

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

**March 12, 2016**

The Minnesota Board of Medical Practice met on March 12, 2016, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gerald T. Kaplan, M.A., L.P., Vice President; Irshad H. Jafri, M.B., B.S., FACP, Secretary; Keith H. Berge, M.D.; Mark A. Eggen, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Kelli Johnson, M.B.A.; Patricia J. Lindholm, M.D., FAAFP; Maria K. Statton, M.D., Ph.D.; Jon V. Thomas, M.D., M.B.A., and 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 Vice President Gerald T. Kaplan, M.A., L.P., in the absence of Board President Subbarao Inampudi, M.B., B.S., FACR. Roll call was taken by Board staff.

Agenda Item 2: Minutes of the January 9, 2016, Board Meeting

The minutes of the January 9, 2016, Board meeting were received and approved as circulated.

Agenda Item 3: MN Department of Corrections Presentation by Health Services Director Nanette M. Larson

Health Services Director Nanette M. Larson provided a presentation regarding healthcare delivery within the prison system, the interaction of physicians within the system and the Board. A question and answer session followed.

Ms. Larson offered a tour of a prison to Board members and staff. Former Board members, Medical Coordinators and staff previously toured the prisons and found it to be an excellent opportunity and an insightful experience. Ms. Larson and Ms. Martinez will coordinate scheduling a tour.

Ms. Larson suggested reading "Medicine Behind Bars" published in the March/April 2016 issue of *Minnesota Medicine*.

The Board gave Ms. Larson a round of applause.

Mr. Kaplan requested to move agenda item 6 before agenda item 4.

Agenda Item 6: Policy and Planning Committee Report, March 12, 2016

Policy & Planning Committee Chair V. John Ella, J.D., provided an oral report of the March 12, 2016, 8 a.m., meeting.

- Licensing of Genetic Counselors, S.F. 37/H.F. 978 and Amended Language

The Policy & Planning Committee discussed a bill and amendment regarding licensing of genetic counselors, H.F. 978. The bill was introduced last session in the House. This year, the bill was introduced in a prehearing session in the House Licensing Subcommittee. Executive Director Ruth Martinez, M.A., related the Board's comments about issuance of a "provisional License" pending an applicant being fully certified by the ABGC or ABMG as a genetic counselor. Language was amended in response to the Board's concern. The revised language repeals the provisional license and, instead, creates a licensure exemption for a student or intern working in

an educational program under direct supervision, much as physicians are allowed to practice as interns/residents without being required to obtain licensure.

Matthew Bergeron, J.D., lobbyist and representative for the Minnesota Genetic Counselor's Association, provided an overview of the pending legislation and amendments.

- The amendment presented to the Policy & Planning Committee removes the provisional license and extends the definition of a genetic counseling intern to allow genetic counselor students to maintain the title for 6 months post-graduation to allow time to take the first exam, which is only held twice a year. This also allows genetic counselors to continue to work under supervision of a physician or a licensed genetic counselor, as allowed, while a student.
- Ms. Martinez requested that Mr. Bergeron provide an overview of what she and Mr. Bergeron had previously discussed regarding changing the renewal cycle and continuing education reporting requirements. Mr. Bergeron stated that, to be consistent with the other professions regulated by the Board, the genetic counselors have agreed to a one-year renewal cycle and reporting of their continuing education every two years. The *model* genetic counselors legislation proposed a one-year continuing reporting period and a two-year license.
- Additional language has been added to the bill to clarify that a physician practicing as a genetic counselor doesn't also have to be licensed as a genetic counselor.
- The legislation has been introduced in both the House and Senate with bipartisan support. The bill moved out of the House Subcommittee on Licensing on March 10, 2016. The bill is scheduled to be heard in the House Health and Human Services Committee on March 15, 2016, and the amended language will be added as an author's amendment. Mr. Bergeron does not anticipate other amendments. Ms. Martinez is hopeful that the bill will be heard in the Senate Health and Human Services Policy Committee either on March 16 or March 17, 2016. The bill also has other committee stops, including the Senate Judiciary, State and Local Government, and Finance Committees, and the House Government Operations, Public Safety and Crime Prevention, and Finance Committees. The bill is expected to progress through the committees within the next couple of weeks.

Teresa Knoedler, J.D., Minnesota Medical Association (MMA) Policy Council, stated that MMA is neutral on the bill, particularly with the inclusion of language clarifying that physicians who engage in genetic counseling in the course of their practice can do so without additional licensure.

A question and answer session followed.

Ms. Martinez thanked Mr. Bergeron for the opportunity to work with him on some of the amended language and also for his responsiveness to the Board's concerns.

Mr. Bergeron thanked the Board for the opportunity to explain the bill and answer questions.

The Policy and Planning Committee recommends that, with the above amendments, the Board remain neutral on the bill authorizing licensure of genetic counselors. Motion carried unanimously.

#### Agenda Item 4: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 – 248 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 249 - 251 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 252 - 264 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 265 - 278 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 279 - 335 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 336 – 350 of the agenda were approved for licensure subject to the receipt of verification documents.

Ms. Martinez noted that there aren't any applicants for naturopathic doctors or traditional midwives.

#### Agenda Item 5: Licensure Committee Report

- Agenda Item 5a: Draft Minutes of the February 25, 2016, Licensure Committee  
Licensure Chair Patricia Lindholm, M.D., FAAFP, presented the draft minutes of the February 25, 2015, Licensure Committee Meeting, noting that the final minutes have not changed.

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

The minutes and actions of the February 25, 2016, meeting of the Licensure Committee were received and approved as circulated.

- Agenda Item 5b: Athletic Trainers Advisory Council Appointments  
The Licensure Committee's motion to reappoint Kenji Sudoh, M.D., physician member to the Athletic Trainers Advisory Council passed unanimously.

#### Agenda Item 7: Health Professionals Services Program (HPSP) Program Committee Report

Allen G. Rasmussen, M.A., is the Board representative and Chair of the HPSP Program Committee. Mr. Rasmussen's written report was distributed with the agenda and Ms. Martinez provided a summary of the February 16, 2016, HPSP Program Committee Report in Mr. Rasmussen's absence.

#### Agenda Item 8: Executive Director's Report

Ms. Martinez provided a summary of the Executive Director's Report.

- State Opioid Oversight Project (SOOP)  
The Board continues to participate on the SOOP Work Group, which convenes monthly. Subcommittees of the Work Group are pursuing initiatives, particularly related to Naloxone access, educational efforts related to opioid risks for newborns, and development of messages between health care systems, providers, and patients. Ms. Martinez attended a meeting on March 11, 2016.
  - The Minnesota Board of Pharmacy has been working on a Naloxone bill that Board staff just learned about on March 10, 2016. There is language inserted into the draft bill which involves the Board in promulgating a protocol under which pharmacists prescribing would occur, in conjunction with the Boards of Nursing and Pharmacy, as well as the professional associations. At the March 11, 2016, SOOP meeting, the discussion focused on the Naloxone bill. Ms. Martinez invited Ms. Knoedler to offer comments from the MMA perspective, as well. Ms. Knoedler stated that the MMA doesn't have an official position on the Naloxone bill, but has been working with the Board of Pharmacy and its Executive Director Cody Wiberg, Pharm.D., R.Ph., to find a way to achieve the goal of increasing access and availability of Naloxone without permitting pharmacists to prescribe.

- The Board of Pharmacy reports pressure to address the Naloxone (Narcan™) issue. It is something several Boards are trying to achieve. Board staff has not seen the bill and the Board hasn't been invited to take a position on it. Ms. Martinez wanted the board be aware of this bill.
- Ms. Martinez invited Board members to contact their representatives if they have personal concerns about this bill. Ms. Martinez will not ask the Board to take a position on the bill until there is formal language to review. The Board may also be asked to complete a fiscal note.

The Board had a lengthy discussion about prescribing of Naloxone by pharmacists.

- Interstate Collaboration in Healthcare  
The Board continues to participate on weekly conference calls with the Interstate Collaboration in Healthcare. The group is continuing to monitor progress of medical and nursing licensure compacts, telemedicine initiatives and other topics of interest to stakeholders.
- National Governors' Association (NGA) Health Care Workforce Technical Assistance Program  
The Core Team of the NGA Health Care Workforce Technical Assistance Program (NGA-TA Program), of which the tri-regulatory Boards of Medical Practice, Nursing and Pharmacy are members, continued its efforts to develop a consensus framework for legislative evaluation of scope-of-practice proposals. The group reviewed and offered comment on a draft framework and discussed goals for Interprofessional collaboration.
- Immigrant International Medical Graduate (IIMG) Stakeholder Advisory Group  
Board representatives Molly Schwanz and Ruth Martinez hosted and participated in a meeting of the Licensure Study work group.
- Office of Administrative Hearings 40th Anniversary Reception: Mitchell Hamline School of Law  
Board and AGO staff joined others in a reception to celebrate the 40<sup>th</sup> anniversary of the Office of Administrative Hearings. Governor Dayton, Chief Administrative Law Judge Tammy Pust, Administrative Law Judge Barbara Nielsen and others addressed attendees and reviewed the history and evolution of the responsibilities of the office. The reception followed investiture of judges and a continuing legal education session.

Board staff had a private meeting with Chief Administrative Law Judge Tammy Pust on February 17, 2016 to discuss pending legislation relating to temporary suspension of licenses, administrative hearing procedures, and mediations. Chief Pust assisted the Board in drafting language for the pending legislation.

- Inaugural Minnesota Tri-Regulatory Symposium:  
The Boards of Medical Practice, Nursing and Pharmacy are finalizing plans to host the first Minnesota Tri-Regulatory Symposium on June 1, 2016 at the Commons Hotel in Minneapolis. Speakers include Doris Gundersen, M.D., Medical Director of the Colorado Physician Health Program, and Barbara Brandt, Ph.D., Director of the University of Minnesota Center for Interprofessional Practice and Education. Panelists include the Chief Executive Officers of the national regulatory organizations and the Presidents of the Minnesota Boards of Medical Practice, Nursing and Pharmacy. Invited guests include Governor Dayton, key legislators with whom the Boards have interacted, and members and staff of Minnesota's Medical, Nursing and Pharmacy Boards. A draft agenda was included in the Board agenda. Ms. Martinez encouraged Board members to attend.

Ms. Martinez and Minnesota Board of Nursing (MBN) Executive Director Shirley Brekken, R.N., M.S., have been invited to present at the Federation of State Medical Boards' Annual meeting on April 30, 2016, on the topic of Interprofessional Practice and Regulatory Collaboration.

- On January 29, 2016, the executive directors of the tri-regulatory Boards of Medical Practice, Nursing and Pharmacy met with representatives from the MN Department of Health (MDH) to discuss a proposal that would allow pharmacists to prescribe oral contraceptives. The oral contraception bill may be introduced in the 2016 legislative session shortly.
  - Ms. Martinez learned of the oral contraception bill on March 10, 2016. The Board has been similarly referenced in the Naloxone bill, in that the Board is engaged in developing protocols for pharmacists to prescribe. This Board has not yet seen the full language. Ms. Martinez will not ask the Board to take a position until there is formal language to review. Ms. Martinez wanted the Board to be aware of this bill. The Naloxone bill and the oral contraceptives bills have similar language and involve pharmacists prescribing without a physician's order. Ms. Martinez met with Mr. Wiberg and Ms. Brekken to discuss the need for communication among affected boards about legislation being brought forward.
- January 19, 2016: Minnesota Inter-Agency Antibiotic Stewardship Collaborative. Representatives of Health Licensing Boards joined the Department of Health, Department of Agriculture, Board of Animal Health, Pollution Control Agency, and Department of Human Services to explore the complex issue of antibiotic stewardship. The group heard presentations by speakers on relevant topics related to antibiotic impact, and engaged in small and large group discussions. Future meetings on the topic are anticipated.
- January 27, 2016: Exploring a Collaborative Effort to Address Diagnostic Error in Health Care in Minnesota. The Board will recall the presentation at the July 2015 Board meeting by Dr. Laurie Drill-Mellum, who facilitated the discussion along with representatives from Stratis Health.
- March 31 – April 1, 2016: Interstate Medical Licensure Compact (IMLC) Commission Meeting. Minnesota will host a meeting of the IMLC Commission on March 31 – April 1, 2016 at the Stassen Building in St. Paul, Minnesota. The meeting is open to the public. Board members and other interested parties are invited to attend. Details are attached and are also posted on the Board's website. Ms. Martinez and Dr. Thomas, IMLC Commissioners for the state of Minnesota, will report on the status of the IMLC at the May 14, 2016, Board meeting.
- Legislative Update

The MN Association of Athletic Trainers (MATA) and an acupuncturist introduced legislation this session. Neither group notified the Board of Medical Practice of the intent to introduce legislation affecting individuals regulated by the Board.

  - MATA introduced a bill moving athletic trainers from registration to licensure that was reviewed in the Licensing Subcommittee on March 10, 2016. Athletic trainers currently work under the orders of a physician. The language in the bill would allow athletic trainers to work under the orders of any licensed healthcare provider. Ms. Martinez found this language particularly concerning. Ms. Martinez was able to speak with a few key legislatures and feels fairly confident that this bill will not proceed this session. Ms. Martinez will speak to MATA and the Athletic Trainer Advisory Council about the process that should be followed when legislation is brought forward that may impact existing statutes.
  - An acupuncturist introduced a bill that would legislate specific continuing education related to opioids. This bill also involves nurses, dentists, and podiatrists. The Board has previously taken the position that it is unnecessary and inappropriate to mandate specific continuing education for healthcare providers and that providers should be allowed to take continuing education that is appropriate to their practice and expertise. The impacted Boards plan to meet with the acupuncturist who introduced the bill to discuss the intent of the bill.
- Board staff continues to participate in the 2016 legislative process to advance or monitor progress of the following bills:

- S.F. 454/H.F. 1036: Physician assistant housekeeping modifications; temporary suspension process alignment:  
The bill, which was introduced during the 2015 session, was amended to incorporate the temporary suspension alignment language. The Board took a neutral position on the physician assistant housekeeping bill, which removes the cap on the number of physician assistants a supervising physician can oversee and expands the time allowed to file a Notice of Intent to Practice so it doesn't hold up a licensee's ability to start employment. Although the bill passed in the Senate, controversy arose in the House regarding some of the language. Ms. Martinez has scheduled meetings with legislators to address concerns and is hopeful that the bill will pass this session.
- S.F. 2341/H.F. 2445: Osteopathic physician housekeeping modifications:  
The osteopathic physician housekeeping bill which cleans up osteopathic physician language, modifies the opportunity for osteopaths to serve on the Board and aligns testing requirements, has been very well received. The bill was introduced in the Licensing Subcommittee in the House, and was moved forward to a hearing in the House Health and Human Services Reform Committee on March 15, 2016. Ms. Martinez anticipates that there will be a hearing scheduled on the Senate side soon. Ms. Martinez believes that it is moving along very nicely.
- S.F. 1440/H.F. 1652: Expansion of access to Prescription Monitoring Program (PMP) data:  
This bill is still alive, but is meeting with controversy regarding data privacy. The Board continues to express its support of this bill. The recommendations to expand access to PMP data came from the PMP Advisory Taskforce. Currently prescribers have access to the PMP data. Law enforcement can access the PMP data if they obtain a subpoena. Law enforcement would like broader access. The proposed language increases access for regulatory Board when investigating a complaint either involving a drug seeking patient or involving a licensee who is diverting for self-use. The Attorney General's Office, when acting as an agent for the Board, may also have access to the PMP data. The opposition is based on how much access others should be allowed to personal data about patients and their prescriptions.
  - Board staff is in the testing phase of embedding a link to the PMP registration site into the Board's on-line renewal process. The link to the PMP registration site should be available shortly.

#### Agenda Item 9: Federation of State Medical Boards' (FSMB) Annual Meeting Instructions

Mr. Kaplan advised Board members to make their hotel reservations soon to ensure they are able to get a room in the FSMB conference hotel. Ms. Martinez encouraged Board members to attend the Minnesota Welcome Reception that will be held on April 27, 2016, at 5:30 p.m. Ms. Martinez noted that the FSMB will send two e-mail blasts between now and the FSMB Annual Meeting reminding attendees of the Minnesota Welcome Reception. The Board will provide small containers of honey and light and dark chocolate candies shaped like Minnesota to attendees at the Reception. Ms. Martinez thanked Terry Statton (Board member Maria Statton's husband) for providing the honey and a reasonable price to the Board.

#### Agenda Item 10: Corrective and Other Actions

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

#### Agenda Item 11: New Business

There wasn't any new business to discuss.

Mr. Kaplan adjourned the public session of the meeting.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gerald T. Kaplan, M.A., L.P., Vice President; Irshad H. Jafri, M.B., B.S., FACP, Secretary; Keith H. Berge, M.D.; Mark A. Eggen, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Kelli Johnson, M.B.A.; Patricia J. Lindholm, M.D., FAAFP; Maria K. Statton, M.D., Ph.D.; Jon V. Thomas, M.D., M.B.A., and Joseph R. Willett, D.O., FACOI

**MATTHEW P. BOENTE, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for stayed suspension and conditioned license signed by Dr. Boente. V. John Ella, J.D., recused.

**DANIEL T. CABOT, D.O.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for voluntary surrender of license signed by Dr. Cabot.

**LEE V. GIORGI, M.D.**

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

**JUDITH F. KASHTAN, M.D.**

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

**DAVID M. KROSCHER, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand signed by Dr. Kroschel. Jon V. Thomas, M.D., M.B.A., recused.

**SEAN T. O'GRADY, M.D.**

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

**DR. STEVEN SHU**

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

**DAVID A. WIECHMANN, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for indefinite suspension signed by Dr. Wiechmann.

There being no further business, the meeting was adjourned.



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

May 4, 2016  
Date