory council appointees.
- The Board continues to seek applicants for an at large physician member seat and a public member seat. Ms. Martinez encouraged any Board member who knows of someone interested in either of the two vacancies on the Board to invite those individuals to contact the Secretary of State's Office. Ms. Martinez will e-mail the districts eligible for the vacancy of the public member seat.

- Legislation

The following health policy bills, passed during the 2016 legislative session, will become effective on August 1, 2016, unless otherwise noted:

- SF 454/HF 1036: Physician assistant housekeeping modifications; temporary suspension process alignment; and traditional midwifery statute modifications.

Modifies provisions of the physician assistant practice act to remove the cap on the number of PAs that a physician may supervise; eliminates the requirement for an alternate supervising physician; and requires practice location notification within 30 business days of starting practice.

The modification of the traditional midwifery statute includes a slight modification to scope of practice and allows the traditional midwifery professional association to recommend a physician to serve on the advisory council, rather than requiring the physician member to be recommended by the Minnesota Medical Association.

- SF 2341/HF 2445: Osteopathic physician housekeeping modifications. Updates references throughout the practice act; repeals obsolete language; modifies composition of the Board to allow more than one osteopathic physician to serve on the Board; aligns examination requirements between the COMLEX and the USMLE.

Ms. Martinez thanked Joe R. Willett, D.O., Nick Schilligo, M.S. Associate Vice President of the American Osteopathic Association, and Colleen Jensen Executive Director of the Minnesota Osteopathic Medical Society, all of whom worked with Board staff to draft language and prepare talking points to present to the legislature.

- SF 1440/HF 1652: Expands access to prescription monitoring program data for health licensing board designees during a complaint investigation; and mandates PMP registration by July 1, 2017 for prescribers. The Board has already embedded a link to the registration site within the Board's on-line renewal process. There isn't a specified legislative penalty if prescribers do not register with the PMP by July 1, 2017; however, Ms. Martinez suggested implementation of a random audit process to ensure that physicians and physician assistants are compliant with the new law.

The Board will have access to PMP data when actively investigating a complaint alleging inappropriate prescribing or diversion of drugs for self-use. Board staff doesn't have direct access to retrieve data from the PMP; rather, the Board will process a request for data through the PMP. Board staff may delegate authority to the AGO as an agent of the Board to request information from the PMP during investigations on behalf of the Board.

Ms. Martinez noted that it is important to access PMP data responsibly and assure a sound basis for any data request. If anyone perceives that the access is being abused, there is potential for the legislature to remove access during investigations. Ms. Martinez will provide information as policies and procedures are implemented. Dr. Inampudi suggested that it would be worthwhile to get feedback from the Complaint Review Committees before policies are put into place.

- SF 37/HF 978: Authorizes licensing of genetic counselors by the Board of Medical Practice. The genetic counselors' professional association will work with the Board to establish an advisory council. Licensure of genetic counselors is mandatory by January 2018.
- SF 2475/HF 3142: HHS Omnibus Bill authorizes, in pertinent part, issuance of a medical faculty license to a qualifying individual by the Board of Medical Practice (language attached in the Board agenda).

Mayo Clinic brought forward the legislation very late in the 2016 session in an effort to hire a highly specialized physician who does not meet current licensing exam requirements. Practice is limited to the facility which hired the physician as medical faculty. This legislation will sunset in two years.

Upon learning of the legislative proposal, Ms. Martinez requested authority from Dr. Inampudi to work with the Mayo lobbyist to craft the language. Ms. Martinez thanked Complaint Review Supervisor Elizabeth Huntley and Licensure Unit Supervisor Molly Schwanz for their assistance with the language, which was significantly improved in its final form from the initial draft. A brief discussion followed.

Ms. Martinez suggested that the Board and the Minnesota Medical Association work together to gather opinions about the Medical Faculty License and consider whether and how to modify the language before it sunsets. Ms. Martinez requested that Board members communicate their thoughts and observations about the intended or unintended consequences of the medical faculty license.

National Defense Authorization Act for Fiscal Year 2017 (S. 2943), Sec. 705. Enhancement of Use of Telehealth Services in Military Health System, (d) Location of Care

The Board was notified of a federal bill, The National Defense Authorization Act for Fiscal Year 2017 (S. 2943), Sec. 705. Enhancement of Use of Telehealth Services in Military Health System, (d) Location of Care. Ms. Martinez stated that Sec. 705 of the legislation refers to the location of care as location of the practitioner, rather than where the patient is located (for the purpose of provider reimbursement.) Ms. Martinez asked Board members to review the legislation and contact Jonathan Jagoda at the Federation with comments. This item is on the agenda for the next Policy & Planning Committee meeting and will be fully discussed at that time.

Federal Register Notice

Ms. Martinez stated that Board staff forwarded a notice that was posted on July 8, 2016, in the Federal Register regarding opioid analgesic prescriber education and training with a request for comments by September 6, 2016. Ms. Martinez invited Board members to direct their comments either through her or directly through the notice. Ms. Martinez commented that the Board has never advocated for mandatory continuing education on any specific topic. Ms. Martinez is sensitive to the issue of opioid prescribing and a desire to educate practitioners, but noted that not every physician or physician assistant prescribes opioids.

September 10, 2016, Board Meeting

Ms. Martinez informed the Board that an invitation was extended to the Surgeon General to present at the Board's September 10, 2016, Board meeting. The Surgeon General graciously declined the invitation. Mayo also submitted a separate invitation to the Surgeon General which was also declined.

Ms. Martinez is working with a lobbyist in the Mayo's Government Relations Department to hold the September 10, 2016, Board meeting at Mayo Clinic. Mayo Clinic suggested that Dr. Tait D. Shanafelt be invited to present at the Board meeting on the topic of physician burn-out.

A motion was made and passed unanimously to hold the September 10, 2016 Board meeting at Mayo Clinic and to invite Dr. Shanafelt to present.

Mr. Kaplan will Chair the September 10, 2016, Board meeting, since Dr. Inampudi has a prior commitment.

Prison Tours

At the March 12, 2016, Board meeting, Health Services Director Nanette M. Larson offered prison tours to Board members and staff. Ms. Martinez is coordinating with Ms. Larson to schedule dates for prison tours of Stillwater and Oak Park Heights. Ms. Martinez will notify Board members when dates have been confirmed.

Board Committee Appointments

Dr. Inampudi asked Mr. Ella if he would remain Chair of the Policy & Planning Committee. Mr. Ella agreed. Dr. Inampudi appointed Gerald T. Kaplan, M.A., L.P., and Patrick R. Townley, M.D., J.D., to the Policy & Planning Committee.

Dr. Inampudi appointed Kimberly W. Spaulding, M.D., M.P.H. to the Licensure Committee.

Policy & Planning Committee Meetings

Dr. Inampudi proposed that the Policy & Planning Committee establish standing meetings every other month. If there aren't any items for the agenda, the meeting can be canceled.

Executive Director's Performance Evaluation

Ms. Martinez stated that the Executive Committee of the Board needs to conduct her performance evaluation. Traditionally the executive director's performance evaluation occurs on or around the September Board meeting.

Agenda Item 8: Corrective and Other Actions

The Corrective and other actions were presented for Board information only.

Agenda Item 9: New Business

Dr. Thomas voiced concern about the possibility of Board members being sued by the Federal Trade Commission (FTC) for anti-competitive behavior following the Supreme Court ruling on the North Carolina Dentistry case. The Federation of State Medical Boards invited Dr. Thomas to meet with a FTC attorney on Senator Klobuchar's staff. A proposed recommendation to the FTC attorney was to include exemption from litigation for medical Boards in a current antitrust local government act. The FTC attorney felt that they would have to include all types of Boards, not just medical Boards. The Federation asked Dr. Thomas to meet with Senator Klobuchar's staff again in August. Both Senators Franken and Klobuchar are interested in resolving this issue.

Assistant Attorney General Brian Williams will ask whether the Attorney General is willing to take a position on this issue. Mr. Williams would like to be informed of conversations and communications regarding this issue because it involves not just the Board of Medical Practice, but also other licensing boards. Board members felt that the AGO should be proactive and not wait for a disaster to occur. Dr. Eggen asked that the AGO extend indemnification to include federal as well as state indemnification.

Dr. Thomas believes that the Board has good processes in place, including due process for licensees and individual case involvement. However, even if the Board is doing everything right, Board members can still be sued by the FTC and that could be financially devastating.

Dr. Inampudi thanked Dr. Thomas for his good work and for sharing information with the Board.

A motion was made to adjourn the public session of the Board.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Subbarao Inampudi, M.B., B.S., FACR; Gerald T. Kaplan, M.A., L.P., Vice President; Irshad H. Jafri, M.B., B.S., FACP, Secretary; Mark A. Eggen, M.D.; V. John Ella, J.D.; Kelli Johnson, M.B.A.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Kimberly W. Spaulding, M.D., M.P.H.; Maria K. Statton, M.D., Ph.D.; Jon V. Thomas, M.D., M.B.A.; Patrick R. Townley, M.D., J.D.; Joseph R. Willett, D.O., FACOI

TIMOTHY E.M. BEYER, D.O.

On recommendation of the Complaint Review Committee, the Board approved the Amended Stipulation and Order for stayed suspension and conditioned license signed by Dr. Beyer. Dr. Willett recused.

TIMOTHY LLOYD BURKE, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for conditioned license and reprimand signed by Dr. Burke.

ALI EBRAHIMI, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

FREDRICK E. EKBERG, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license. Mr. Ella opposed.

HARVEY J. GREEN, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for conditioned license and reprimand signed by Dr. Green.

KEITH KRUEGER, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand signed by Dr. Krueger.

CHRISTOPHER P. MAIER, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

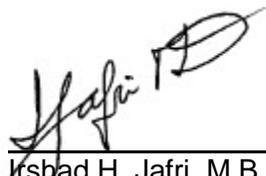
DOLINE OMIRERA KEBASSO, P.A.

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for stayed suspension, conditioned license and reprimand signed by Ms. Omirera Kebasso.

ANTON ROHAN, M.B., B.S.

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand signed by Dr. Rohan.

There being no further business, the meeting was adjourned.



Irshad H. Jafri, M.B., B.S., FACP
Secretary
MN Board of Medical Practice

September 2, 2016
Date