

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

May 12, 2012

The Minnesota Board of Medical Practice met on May 12, 2012, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Jon Thomas, M.D., MBA, President; Gregory Snyder, M.D., DABR; Vice President; *Keith Berge, M.D., Secretary; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Sarah Evenson, J.D., MBA; Subbarao Inampudi, M.D., FACR; Kelli Johnson, MBA; Gerald Kaplan, MA, LP; James Langland, M.D.; and Joseph Willett, D.O.

*Dr. Berge was not present for the Executive Session portion of the meeting.

PUBLIC SESSION

The minutes of the May 12, 2012, Board meeting were received and approved as circulated.

Jon Thomas, M.D., MBA, President, stated that as part of the centennial celebration at the Federation of State Medical Boards' Annual meeting, the Minnesota Board of Medical Practice was awarded a plaque for being a member board. The plaque was passed around for board members to see. The plaque will be hung in the board's office.

Robert Leach, J.D., Executive Director stated he'd like to send the media a press release about the elections that were held at the FSMB Annual meeting and also about the number of chair elects that have come from the State of Minnesota; Minnesota has had the most chair elects at the FSMB. Debbie Boe, Board Member suggested adding the member board award to the press release. John Ella, J.D., Board Member suggested posting it on the board's website. Dr. Langland suggested publishing it in the Minnesota Medical Association publication *Minnesota Medicine*.

Gerald Kaplan, MA, LP, gave background information on polygraph test usage and introduced Mike Sommer. Mike Sommer, a former police officer gave an overview on the use of the polygraph test, the protocol for the test, its history and also performed a short polygraph demonstration on Joseph Willett, D.O., FACOI with a computerized polygraph machine. Mr. Sommer ran an audio of a computerized polygraph he had performed previously and showed the corresponding computerized results. A question and answer session followed.

The board took a ten minute break.

On recommendation of the Licensure Committee, physician applicants 1 - 192 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 193 - 199 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 200 - 209 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 210 - 217 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 218 - 239 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 240 - 250 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Doctor Advisory Council, naturopathic doctor applicant 251 of the agenda was approved for licensure subject to receipt of all verification documents.

On recommendation of the Midwifery Advisory Council, midwifery applicant 252 of the agenda was approved for licensure subject to receipt of all verification documents.

Subbarao Inampudi, M.D., FACR, Chair of the Licensure Committee presented the minutes of the April 19, 2012, Licensure Committee Meeting.

The minutes and actions of the April 19, 2012, meeting of the Licensure Committee were received and approved as circulated.

Mark Eggen, M.D., presented the FSMB Minimum Data Set and Minnesota Department of Health (MDH) Rural Health Survey agenda item. To increase participation in completion of the MDH Rural Health Survey Questionnaire, Dr. Eggen requested that the sequence of the on-line renewal be changed. After board discussion, motion was made and passed unanimously to change the sequence of the board's on-line renewal process to position the MDH Rural Health Survey Questionnaire before payment rather than after. Any costs, beyond board staff, time will be covered by the MDH. The estimated cost to MDH is approximately \$15,000 for IT consulting hours.

Dr. Thomas stated that he overlooked the licensure agenda item, Respiratory Care Advisory Council Appointment.

Mr. Leach presented the Respiratory Care Advisory Appointment.

Dr. Avi Nahum, physician member of the Respiratory Care Advisory Council submitted his resignation. Two applications were submitted to replace Dr. Nahum. One was from Krista Graven, M.D., and the other from Anuja Sharma, M.D.

A motion was made and passed unanimously to appoint Krista Graven, M.D. to the physician position on the Respiratory Care Advisory Council.

Richard Auld, Ph.D., Assistant Executive Director updated the board on legislation of interest to the board.

Dr. Auld stated that the Sunset Advisory Commission continued the board until 2018. Dr. Auld gave an overview of the requirements as a result of the Sunset Advisory Commission (as outlined in H.F. 2555).

The board had a lengthy discussion regarding the required study of the Medical Practice Act that will include participants from the Commissioner of Health, Legislators, the Minnesota Medical Association, and the Board of Medical Practice.

The board decided that two physician members (one a DO), with CRC experience should serve on the Committee that will study the Medical Practice Act.

A motion was made and passed unanimously for Dr. Jon Thomas to represent the Board of Medical Practice on the Committee that will study the Medical Practice Act.

A motion was made and passed unanimously for Joseph Willett, D.O. to represent the Board of Medical Practice on the Committee that will study the Medical Practice Act.

The board also decided to have an Ad Hoc Committee to advise the members of the Medical Practice Act Study Committee. The Ad Hoc Committee will be assisted by staff and board members will be invited to attend the Ad Hoc Committee.

A motion was made and passed unanimously to appointment the following volunteer board members to the Ad Hoc Committee:

- Debbie Boe
- Kelli Johnson, MBA
- Gerald Kaplan, MA, LP
- Gregory Snyder, M.D., DABR

The Ad Hoc Committee will determine who will be the Chair.

Mr. Leach stated that one of the things he'd like to see added to the Medical Practice Act is to allow the board to issue a civil penalty to facilities that fail to report adverse actions that they take on their practitioners; currently there is no consequence if they fail to report.

Dr. Thomas introduced the next agenda item, criminal background checks.

Mr. Kaplan requested that the criminal background checks study be included for discussion by the board based on an article that was in the April 3, 2012, *FSMB eNews*. The board discussed the pros and cons of doing a criminal background check on each applicant. A study required by the Sunset Commission will be done to determine if the health licensing boards will be required to do background checks on every applicant.

Dr. Thomas introduced the next agenda item, the Woman's Network Reception Report by Tracy Tomac, M.D. Dr. Tomac was not present at the board meeting but in her report to the board, requested that the board discuss whether or not the event is still relevant and should it be continued. The board discussed the Woman's Networking Reception and decided that the time may have come to discontinue it. Sarah Evenson, J.D., MBA suggested that the event be changed to the Minnesota Welcoming Reception and schedule it in the evening of the Wednesday prior to the start of the FSMB Annual meeting. Ruth Martinez, Supervisor of the Complaint Review Unit, stated she will contact the FSMB about the schedule for the 2013 Annual meeting. Mr. Leach stated that this issue can be revisited closer to the next FSMB Annual meeting.

Dr. Snyder noted that, concurrent with the Woman's Networking Reception was an International Reception which was by invitation only. Dr. Snyder does not think it was appropriate to be exclusionary at the FSMB Annual meeting. Dr. Thomas agreed and will bring it to the attention of the FSMB Board of Directors.

Dr. Thomas introduced the next agenda item, the FSMB Annual meeting.

Ms. Evenson suggested the public member forum be changed because of lack of topic and quality of the presenters. Board members agreed. Dr. Thomas stated he'll submit feedback to the FSMB. Ms. Evenson volunteered to help the FSMB improve the public member forums.

Mr. Leach congratulated Drs. Eggen, Snyder, and Thomas, and former board member Tammy McGee who won their respective seats at the FSMB annual meeting. The board gave a round of applause.

Dr. Thomas informed the board of one Corrective Action Agreement that was implemented since the last board meeting.

Mr. Leach stated that there are two additional agenda items. The first one is the minutes from the April 17, 2012, Combined Complaint Review Committee (CRC) meeting.

Ms. Martinez presented the April 17, 2012, minutes of the Combined CRC meeting. Ms. Martinez thanked all the CRC members, Keith Berge, M.D., Mark Eggen, M.D., Gerald Kaplan, M.A., L.P., Gregory Snyder, M.D., DABR, Joseph Willett, D.O., and Sarah Evenson, J.D., MBA and Dr. Thomas who moderated the meeting for their hard work on the lengthy agenda.

Dr. Thomas stated that the Complaint Review Committees would like to eliminate the requirement for a designated board member for everyone placed under board order unless there is a specific need for one. The Complaint Review Committees did not want to implement the change without the full board approval.

After board discussion, the board agreed that if the Complaint Review Committees determines there is a need for a designated board member, it will be inserted into the stipulation and order. If either the designated board member or respondent wants the requirement removed, the respondent must petition the Complaint Review Committee for removal.

Ms. Martinez clarified that designated board member meetings can be held by telephone at the discretion of the board member.

Mr. Leach presented the second additional agenda item, a resolution to grant the Complaint Review Committees of the board the authority to issue temporary suspensions. After board discussion, a motion was passed unanimously to accept the resolution as presented to the board (see below).

Whereas, It is sometimes necessary for the board to issue a temporary suspension of license for an individual it believes to in violation of the Medical Practice Act and whose continued practice would create a serious risk of harm to the public;

Whereas, Currently, it is necessary to convene a meeting of a quorum of the entire board in order to call a vote of the majority of the quorum in order to initiate the temporary suspension of license;

Whereas, It is often difficult to convene a quorum of the board for a vote on temporary suspension on short notice;

Whereas, The longer the practitioner is allowed to practice the greater the danger to the public;

Whereas, It is more expedient to convene a smaller number of board members for a vote on temporary suspension;

Whereas, The board members of the Complaint Review Committee who are recommending the temporary suspension are already familiar with the facts of the case and level of risk of harm to the public;

Whereas, The practitioner, following imposition of the temporary suspension, will have the right to a full hearing by the Office of Administrative Hearings; and

Whereas, Following the decision by the Office of Administrative Hearings, a quorum of the full board will make the decision on the continuation of the suspension.

Therefore, be it hereby

Resolved, The Board of the Minnesota Board of Medical Practice gives the Complaint Review Committees authorization to make decisions on temporary suspension of licenses and registrations.

End of public session.

EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Jon Thomas, M.D., MBA, President; Gregory Snyder, M.D., DABR, Vice President; *Keith Berge, M.D., Secretary; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Sarah Evenson, J.D., MBA; Subbarao Inampudi, M.D., FACR; Kelli Johnson, MBA; Gerald Kaplan, MA, LP; James Langland, M.D.; and Joseph Willett, D.O.

*Dr. Berge was not present for the Executive Session portion of the meeting.

MICHAEL CENTRELLA, D.O.

On recommendation of the Complaint Review Committee, the license of Dr. Centrella was reinstated. Mr. Ella opposed.

CATHY A. DONOVAN, M.D.

On recommendation of the Complaint Review Committee, the license of Dr. Donovan was reinstated. Ms. Boe and Mr. Ella opposed.

JAMES R. EELKEMA, M.D.

On recommendation of the Complaint Review Committee, the license of Dr. Eelkema was reinstated.

SCOTT S. JOHNSON, M.D.

On recommendation of the Complaint Review Committee, a Stipulation and Order was issued to Dr. Johnson based on his Kansas Consent Order. The Stipulation and Order signed by Dr. Johnson was approved.

MICHAEL E. LUCKETT, M.D.

On recommendation of the Complaint Review Committee, a Stipulation and Order was issued to Dr. Lockett based on his Montana Final Order. The Stipulation and Order signed by Dr. Lockett was approved.

JENNIFER D. RAPRAEGER, RT

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and restricted license signed by Ms. Rapraeger was approved.

MARLA L. SHAVER, M.D.

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

There being no further business, the meeting was adjourned.



Keith Berge, M.D.
Secretary
MN Board of Medical Practice

July 5, 2012
Date