

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

January 9, 2016

The Minnesota Board of Medical Practice met on January 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, President; 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.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Kelli Johnson, M.B.A.; 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

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 November 14, 2015, Board Meeting

The minutes of the November 14, 2015, Board meeting were received and approved as circulated.

Additional Agenda Item: New Health Licensing Boards' Advisory Attorney

Dr. Inampudi informed the Board that Jason Pleggenkuhle, J.D., Assistant Attorney General is transferring to the Consumer Fraud Division of the Attorney General's Office and will no longer provide legal support to the health licensing Boards effective February 1, 2016. Mr. Pleggenkuhle introduced the Board's new legal support, Assistant Attorney General Brian Williams, J.D. The Board gave a round of applause to Mr. Pleggenkuhle and Mr. Williams.

Agenda Item 3: Health Professional Services Program (HPSP) Fiscal Year 2015 Statistical Report

HPSP Program Manager Monica Feider, MSW, LICSW, presented HPSP's Fiscal Year 2015 Statistical Report. A question and answer session followed.

Agenda Item 4: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 – 137 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 138 - 144 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 145 - 149 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 150 - 172 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 173 - 194 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 195 – 207 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Advisory Council, naturopathic doctor applicants 208 and 209 of the agenda were approved for registration subject to receipt of verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwife applicant 210 of the agenda was approved for licensure subject to the receipt of verification documents.

Agenda Item 5: Licensure Committee Report

- Agenda Item 5a: Minutes of the December 10, 2015, Licensure Committee

In the absence of Licensure Committee Chair Patricia Lindholm, M.D., FAAFP, Licensure Committee member Sarah Evenson, J.D., M.B.A., presented the minutes of the December 10, 2015, Licensure Committee Meeting.

Ms. Evenson summarized the Licensure Committee's actions and discussions.

Dr. Inampudi encouraged Board members to help locate an interested and suitable physician to apply for appointment to the Physician Assistant Advisory Council.

- Agenda Item 5b: Acupuncture Advisory Council Appointment

The Licensure Committee's motion to reappoint Peggy Miller, L.Ac., Acupuncture Practitioner Member to the Acupuncture Advisory Council passed unanimously.

- Agenda Item 5d: Licensed Traditional Midwifery Advisory Council Appointments

The Licensure Committee's motion to reappoint the following Licensed Traditional Midwifery Advisory Council members passed unanimously.

- Traditional Midwife Members:
Kimberly Garrett, L.T.M., and;
Kathryn "Kate" Hogan, L.T.M.

- Agenda Item 5c: Athletic Trainers Advisory Council Appointments

The Licensure Committee's motion to reappoint the following members to the Athletic Trainers Advisory Council passed unanimously.

- Athletic Trainer Member:
Andrea Neison Allyn, A.T.R.
- Licensed Physical Therapist/Registered Athletic Trainer Member:
Jaynie Bjornaraa, A.T.R., P.T.
- Public Member:
Alexander Adams

- Agenda Item 5E: Physician Assistant Advisory Council Appointment

The Licensure Committee's motion to reappoint Ruth Rinker as a public member to the Physician Assistant Advisory Council passed unanimously.

- Agenda Item 5F: Respiratory Therapy Advisory Council Appointments

The Licensure Committee's motion to appointment/reappointment the following members to the Respiratory Therapy Advisory Council passed unanimously.

- Respiratory Therapist Members (Appointments):
Alexander Adams, R.T.
Russell Drangeid, R.T.
- Physician Member (Reappointment):
Krista Graven, M.D.

Agenda Item 6: Policy and Planning Committee Report, December 8, 2015

Policy & Planning Committee Chair V. John Ella, J.D., presented the December 8, 2015, Policy & Planning Committee minutes and provided a report to the Board.

- Name on License
The Policy & Planning Committee passed a motion to recommend that licenses be issued in the applicant's full legal name.
- Delegation to Staff to Issue License/Registration
The Policy & Planning Committee passed a motion to recommend the Board delegate authority to Licensure staff to issue credentials when the credential is not subject to disciplinary action. This issue is deferred to a future Board meeting.
- Potential Changes to the Medical Practice Act
The Policy & Planning Committee discussed potential changes to the Medical Practice Act and decided to pursue changes during the 2017 legislative session rather than the abbreviated 2016 legislative session.

Agenda Item 7: Delegation of Authority to Approve Confidential Monitoring Plans

At the November 14, 2015, Board meeting, the Board delegated authority to the Executive Director to sign and fully execute Confidential Monitoring Plans, developed pursuant to Minnesota Statute §214.23, Subdivision 2, relating to regulated persons infected with HIV, HBV or HCV.

For clarification purposes, the Board is asked to also delegate authority on its behalf to the Licensure and Complaint Review Committees to approve and enter into Confidential Monitoring Plans on behalf of the Board.

After a brief discussion, a motion was made and passed unanimously to delegate authority on its behalf to the Licensure and Complaint Review Committees to approve and enter into Confidential Monitoring Plans with regulated persons, established pursuant to Minnesota Statute §214.23, Subdivision 2.

Agenda Item 8: Executive Director's Report

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

- State Opioid Oversight Project (SOOP) Work Group
The Board participates in regular meetings of the SOOP work group. Most recently, the Board initiated an invitation to the Minnesota Hospital Association and the Minnesota Alliance for Patient Safety to engage with the group on public relations efforts.
- Interstate Collaboration in Healthcare Group
Regular conference calls on specific topics of interest continue, specifically on the topic of the Interstate Medical Licensure Compact (IMLC). Representatives from the Collaboration have attended the first two IMLC Commission meetings.
- The National Governor's Association (NGA) Health Care Workforce Technical Assistance Program
Minnesota's proposal for the National Governor's Association State Health Care Workforce Technical Assistance Program (NGA-TA Program) on advancing scope-of-practice policy has been accepted. The tri-regulatory Boards of Medical Practice, Pharmacy and Nursing (Boards), along with the Minnesota Department of Health (MDH), National Center for Interprofessional Practice & Education at the University of Minnesota, HealthForce Minnesota, Governor's office, and Minnesota Legislature are represented on the Core Team. Minnesota's proposed goals include development of a consensus framework for evaluating scope-of-practice proposals at the Legislature, support of scope-of-practice changes recently enacted, and identify needs and opportunities for future scope-of-practice changes. Ms. Martinez will keep the Board informed.

- Immigrant International Medical Graduate (IIMG) Stakeholder Advisory Group
Board representatives Molly Schwanz and Ruth Martinez are currently participating on a Licensure Study work group and a Non-physician Pathways work group. Ms. Schwanz attended the larger stakeholder group on January 5, 2016, at which time the work groups summarized their activities.

Ms. Martinez stated that the IIMG Stakeholder Advisory Group meetings are public. Some Board members have expressed interest in attending the IIMG Stakeholder Advisory Group meeting. Board members are welcome to attend. Ms. Martinez will forward notices of the meetings to all Board members.

Ms. Schwanz provided a summary of the January 5, 2016, IIMG Stakeholder Advisory Group meeting.

A discussion ensued regarding why the IIMG Stakeholder Advisory Group was created, concern about proposed apprenticeship programs that would bypass accredited clinical training requirements and possible changes to the Medical Practice Act.

- MN Prescription Monitoring Program (PMP) Advisory Task Force
The PMP Advisory Task Force supports legislation again this session including expanded access to the PMP by health licensing boards when an investigation is pending. As previously noted, plans to embed a link to PMP registration in the Board of Medical Practice on-line renewal processes is underway and expected to be completed in March 2016. Several of the other Health Licensing Boards are also planning to embed a link to PMP registration.
- MN Physician Publishing
An article by Dr. Jon Thomas was recently published regarding the Interstate Medical Licensure Compact (IMLC). Also, Dr. Hafner-Fogarty wrote an article on Physician Burnout that was published in June 2015. The tri-regulatory Boards of Medical Practice, Nursing and Pharmacy are working together to finalize an article on regulatory collaboration for publication this spring.
- Outreach
Representatives of the health licensing boards and the Health Professionals Services Program met with Governor Dayton's policy advisor to discuss upcoming legislation. Executive Directors of the Board of Medical Practice, Board of Nursing and the Minnesota Alliance for Patient Safety (MAPS) met to discuss how we can continue to collaborate on patient safety efforts. Board staff met by teleconference with Carol Clothier from the American Board of Medical Specialties (ABMS) to discuss Minnesota's position on maintenance of certification.
- Conferences and Meetings
Dec. 18, 2015: Interstate Medical Licensure Compact Commission (IMLCC) Meeting
Commissioners Thomas and Martinez attended the second meeting of the IMLCC in Salt Lake City, Utah. Prior to the IMLCC meeting, Dr. Thomas and Ms. Martinez participated in a number of committee meetings addressing bylaws and rules, funding and technology. Minnesota will host the next meeting of the IMLCC on March 31 – April 1, 2016, at the Department of Revenue, Stassen Building. The meeting is open to the public. Board members and other interested parties are invited to attend. Details will be forthcoming.
- Staffing
On December 2, 2015, Elizabeth Larson was welcomed to Board staff as a Licensure Specialist.

- Legislation

Board staff continues to meet with legislators regarding the upcoming 2016 “short” session, paving the way for legislative action on the following bills:

- SF 454: Physician assistant housekeeping modifications; temporary suspension process alignment;
- HF 1923: Osteopathic physician housekeeping modifications

Representatives in the House were encouraging that these bills may pass this session.

- Other Items not in Executive Director's Report

1. The Office of Administrative Hearings(OAH) 40th anniversary Celebration

OAH is hosting a reception on January 21, 2016, at Mitchell Hamline School of Law. Any interested Board member may attend. Board staff will forward the invitation to Board members.

2. The Campaign Finance and Public Disclosure Board Notice

The Campaign Finance and Public Disclosure Board have sent letters notifying Board members to review their Statements of Economic Interest annually and make any modifications necessary. Board members are required to review and recertify even if nothing has changed. Ms. Martinez noted that there is a \$10.00 penalty if the January 25, 2016 deadline is missed.

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

The FSMB informed Ms. Martinez that space has been reserved for the Minnesota Welcome Reception and will be included in the main agenda for the FSMB 2016 Annual Meeting. The Reception will be held on Wednesday evening, April 27, 2016. Ms. Martinez encouraged Board members to attend the Reception at the FSMB. The Reception is very well received and grows every year.

Ms. Martinez reminded Board members that if they have comments on the FSMB Model Policy, to submit them soon.

Ms. Martinez informed Board members that if they wish to participate on any FSMB Committee, please notify the FSMB. If Board members are appointed to a FSMB Committee, please contact Executive Assistant Cheryl Johnston for tracking national activities and reporting in the Board's Biennial Report.

Agenda Item 10: Federation of State Medical Boards' (FSMB) Annual Meeting Instructions

Board members were advised to follow the instructions provided in their agenda books for hotel and airline reservations. Ms. Martinez encouraged Board members to attend.

Agenda Item 11: Board Committee Appointments for 2016

Dr. Inampudi presented the 2016 Board Committee Appointments:

COMPLAINT REVIEW COMMITTEES

A.

Maria K. Statton, M.D., Ph.D., Chair
Irshad H. Jafri, M.D., FACP
Gerald T. Kaplan, M.A., L.P.

B.

Joseph R. Willett, D.O., FACOI, Chair
Jon V. Thomas, M.D., M.B.A.
Kelli Johnson, M.B.A.

LICENSURE COMMITTEE

Patricia J. Lindholm, M.D., FAAFP, Chair
Mark A. Eggen, M.D.
Charles F. Moldow, M.D.
Sara L. Evenson, J.D., M.B.A.

POLICY AND PLANNING COMMITTEE

V. John Ella, J.D., Chair
Dr. Eduardo T. Fernandes
Keith H. Berge, M.D.
Allen G. Rasmussen, M.A.

A motion was made and passed unanimously to accept the above 2016 Board Committee Appointments.

Agenda Item 12: Appointees to Advisory Groups

The following representatives were appointed to the below advisory committees, taskforces and workgroups:

- Prescription Monitoring Program (PMP) Advisory Taskforce
Former Board member Alfred V. Anderson, D.C., M.D., is currently representing the Board on the PMP Advisory Taskforce. Dr. Inampudi noted that Dr. Anderson has done a great job and the Board appreciates it. Dr. Inampudi thought it more appropriate that a current Board member serve on the committee rather than a previous Board member. Dr. Inampudi appointed Mark Eggen, M.D., as the Board's representative to the PMP Advisory Taskforce. Dr. Inampudi called for a volunteer to serve as the alternate representative on the PMP Advisory Taskforce. Allen Rasmussen, M.A., was appointed as the Board's alternate.
- Health Professionals Services Program (HPSP) – Program Committee
Dr. Eggen is currently representing the Board on the HPSP Program Committee and Mr. Kaplan currently serves as the alternate. Dr. Inampudi proposed that Mr. Rasmussen represent the Board on the HPSP Program Committee. Mr. Rasmussen currently serves as Chair of the HPSP Program Committee representing the Board of Dentistry. Mr. Rasmussen's term on the Dentistry Board will end this year.

Mr. Rasmussen was appointed as the Board's representative to the HPSP Program Committee. He recommended that executive directors of the health licensing Boards should also serve on the HPSP Program Committee since they understand how the Board and Program interact and how it impacts the Board's budget. Mr. Rasmussen recommended that Ms. Martinez serve as the alternate to the HPSP Program Committee. Mr. Kaplan agreed and Ms. Martinez was appointed as the Board's alternate.

- Immigrant International Medical Graduates Stakeholder Group
Ms. Schwanz will remain the representative of the Board to the IIMG Stakeholder Group. Dr. Inampudi noted Ms. Schwanz is doing a great job. Dr. Inampudi requested that all Board members receive notice of the IIMG Stakeholder Group meetings, which are open to the public.
- State Opioid Oversight Project Work Group
Currently Dr. Eggen and Ms. Martinez are representing the Board on the State Opioid Oversight Project Work Group. Charles Moldow, M.D., expressed interest in representing the Board. After a brief discussion, Ms. Martinez and Dr. Eggen were appointed to represent the Board on the SOOP Work Group. Ms. Martinez will send notices of the meetings to Dr. Moldow to he can attend the SOOP Work Group. The SOOP Work Group encourages additional engagement.
- Council of Health Boards
Dr. Inampudi and Ms. Martinez will represent the Board on the Council of Health Boards. The Council hasn't meet in the past four years. The Council usually convenes when there is a new license type being considered for regulation and then it reports back to legislators on its findings.

Agenda Item 13: Educational Sessions for Board Meetings in 2016

- Dr. Inampudi reviewed a listing of past requested educational sessions.

Educational Sessions Already Presented:

- Landscape of the Corporate Practice of Medicine presented by Mr. Pleggenkuhle on September 12, 2015;
- Misdiagnosis and Missed Diagnoses as Identified in Malpractice Cases was presented by Laurie Drill-Mellum, M.D., M.P.H., on July 18, 2015.
- Previously Requested Educational Sessions, Not Yet Presented:
 - Naturopathic Doctor Duties

Dr. Thomas recommended an educational component on the role and duties of Naturopathic doctors. Ms. Martinez suggested that Helen Soley, N.D., Chair of the Registered Naturopathic Doctor Advisory Council, provide the presentation. Ms. Soley was instrumental in gaining licensure for Naturopathic doctors in Minnesota. Educational components on other non-physician professions regulated by the Board may also be of interest.
 - The Non-Valid use of HCG for Weight Loss

Mr. Kaplan previously suggested a presentation on HCG for weight loss by a Florida physician who stated that he is an expert on this subject and who volunteered to provide a presentation to the Board. Mr. Leach contacted the physician but presentation arrangements were not formalized. The Joint CRC Committee met and decided against the presentation because of the bias represented by a special interest. The Board may reconsider a presentation on the non-valid use of HCG for weight loss at a future date.
 - Role and Responsibilities of Medical Directors

Mr. Kaplan suggested a presentation on hormone injection providers, who are not physicians. Ms. Martinez suggested the presentation be more broadly based on the role and responsibilities of a medical director, how a medical director uses his or her medical license and how he or she delegates duties to other licensed and unlicensed personnel.
 - Department of Corrections Healthcare System

Mr. Kaplan suggested a presentation by the Department of Corrections to talk about its healthcare system. Since they last presented to the Board, they have obtained a different healthcare vendor.
 - Polygraph Demonstration

A polygraph demonstration was presented by Mike Sommer on May 12, 2012. The Board will determine if they'd like to have another polygraph demonstration.
 - Minnesota Medical Association (MMA) Role as it Relates to the Board of Medical Practice

The presentation on the Minnesota Medical Association (MMA) role as it relates to the Board of Medical Practice was originally suggested by Dr. Eduardo T. Fernandes.

At the current Board meeting, Dr. Hafner-Fogarty believes this is a broader issue than just MMA. Dr. Hafner-Fogarty suggested that it be addressed in a form of a discussion of the different advocacy and regulators. The real policy issue is the roles of advocacy and regulation. Dr. Inampudi agreed and suggested it be assigned to the Policy and Planning Committee.
 - Physician Wellness Services

Dr. Hafner-Fogarty suggested a presentation from Physician Wellness Services that provides services for disruptive behavior, stress, and burn-out.

- Requested Presentations at the Current Board Meeting:
 - Drug Screen Process
Mr. Kaplan suggested a presentation from a drug testing laboratory to provide an overview of the drug screen process. Fred Apple, PhD., presented this subject at the July 10, 2010, Board meeting.
 - Providing Healthcare in 2016 – Medical Model
Mr. Ella suggested an education session on large healthcare systems. What are the pressures doctors have in terms of being employed by a large healthcare system? How do the large healthcare systems operate? Dr. Inampudi offered to identify someone from a large healthcare system to give a 30 minute presentation to the Board to provide a snapshot of a large healthcare system.
 - Attorney General's Office Presentation on Physician Owned Surgical, Imaging, and Oncology Centers
Mr. Kaplan suggested that the Attorney General's Office provide a short presentation regarding the growth of privately owned surgical centers by physicians and self-referring to their own surgical center.

Dr. Hafner-Fogarty suggested that the educational session also include imaging centers and oncology centers. Mr. Kaplan agreed.

Dr. Inampudi suggested that, within a couple of weeks, Board staff summarize the topics and distribute to Board members for input.

Agenda Item 14: Corrective and Other Actions

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

Agenda Item 15: New Business

- 2016 Joint Statement on the Impact of Health Conditions and Medication Use on the Operation of Vehicles
The National Transportation Safety Board (NTSB) has recommended that healthcare providers discuss with patients the effect their medical condition and medication use may have on their ability to safely operate a vehicle in any mode of transportation.

The Tri-regulatory Boards of Medical Practice, Nursing and Pharmacy developed a joint statement offering guidance to licensees. Ms. Martinez requests that the Board approve the 2016 Joint Statement on the Impact of Health Conditions and Medication Use on the Operation of Vehicles (included in Board agenda).

Ms. Martinez explained that the Boards of Medical Practice, Nursing, and Pharmacy received a letter from Governor Dayton asking how the Boards will respond to the NTSB guidance request that he received. The Boards of Medical, Nursing, and Pharmacy developed the Joint Statement in response to the Governor's request. The Boards will post the report on its websites. Within the next week, the Boards will inform the Governor's Office how we are complying so that he may prepare a response to the NTSB.

A motion was made and passed unanimously to approve the 2016 Joint Statement on the Impact of Health Conditions and Medication Use on the Operation of Vehicles.

Ms. Martinez thanked the Board and stated that the 2016 Joint Statement will be posted on the Board's website, along with the guidance document.

A motion was made and passed unanimously 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, President; 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.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Kelli Johnson, M.B.A.; 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

TOSEEF KHAN, M.D.

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

ROBERT A. KRATZKE, 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. Kratzke.

MICHAEL L. LASTINE, M.D.

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

PAUL F. PATTEE

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

CINDY A. SCHLAFMANN, A.T.

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

There being no further business, the meeting was adjourned.



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

March 4, 2016
Date