

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

NOVEMBER 11, 2006

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, November 11, 2006, at its offices in Minneapolis, Minnesota.

PUBLIC SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Steven Altchuler, Ph.D., M.D., President, Kris Sanda, Vice President, Jon Thomas, MD, MBA, Secretary, Robert Brown, Ph.D., Jack Geller, Ph.D., Rebecca Hafner, M.D. MBA, Bradley Johnson, M.D., Kelli Johnson, Ernest Lampe, II, M.D., James Langland, M.D., James Mona, D.O., Allen Rasmussen, Carl Smith, M.D., and Gregory Snyder, M.D.

The minutes of the September 9, 2006, Board meeting were received and approved as circulated.

Monica Feider, Program Manager, Health Professional Services Program (HPSP), presented the 2006 HPSP Statistical Report to the Board and gave a brief overview of HPSP.

Ms. Feider thanked Dr. Altchuler for his time and service on the Program Committee and welcomed Ms. Johnson, Board Member, to HPSP's Program Committee.

Ms. Feider informed the Board that currently there are 522 health professionals participating in HPSP, with approximately 100 – 125 cases per case manager; with a goal of 100 cases per case manager.

The Board felt that the Board of Medical Practice would be well served to recommend a strengthening of HPSP staff. Dr. Thomas made a motion to have the Public Policy look into how to advance the cause for more staff for HPSP, Dr. Hafner seconded the motion. Motion carried. Ms. Johnson volunteered to participate.

Ms. Feider expressed her appreciation to the Board of Medical Practice for its support.

The Board gave Ms. Feider a round of applause for HPSP's work, HPSP's staff work, and Ms. Feider's outstanding job.

On recommendation of the Licensure Committee, physician applicants 1 – 182 of the agenda were approved for licensure subject to the receipt of all verification documents.

On recommendation of the Licensure Committee, physician applicants 183 - 184 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 185 - 197 of the agenda were approved for licensure subject to the receipt of all verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 198 - 211 of the agenda were approved for registration subject to the receipt of all verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 212 – 244 were approved for registration subject to the receipt of all verification documents.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 245 – 247 and 249 - 274 were approved for registration subject to the receipt of all verification documents. Mr. Leach informed the Board that respiratory care practitioner applicant number 248 has been removed from the agenda.

The minutes of the October 23, 2006, meeting of the Licensure Committee were received and approved as circulated with the exception of item number five, which will be presented elsewhere in the agenda.

Dr. Altchuler presented the next agenda item for discussion and vote on whether to include specialty Board certification other than American Board of Medical Specialties (ABMS) and American Board of Osteopathic Specialties (ABOS) on the Physician Professional Profile.

After a lengthy discussion, motion was made to refer the issue of whether to include specialty Board certification other than American Board of Medical Specialties and American Board of Osteopathic Specialties on the Physician Professional Profile to the Public Policy Committee. Motioned was seconded. Motion passed.

Dr. Altchuler asked the Board to discuss the possibility of identity theft to physicians because the Professional Physician Profile lists birth year.

Mr. Leach, Executive Director of the Board, stated that three different resources looked at the Professional Physician Profile; the Department of Criminal Apprehension, the Department of Homeland Security, and the Minnesota Medical Association. None of these agencies identified any problems with what is displayed on the Professional Physician Profile. After discussion, the Board decided there wasn't a problem with listing the birth year on the Physician Professional Profile.

Dr. Roger Day, a physician under Board Order, asked to speak to the issue. After being informed that he would be allowed to speak to the issue on the agenda, Dr. Altchuler allowed Dr. Day to speak. After a few moments of Dr. Day speaking, Dr. Altchuler informed Dr. Day that as he was not speaking to the issue, that he was out of order and asked Dr. Day to sit down. Dr. Day complied.

Dr. Altchuler stated the next item on the agenda is the FSMB Annual Meeting issues. Dr. Altchuler asked Mr. Leach if he had received any nominations for FSMB positions. Mr. Leach stated no. Dr. Altchuler informed Board members if they were interested in being nominated for a FSMB position, to let Mr. Leach know.

Dr. Altchuler asked Dr. Hafner to present her three proposed resolutions to the FSMB.

Dr. Hafner stated that, in an effort to make the workings of the Federation more transparent, she proposes the following three resolutions.

Dr. Hafner informed the Board that the first resolution deals with getting audited financial statements out to the members in a timely fashion. Dr. Hafner stated she attempted several times to get into the Member Services area of the FSMB's website. She received an e-mail back from the Librarian at the FSMB stating that she was not eligible to enter the Member Services, Member Only section of the FSMB.

After Board discussion, Dr. Hafner withdrew the first resolution and the Board directed Mr. Leach to contact the FSMB to ensure that all Board members are listed and have access to a password so they are able access the FSMB's Member Services, Member Only section of the FSMB's website and can then view audited financial statements.

Mr. Leach stated that he will contact Ms. Linda Jordan, and her superiors, at the Federation and talk with them regarding the problem that not all Board members have access to the FSMB's Member Services, Member Only section and ask for a resolution to this problem. Mr. Leach will report back to the Board at the January Board meeting.

Dr. Johnson, Board member, requested that Mr. Leach ask Ms. Jordan to provide a blanket group of passwords on an annual basis for all of Minnesota's Board members so the Board staff can maintain the list of current Board members and can sunset individuals whose eligibility has expired. Mr. Leach agreed to discuss this suggestion with Ms. Jordan.

Dr. Altchuler stated that Board staff will e-mail a weekly newsletter that comes out from the Federation to all Board members.

Dr. Hafner resolution number 2 requests the House of Delegates direct the FSMB leadership to begin posting the minutes of all committees, Board of Director meetings, and the Annual House of Delegates meeting on the FSMB website. Such postings will occur no later than 30 days after the meeting and will be posted in a fashion making them readily accessible by the membership.

Dr. Altchuler stated that typically the minutes are not final until the next meeting. Which means, the House of Delegate minutes would not be finalized until the spring when the House of Delegates meets again. Mr. Leach added that the same would be true for the minutes of the quarterly minutes of the Board of Directors because the minutes are not finalized until the next meeting.

Mr. Leach asked Board members if they get the highlights of the Board of Directors minutes by e-mail. Mr. Leach said he needs to talk with the Federation to find out why all members aren't receiving the highlights. The Board of Directors met October 13-14, 2006, and Mr. Leach stated he received the highlights from that Board of Directors meeting. Mr. Leach stated he can forward the highlights to the Board members.

Mr. Leach clarified to the Board that every resolution that is submitted to the Federation goes to the House of Delegates; Mr. Leach had previously called the FSMB to verify this. All resolutions sent to the FSMB go to the Board of Directors first to decide whether they support or oppose a particular resolution.

Dr. Hafner requested that the full Board support having Dr. Mona, Board Member, carry the second resolution to the House of Delegates. It was moved and seconded that resolution number 2, as presented in the Board agenda and with Dr. Hafner's amendment to add preliminary before the word minutes, resolve the House of Delegates to direct the FSMB leadership to begin posting the preliminary minutes of all committees, Board of Director meetings, and the Annual House of Delegates meeting on the FSMB website. Such posting will occur no later than 30 days after the meeting and will be posted in a fashion making them readily assessable by the membership, and that these changes will take effect immediately upon ratification by the House of Delegates. Motion carried.

Dr. Hafner stated to Mr. Leach that, in fact, the FSMB does not pull resolutions then she would withdraw Resolution 3. Mr. Leach stated he'd like to talk to the Federation staff and make sure that every resolution goes to the House of Delegates. The deadline for submission of resolutions isn't until February. So there is time to revisit this. Dr. Hafner moved to table resolution number 3 until the January Board meeting, motion seconded, motion passed.

Dr. Altchuler asked Ms. Sanda, Chair of the Public Policy Committee, to present the Public Policy Committee agenda item.

Ms. Sanda, Board member, stated that the Public Policy Committee met on the October 13, 2006. The Public Policy Committee discussed three issues.

The first item discussed was sunset legislation. Ms. Sanda informed the Board that there are sunset dates for various advisory councils; the Public Policy Committee recommends that the Board approve a housekeeping bill to extend the life of those Advisory Committees that include Physician Assistants, Acupuncturists, Respiratory Care Practitioners, and Traditional Midwifery. After the Public Policy Committee meeting, HPSP requested that similar legislation be included in the Board's housekeeping bill. Ms. Sanda authorized Board staff to include this language in the materials presented to the Board and to proceed with getting language for all five councils put in bill form by the Office of the Reviser of Statutes. Ms. Sanda asked Drs. Langland, Geller, and Lampe if they had any objection to the inclusion of HPSP in the Board's housekeeping bill. There were no objections by the other Public Policy Committee members.

The next issue the Public Policy Committee discussed was the issue of fragmentation of records caused by discontinuous care facilities, such as Minute Clinics, lapses in electronic medical records and other factors. The Committee voted to inquire whether the FSMB has done any work on this issue. And if not, the Committee is going to recommend to the Board to prepare a resolution that the Federation form a taskforce to address this issue. Ms. Sanda asked if Mr. Leach has learned anything about this yet. Mr. Leach stated he spoke with Lisa Robin of the FSMB and the FSMB is not doing anything on this issue yet. Dr. Altchuler asked Ms. Sanda if she would be bringing this issue before the January Board meeting. Ms. Sanda said yes.

Ms. Sanda stated that the other item that was discussed was NASPER. Ms. Sanda explained that NASPER stands for the National All Schedules Prescription Electronic Registry. The committee discussed the history and legislative course of NASPER this past legislative session, and developments since. Ms. Sanda thanked Dr. Al Anderson for his helpful participation at the meeting. Ms. Sanda stated that Dr. Auld, Assistant Executive Director, has been monitoring this issue. Ms. Sanda asked Dr. Auld to report on his visit with Senator Berglin to the Board.

Dr. Auld stated that Dr. Anderson, Board member, Mr. Leach, and he met with Senator Berglin shortly before the Public Policy meeting. NASPER was defeated on the senate floor and Senator Berglin indicated that she will be bringing the NASPER legislation back again. In exactly what form and exactly what kind of bill is not known. Senator Berglin did provide the current language of the bill which was presented on the floor after the Board agenda was printed; Board members were given this information as a handout. Dr. Auld pointed out that the most recent version has been amended somewhat from the version that was included in the Board agenda, however, none of those amendments substantially address the concerns that the Board has raised throughout the course of the legislative session last year.

Mr. Auld stated that it is his understanding that Dr. Anderson was invited to attend a meeting at the MMA legislative committee at the end of November to discuss NASPER with them and their process of reassessing their position on this issue.

Ms. Sanda stated that the Public Policy Committee recommends that the Board continue to oppose this legislation and instructed staff to continue working on this matter.

Ms. Carolyn Stirewalt, Policy Council for the Minnesota Medical Association (MMA), asked to address the Board. Ms. Stirewalt stated that she attended the Public Policy meeting and requested that a small revision be made to the Public Policy Committee minutes in regard to what she had addressed. She requested that the minutes reflect "Ms. Stirewalt gave an update on the MMA's process of reevaluating their position on this legislation and indicated that the matter had not yet been sent to the Board of Trustees. Because the MMA can't make a position on NASPER until it goes through MMA's Committee and then goes through MMA's Board of Trustees."

Ms. Sanda made a motion to accept the report from the Public Policy Committee. Motion to accept the Public Policy Minutes passed with the amendment by Ms. Stirewalt.

Dr. Altchuler thanked Ms. Sanda and the Public Policy Committee for the outstanding work that they have done on behalf of the public in the State of Minnesota.

Mr. Leach presented the next Board agenda item, discontinuing participation in the Minnesota State Fair and replace with radio announcements with Minnesota Public Radio (MPR). Mr. Leach stated he cannot get over the feeling that the Board is hitting the same demographic at the Minnesota State Fair so he met with a sales representative from Minnesota .Public Radio. Mr. Leach stated that the cost for one year participation with fifteen 15 second live announcements per month, with eight announcements guaranteed in prime-time (6:00 AM to 7:00 PM) the cost would be \$26,640.00, this is \$5,000.00 more than the cost of participation at the State Fair. This would also include 24 fifteen second recorded messages per year on KNOW 91.1 FM.

If there is unfilled airtime, that airtime would be divided between all of MPR's vendors for additional announcements. Mr. Leach thought the Board could try this type of public outreach for at least one year and after that time, reexamine participation with MPR. Mr. Leach felt that an advantage to MPR is the Board could track the number of hits to the Board's website after a message had aired. Mr. Leach felt that MPR gives the Board an opportunity to reach many more people than the State Fair.

Dr. Snyder, Board member, stated that he had contacted WCCO, where he has some contacts, and was told that they would consider this very appropriate for public service announcements.

Dr. Smith, Board member, suggested that when the newspapers print articles regarding the bi-monthly disciplinary actions that the Board ask them to include the Board's website for further details. Mr. Leach said that the Board could do that.

Dr. Johnson asked if a screen could be added to the Board's website asking visitors about how they heard about the website or some mechanism to measure if we are being effective.

Dr. Hafner made a motion to pursue PSA's on existing Broadcast media. Motion seconded. Dr. Altchuler stated this includes whichever media; the Board isn't limiting it to a particular medium. Motion passed, seven in favor, five opposed.

Dr. Hafner suggested a taskforce to look at developing a communication and consumer education plan and bringing it back to the Board so that rather than throwing money away that the Board have a plan on how and why the Board spend its money on communication and consumer education. Dr. Langland, Board member, thought what Dr. Hafner said ties into the Board's strategic planning effort Dr. Langland believes this could tie in with the Strategic Planning Meeting. It was agreed by Board members to discuss this as part of strategic planning at a Strategic Planning Meeting in 2007.

Dr. Snyder stated that MPR will create a PSA that they will then let the Board use or they'll create the spot that the Board can then use as the Board's PSA. Dr. Snyder is sure the PSA's are included in the cost. Mr. Leach thought this was an excellent idea.

Dr. Langland made a motion that the Board approves the staff proposal for the MPR and the dropping of the State Fair. Motion seconded. Motion passed.

Mr. Leach presented the next agenda item. Mr. Leach stated that the Public Citizen Organization annually rates State Medical Boards by the number of disciplinary actions they have taken the previous year per 1000 physicians. Public Citizen has now made a new publication that ranks State Medical and Osteopathic Board Web Sites. This report just came out, and the Board ranked 56th out of 65th of State Medical and Osteopathic Boards. Next year the Board should rank higher because the Physician Professional Profile will be included in the next report.

Mr. Leach presented the Executive Director's Report. Mr. Leach stated that it is for information only. Mr. Leach stated that the educational outreach activities by Mr. Auld and Dr. Anderson, Board member, on pain management from September 19 – September 23, 2006, had a fairly good turnout. There were approximately 185 attendees.

Mr. Leach stated that he had an interesting meeting in Chicago that was put together by the Milbank Memorial Fund. The Milbank Memorial Fund invited Executive Directors from eight states, as well as a number of provinces in Canada. Mr. Dan Fox was there representing the Milbank Memorial Fund and Mr. Dale Austin and Dr. Jim Thompson from the Federation were also there. Mr. Leach stated it was very interesting to see how regulators in Canada, through their College of Physicians and Surgeons, approach regulation.

Mr. Leach stated that on October 18, 2006, Mr. Auld, Ms. Jeanne Hoffman and he met with representatives from the PA Association and talked about NASPER. They asked them to take a look at NASPER and how they'd like to approach the legislature in terms of educating them on the bill.

Dr. Altchuler stated the next item on the agenda is election of Board Officers. The Nominating Committee consisting of Dr. Altchuler and Dr. Langland, Board member, met by conference call on October 25, 2006, Ms. Sanda later confirmed the nominations. The Committee nominated the following persons:

Jon Thomas, MD	President
Carl Smith, MD	Vice President
Linda Van Etta, MD	Secretary
James Mona, DO	Delegate to the Federation

Dr. Altchuler asked if there were any nominations from the floor. There wasn't any. Dr. Altchuler asked for a motion to accept the slate from the Nominating Committee. Motion was moved and seconded. Motion passed unanimously. Dr. Altchuler stated since these nominations are unopposed, Dr. Altchuler would accept a motion for a white ballot. This was moved and seconded. Dr. Altchuler stated that since there wasn't any opposition, the members are here by elected by white ballot. Dr. Altchuler congratulated the new officers that were present.

Dr. Thomas stated he had an emergency and had to leave.

Dr. Altchuler stated the next item is the meeting dates for 2007.

Board members agreed to set aside the December 2006 Contested Case Hearing date along with the 2007 Contested Case hearing dates, absent a contested case, for Strategic Planning meetings.

The Board voted to approve the following dates for its 2007 meetings:

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

The Board was informed of a Correction Action Agreement entered since the last Board meeting.

End of Public Session.

EXECUTIVE SESSION

All Board members voting concurred in the following decisions, unless otherwise indicated:

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Kris Sanda, Vice President, Alfred Anderson, D.C., M.D., Robert Brown, Ph.D., Rebecca Hafner, M.D., Bradley Johnson, M.D., Kelli Johnson, Ernest Lampe, II, M.D., James Langland, M.D., James Mona, D.O., Allen Rasmussen, Carl Smith, M.D., Gregory Snyder, M.D., and Linda Van Etta, M.D.

THOMAS A. LOHSTRETER, MD

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted license signed by Dr. Lohstreter was approved.

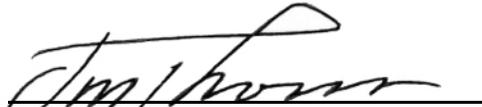
MARC J. MYER, MD

On recommendation of the Complaint Review Committee, the Stipulation and Order for Indefinite Suspension was signed by Dr. Myer. Dr. Johnson and Mr. Rasmussen recused.

MICHAEL H. WIPF

On recommendation of the Licensure Committee, the Stipulation and Order for Reprimand and restricted license signed by Dr. Wipf was approved. Drs. Lampe and Mona recused.

There being no further business, the meeting was adjourned.



Jon Thomas, M.D.

Secretary

MN Board of Medical Practice

1/4/2007

Date