

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

**November 8, 2014**

The Minnesota Board of Medical Practice met on November 8, 2014, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., Vice President; V. John Ella, J.D., Secretary; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Subbarao Inampudi, M.B., B.S., FACR; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Charles F. Moldow, M.D.; Allen G. Rasmussen, M.A.; 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**

Keith H. Berge, M.D., President of the Board was unable to attend the meeting; therefore, the meeting was called to order by Vice President, Mark A. Eggen, M.D. Roll call was taken by Board staff.

Dr. Eggen welcomed members of the public to the Board meeting.

**Agenda Item 2: Minutes of the September 13, 2014, Board Meeting**

The minutes of the September 13, 2014, Board meeting were received and approved as circulated.

**Agenda Item 3: Presentation of Board Service Plaque to Debbie J. Boe**

Dr. Eggen presented a Board Service Plaque to Ms. Boe. Ms. Boe served on the Board from 2010 to 2014. During her Board service, Ms. Boe served on the Policy and Planning Committee.

**Agenda Item 4: Introduction of Newly Appointed Public Board Member, Allen G. Rasmussen, M.A.**

Dr. Eggen introduced and welcomed newly appointed Board member Mr. Rasmussen. Mr. Rasmussen previously served on the Board from 2002 to 2010. He is also serving his second term on the Minnesota Board of Dentistry. Mr. Rasmussen is from Congressional District Eight and replaces Patricia Schommer, M.A., on the Board. Mr. Rasmussen's current Board term is September 29, 2014 through January 1, 2018. He has been appointed to serve on the Board's Policy and Planning Committee.

Mr. Rasmussen is President Emeritus of Rainy River Community College and a retired Superintendent of Schools in International Falls, Minnesota. As a representative of the Board of Dentistry, he serves as Chair of the Health Professionals Services Program (HPSP) Program Committee.

**Additional Board Agenda Item, Member of the Public Addresses the Board**

With approval prior to the Board meeting, the Board allowed three minutes for a member of the public to address the Board in support of Dr. John Stroemer, whose license was temporarily suspended by the Board on October 10, 2014.

Agenda Item 5: Health Professionals Services Program (HPSP) Fiscal Year 2014 Statistical Report  
HPSP Program Manager Monica Feider, MSW, LICSW, presented HPSP's Fiscal Year 2014 Statistical Report. Ms. Feider provided a summary of HPSP's purpose, processes and history. A question and answer session followed.

Ms. Feider expressed appreciation for the past Executive Director Rob Leach's, J.D., leadership of the Board and his support of HPSP through many difficult times and projects. Ms. Feider further expressed how pleased she is with the Board's selection of Ruth Martinez, M.A., as its new executive director. She noted that Ms. Martinez is very supportive of HPSP and has worked collaboratively with HPSP throughout the years on various projects and in developing HPSP's protocols. Ms. Feider also stated that the Board has a wonderful staff, in particular Elizabeth Huntley, J.D., Complaint Review Unit Supervisor, and Molly Schwanz, Licensure Unit Supervisor, who work together in a very positive way. Ms. Feider thanked Mr. Rasmussen for his leadership as Chair of HPSP's Program Committee.

Agenda Item 6: Affiliated Monitors, Inc., (AMI) Presentation

Debbie Waugh, LCSW, presented on the monitoring services offered by AMI and also provided background information about AMI. A question and answer session followed.

Agenda Item 7: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 - 209 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 210 - 220 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 221 - 245 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 246 - 291 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 292 - 307 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Advisory Council, naturopathic doctor applicant 308 of the agenda was approved for registration subject to receipt of all verification documents.

On recommendation of the Midwifery Advisory Council, midwifery applicant 309 of the agenda was approved for licensure subject to receipt of all verification documents.

On recommendation of the Licensure Committee, physician applicant 310 of the agenda was approved for Emeritus registration.

Agenda Item 8: Licensure Committee

- Minutes of the October 16, 2014, Licensure Committee  
Rebecca J. Hafner-Fogarty, M.D., M.B.A., Chair of the Licensure Committee presented the minutes of the October 16, 2014, Licensure Committee Meeting.

The minutes and actions of the October 16, 2014, meeting of the Licensure Committee were received and approved as circulated.

Agenda Item 9: Office of the Legislative Auditor (OLA) Internal Controls and Compliance Audit

Ms. Martinez presented the Legislative Auditor Internal Controls and Compliance Audit, from July 2011 through June 2014, for the Board's information.

The OLA Internal Controls and Compliance audit was released on October 24, 2014. Of significance, the audit found that the Board did not adequately verify that licensees have met continuing education requirements. The Board conducted continuing education audits of approximately three percent of licensees, but did not have adequate processes in place to follow through with obtaining responses to audits, conducting investigations and disciplining licensees, when appropriate.

Ms. Martinez promptly implemented procedures for completing audit processes and initiating complaint investigations and disciplinary proceedings, when appropriate. Ms. Martinez met with the Licensure and Complaint Review Unit supervisors to discuss audit processes and ensure that the Board either receives a response or, when there isn't a response, initiates a complaint investigation. Finally, if necessary, following a complaint investigation, the Board will consider disciplinary action against licensees who do not demonstrate the qualifications to maintain their licenses.

Subbarao Inampudi, M.B., B.S., FACR, thought the results of the audit were commendable. Ms. Martinez appreciated working with the auditors, thought it was a fair finding and it was appropriate for the Board to implement procedures in response to the finding.

Board members discussed the future of continuing medical education (CME). Jon V. Thomas, M.D., M.B.A., thought it would be useful to have a CME system, similar to the National Association of Boards of Pharmacy, which tracks physicians' CME credits and alerts the Board if a physician doesn't meet CME requirements. Ms. Martinez will be meeting with the executive directors of the Boards of Nursing and Pharmacy and will ask if there might be a way to capture and track continuing education information. Ms. Martinez will also speak to the information technology staff about the collection of CME, technologically.

#### Agenda Item 10: Policy and Planning Committee

Dr. Thomas provided a summary and presented the minutes of the October 30, 2014, Policy and Planning Committee meeting.

1. The Minnesota Athletic Trainer Association (MATA), in consultation with the Athletic Trainer Advisory Council (ATAC), proposed to move the authorizing section of statute from Minnesota Statute §148.7801 – 148.7815 and establish authority under its own separate chapter.

The Committee recommends that the Board should not bring legislation forward to make the requested change. However, if MATA brings legislation at a future date, the Committee recommends that the Board should not oppose such legislation.

2. Ms. Martinez presented agenda item 2, 2014 statutory language regarding temporary suspension of license. Proposed changes by the Health Licensing Boards (HLB). Proposal to modify Minnesota Statute §§214.077 and 214.32, Subd. 6 (2014).

The Health Licensing Boards (HLBs) are working collaboratively with the Attorney General's office and the Office of Administrative Hearings to draft language that assures an expedited process toward final action, but allows sufficient time to complete an investigation and the required administrative hearing process. The HLBs have submitted a policy change item to the Governor's office with the intent to propose revised language during the 2015 legislative session.

Ms. Martinez has been charged by the HLBs Executive Directors with taking the temporary suspension language changes forward. In the past week, the Executive Directors' Forum approved proposed changes. After the Attorney General's Office and the Office of Administrative Hearings review the changes, proposed revisions will be forwarded to the Governor's Policy Advisor for consideration during the 2015 legislative session.

The Committee recommends that the Board review further proposed revisions when they become available.

3. The Federation of State Medical Boards' (FSMB) Interstate Compact Educational Presentation.

Dr. Thomas presented as a representative of the FSMB on the September 2014 Interstate Compact developed by the FSMB and adopted by the FSMB House of Delegates.

During the 2015 legislative session, the State of Minnesota may be invited to join the Compact, which is supported by the Minnesota Medical Association (MMA), the Minnesota Hospital Association (MHA) and other Minnesota stakeholders.

The Committee recommends that a motion be passed to schedule an educational presentation on the FSMB Interstate Compact at the January 2015 Board meeting, on behalf of the FSMB and MMA. An amended motion was made and passed unanimously to schedule an educational presentation on the FSMB Interstate Compact at the January 2015 Board meeting on behalf of the FSMB, the MMA, and opposing perspectives.

The Committee also recommends that, after the January 2015 presentation, the Board consider a motion to support legislation to include Minnesota as a Compact state.

4. Joseph R. Willett, D.O., presented agenda item 4. Proposed housekeeping changes by the Minnesota Osteopathic Society (MOS), in consultation with the American Osteopathic Association (AOA) to the Medical Practice Act, chapter 147 of Minnesota Statutes to update language relating to osteopaths. In addition to updating reference to osteopathic physicians, the proposed revisions include aligning the maximum number of attempts allowed to pass the COMLEX-USA licensing examination with the USMLE licensing examination and to allow appointment of more than one osteopath to serve on the Board.

The Committee recommends that the Board consider a motion to support such legislation proposed by the AOA.

Ms. Knoedler stated that the MMA supports the changes discussed.

5. In the matter of the Board's March 13, 2010, resolution regarding Lyme disease. In March 2010, the Board adopted a resolution stating, in pertinent part, that it would engage in a five year moratorium on investigating and taking action against licensees on the sole basis of prescribing or administering antibiotic therapy for "chronic Lyme disease." On October 1, 2014, Board President Dr. Berge, Vice President Dr. Eggen, and Executive Director Ms. Martinez met with Senator John Marty to discuss the moratorium, which is due to expire in March 2015.

The Committee recommends that a motion be made to approve a resolution to extend the "chronic Lyme disease" moratorium for an additional five years. The Committee also recommends that the proposed resolution include a statement that the Board has not received complaints regarding treatment of "chronic Lyme disease."

Dr. Elizabeth Maloney, a co-author of an article "Evidence Assessments and Guideline Recommendations in Lyme disease: The Clinical management of Known Tick Bites, Erythema Migrans Rashes and Persistent Disease," and also a member of the public, requested to speak to the Board. Dr. Eggen granted Dr. Maloney three minutes to address the Board. Dr. Maloney spoke in favor of extending the moratorium for five years.

Dr. Thomas read the Committee's proposed resolution to the Board.

After Board discussion, an amendment was made and passed unanimously that the adoption of the resolution would rescind the previous resolution. A motion was made and passed

unanimously to approve a resolution to engage in a five year moratorium, effective November 8, 2014, on investigating and taking action against licensees on the sole basis of prescribing or administering antibiotic therapy for “chronic Lyme disease.” The Board has not received complaints regarding treatment of “chronic Lyme disease.”

6. In the matter of scope of nursing practice.

Dr. Schultz and Dr. Zeller, on behalf of the Minnesota Society of Interventional Pain Physicians (MSIPP), presented on the expanded scope of practice for advanced practice nurses and expressed the MSIPP’s concerns that further expansion of scope of nursing practice could potentially infringe on the practice of medicine. Minnesota Board of Nursing’s (MBN) Executive Director Shirley Brekken, R.N., M.S., presented on 2014 legislative changes to the Nurse Practice Act, MBN’s role in the legislative process, and general regulation of nurses.

The Board discussed its role in scope of practice issues.

The Committee did not request any action from the Board on this agenda item.

Some Board members felt it was important that the Board have a presence at the legislature. Ms. Martinez agreed, stating that she has been and she will continue to be present at legislative hearings relating to issues pertaining to the Medical Board’s regulatory authority.

The Board took a five-minute break.

Agenda Item 11: Executive Director’s Report

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

- On September 16, 2014, Elizabeth A. Huntley, J.D., Complaint Review Supervisor and Ms. Martinez met with the Department of Corrections (DOC) providers and administrators, as they’ve often done in the past. Ms. Huntley informed the Board that DOC offered to arrange for Board members and staff to visit Minnesota prisons at a future date. Ms. Martinez will provide Board members with more information once the visits are organized.
- Ms. Martinez thanked Dr. Hafner-Fogarty for her recommendation to attend the Immigrant International Medical Graduates (IIMG) Task Force meetings. Ms. Martinez attended the September 24, 2014, IIMG Task Force meeting. The next Task Force meeting is scheduled for November 10, 2014, which will also include a feedback session. The Board has provided data on licensees’ birth countries to taskforce facilitators in preparation for the November Task Force meeting. Some Board members were interested in attending the November 10, 2014, IIMG meeting. Ms. Martinez will forward a link to the Taskforce website; which includes agendas and minutes from previous Taskforce meetings along with dates, time, and locations of upcoming meetings. Ms. Martinez will report back to the Board about the November Task Force meeting.

The Taskforce is discussing alternative pathways for licensure in Minnesota; strategies, costs and funding for preparing immigrant IMGs for licensure; workforce needs; and barriers. The Taskforce will issue recommendations to the Commissioner of Health and the Minnesota Legislature in January 2015.

- On October 1, 2014, Board President Dr. Berge, Board Vice President Dr. Eggen, and Ms. Martinez met with Senator John Marty, at his invitation, to discuss treatment of “chronic Lyme disease” with long-term antibiotic therapy. It was a positive and productive meeting.
- On October 8, 2014, Ms. Martinez participated in the FSMB’s roundtable conference call on the Interstate Compact.

- On October 15, 2014, the Board submitted its statistical data and summary report to the Administrative Services Unit for incorporation into the HLB's Biennial Report for fiscal years 2013 and 2014. Board members were asked to e-mail Cheryl Johnston, Administrative Assistant, a listing of committees or other groups on which they have or are currently serving as representatives of the Board. The information must be received by the week of November 10, 2014, to be included in the narrative portion of the Biennial Report.
- Ms. Martinez introduced the new Licensure Unit Supervisor, Molly Schwanz. Ms. Schwanz expressed how grateful she is for the opportunity and for the Board's positive, progressive, and enlightened leadership. She is very excited and happy to be part of the Board. The Board gave Ms. Schwanz a round of applause.

Ms. Martinez thanked Board staff for being unified and helpful during the staff changes. Ms. Martinez thanked Ms. Johnston in particular for helping out wherever needed and assisting Ms. Martinez.

- Ms. Martinez and Ms. Huntley attended the Minnesota Alliance for Patient Safety conference on October 22 – 24, 2014. Dr. Berge presented at a breakout session, *Best Practices to Prevent Drug Diversion in Health Care Organizations*. Ms. Martinez felt that Dr. Berge did a very nice job. Dr. Berge has previously presented at this conference. Ms. Martinez will try and schedule conference presenters for future educational presentations at Board meetings.
- The Policy and Planning Committee met on October 30, 2014. Ms. Martinez anticipates that the Policy and Planning Committee will be convened more frequently than in recent years and expects to work closely with the Committee on policy and legislative issues to bring to the Board for consideration. Ms. Martinez appreciated the time commitment of Committee members at the lengthy meeting.
- On November 3, 2014, Ms. Martinez, along with other HLB Executive Directors, met with Governor Dayton's Policy Advisor to discuss policy and budget issues.

Ms. Martinez informed the Board that she and Mr. Rasmussen, as Chair of the HPSP Program Committee, are currently participating on an HPSP Strategic Planning Governance Work Group. The Work Group will evaluate the Government structure of HPSP and recommend improvements or changes that might need to be made. The initial meeting of the Work Group was held the first week of November.

Ms. Martinez acknowledged that, in mid-October 2014, there were adverse newspaper articles regarding another HLB executive director. The newspaper articles reported that Senator John Marty asked for the executive director to step-down and that the affected Board is investigating and reviewing the matter. Ms. Martinez will keep the Board informed of any new developments or repercussions impacting the HLBs.

#### Agenda Item 12: Federation of State Medical Boards' (FSMB) Annual Meeting Issues

Ms. Martinez called for any FSMB resolutions, committee appointment recommendations, and nominations.

John Ella, J.D., Secretary of the Board, chaired the nomination discussion and motion for endorsement of Dr. Eggen, who expressed his interest in running for the FSMB Board of Directors. Dr. Eggen requested the Board's support of his candidacy.

After Board discussion, a motion was made and passed unanimously to nominate and support Dr. Eggen as a candidate for a seat on the FSMBs' Board of Directors.

Dr. Hafner-Fogarty, and other Board members and staff stated that former Board member Gregory B. Snyder, M.D., DABR, may also be interested in running as a candidate for the FSMB Board of

Directors or for the Chair-elect of the Board of Directors of the FSMB. Dr. Snyder is undecided about which position he will pursue.

After Board discussion, a motion was made and passed unanimously to nominate and support Dr. Snyder's candidacy should he choose to run for the FSMBs' Board of Directors or for Chair-elect of the FSMBs' Board of Directors.

Ms. Martinez will contact Dr. Snyder and inform him of the Board's motion and offer a letter of support for his candidacy.

The Board discussed a possible resolution to the FSMB on scope of practice issues and/or an educational session at the FSMB.

Dr. Hafner-Fogarty informed the Board she may provide a draft resolution to improve the FSMB Telemedicine Policy for consideration at the January 2015 Board meeting. Dr. Eggen stated that, as a member of the FSMB's Appropriate Regulation of Telemedicine (SMART) Workgroup, they welcome any input to the conversation.

Dr. Hafner-Fogarty stated that, if the FSMB's SMART Workgroup still exists, she is interested in serving on the Taskforce and requests the support of the Board. A motion was made and passed unanimously to support Dr. Hafner-Fogarty's nomination to the FSMB's SMART Workgroup.

Drs. Eggen and Thomas described the process for Board members to follow if they are interested in leadership at the FSMB.

Ms. Martinez confirmed with the Board that they want to sponsor the Minnesota Welcome Reception on April 22, 2015, the Wednesday night prior to the official beginning of the FSMB Annual meeting. Ms. Martinez will work with the FSMB to get the reception added into the official Program, rather than as an ancillary event. She will also work to ensure that an e-mail blast is sent out in an appropriate timeframe, prior to the reception. Ms. Martinez will also request a good location for the reception.

#### Agenda Item 13: Election of Board Officers for Calendar Year 2015

Mr. Ella chaired this agenda item.

The Nominating Committee previously met by teleconference and proposed the following slate of candidates:

President:	Mark A. Eggen, M.D.
Vice President:	Subbarao Inampudi, M.B., B.S., FACR
Secretary:	Charles F. Moldow, M.D.
Voting Delegate to the Federation:	Joseph R. Willett, D.O., FACOI

Dr. Hafner-Fogarty made a motion that the Board accept the recommendations for the slate of candidates of the Nominating Committee and that the Board close nominations. The Board voted to approve the motion. The motion passed unanimously.

#### Agenda Item 14: Establish 2015 Board Meeting Dates

A motion was made and unanimously passed to establish the following meeting dates for 2015:

<u>Regular Board Meetings</u>	<u>Contested Case Hearings</u>
January 10	February 7
March 14	April 18
May 9	June 13
July 11	August 8
September 12	October 10
November 14	December 12

#### Agenda Item 15: Corrective and Other Actions

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

#### Agenda Item 16: New Business

- Ms. Martinez informed the Board that the third edition of *Responsible Opioid Prescribing™* by Scott M. Fishman, M.D., has been published and Board staff has ordered copies. Once the books have been received, the overstock of the earlier editions will be brought to a Board meeting for Board member disbursement. Some Board members requested an electronic version of the new edition of the book. Ms. Martinez stated she would provide that as well.
- The Combined Complaint Review Committees met on Friday, November 7, 2014. Dr. Willett provided a summary of the meeting. Ms. Martinez stated that minutes of the meeting will be distributed at a later date.
- Dr. Willett's, Dr. Jafri's and Mr. Kaplan's Board terms expire in January 2015. All three are eligible to apply for appointment to a second term. Ms. Martinez reminded them to apply for reappointment through the Secretary of State's website by the application deadline of November 25, 2014. Ms. Johnston will e-mail the Secretary of State's website information.

A motion was made and passed unanimously to adjourn from public session.

**EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., Vice President; V. John Ella, J.D., Secretary; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Subbarao Inampudi, M.B., B.S., FACR; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Charles F. Moldow, M.D.; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; Jon V. Thomas, M.D., M.B.A.; and Joseph R. Willett, D.O., FACOI

**FARUK S. ABUZZAHAB, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for stayed suspension, reprimand, conditioned and restricted license signed by Dr. Abuzzahab. Dr. Moldow abstained. Dr. Hafner-Fogarty opposed.

**VALERIE L. FOX, M.D.**

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

**AARON E. JOHNSON, M.D.**

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

**MELANIE J. JOHNSON, 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. Johnson.

**CHRISTOPHER J. KOVANDA, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

**JUAN R. LEWIS, M.D.**

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

**DOLINE M. OMIRERA KEBASSO, P.A.**

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

**JEFFREY H. RAYL, D.O.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

**JAMES J. ROWE, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

**JOHN R. STROEMER, M.D.**

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

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
V. John Ella, J.D.  
Secretary  
MN Board of Medical Practice

December 15, 2014  
Date