

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

January 8, 2011

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, January 8, 2011, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Ernest Lampe, II, M.D., President; James Langland, M.D., President; Bradley Johnson, M.D. Vice President; Subbaro Inampudi, M.D., FACR; Kelli Johnson, MBA, Secretary; Alfred Anderson, D.C., M.D.; Keith Berge, M.D.; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., MBA; Tammy McGee, MBA; James Mona, DO; Gregory Snyder, M.D., DABR; Jon Thomas, M.D., MBA and Tracy Tomac, M.D.

PUBLIC SESSION

The minutes of the November 13, 2010, Board meeting were received and approved as amended to note that Alfred Anderson, DC, MD, did not leave prior to Executive Session.

Ernest Lampe, II, President presented board service awards to Dr. Hafner-Fogarty. Dr. Hafner-Fogarty served on the Board from 1998 to 2003 and 2004 to 2010. Dr. Hafner-Fogarty served on the Licensure and Complaint Review Committees and served as Chair of the Complaint Review Committee from January 2002 through September of 2003 and was Chair of the Licensure Committee from January 2005 to December 2009. Dr. Hafner-Fogarty also served as Vice President of the Board from January to September 2003 and from January to December of 2008 and President to the Board from January through December of 2009. Dr. Hafner-Fogarty also served as the Board's representative on the Health Professional Services Program Committee. Dr. Hafner-Fogarty also served on the Continuing Competency and Maintenance of Licensure Taskforce from 2006 through 2009.

Michelle Wendrych, Operations Manager from the Center for Personalized Education for Physicians gave an overview of The Center for Personalized Education for Physicians (CPEP). A question and answer session followed.

Jill Myers from the Office of Rural Health and Primary Care (ORHPC) gave a presentation on the Workforce Analysis Survey for physicians, physician assistants, and respiratory therapists. A question and answer session followed.

ORHPC gathers and analyzes demographic information and would like to work with the board in exploring ways to increase the response rate. The surveys have been an optional part of the license renewal process for a number of years and are currently on-line with the renewal applications.

Mr. Leach stated that the Federation of State Medical Boards' Report on Maintenance of Licensure has been recently released and one of their recommendations, as a first step or as an only step for boards, is to begin collecting information that ORHPC is collecting.

Ms. Myers and others from ORHPC had presented to the Licensure Committee on December 16, 2010, and the Committee's recommendation to the Board is in the Licensure Committee

Minutes, but since the board was discussing the issue, it was decided to proceed with the Licensure Committee's motion. Dr. Johnson made a motion on behalf of the Licensure Committee that the sequence and process of data collection be referred to Policy and Planning Committee for evaluation, considering the upcoming data requirements of the Maintenance of Licensure initiative, and that the Office of Rural Health be included in that initiative. Motion passed unanimously.

The board took a five minute break.

Dave Anderson, Network Administrator for the Minnesota Board of Medical Practice gave a presentation on secure transmission of non-public data, State policy and methods of compliance along with a brief overview of the upcoming iPad upgrade project.

Some of the items discussed at the board staff meeting:

- State e-mail is completely secure. Mr. Anderson is currently working on a solution for the three board members that are having difficulty with their State e-mail account.
- Deleted files can be retrieved from unencrypted computers; it is essential that the board issued laptop is used to view private board materials.
- Jump drives will no longer be used to send out private board information because files are also not completely deleted.
- Transferring private data onto a computer other than the board issued laptop to print should not be done; it could cause a breach of security.
- When private data is sent to outside vendors, board staff will send them a notice to destroy the secure materials or they must return the private data to the board.
- Board staff contacted the Federation of State Medical Boards (FSMB) and asked if they were interested in secure electronic data transmission. The FSMB stated that Minnesota was the first board to approach them regarding this and are looking at Minnesota as being a model for this.

IPad Project:

- Board issued laptops for Board staff, members and the Attorney General's Office will be replaced by an iPad to securely transmit private board materials. This is anticipated to occur by the end of March, 2011.
- There will be a process to approve individual applications for the iPad. So board members will participate.
- The iPad will save the board a considerable amount of money.
- There is a security program to track and delete files should an iPad be stolen.
- The iPad uses a WiFi connection which can be obtained from a board issued Sprint WiFi card, a home network, or any available hotspot. There is an application available that shows all the WiFi hotspots available in the area.
- The iPad that will be distributed has 64 gigabytes. The iPad is less powerful than a laptop but is still powerful enough to handle all of the needs of the board.
- The iPad will come with PDF Expert which will work the same as the currently used PDF program.
- There isn't a mouse, but there is a soft keyboard. The board will also provide a hard keyboard that connects wirelessly through blue tooth for anyone that is interested.
- Training will be provided by the Apple technicians and Mr. Anderson at the Apple Uptown office.
- For data transfer from the board issued laptops to the iPad, bring the laptop to Mr. Anderson at the board office.

Drs. Johnson and Snyder asked if there is an opportunity to purchase their board issued laptop from the State. Mr. Anderson stated that he didn't believe so, but will research it and get back to board members.

On recommendation of the Licensure Committee, physician applicants 1 – 95 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 96 - 100 of the agenda were approved for Emeritus registration. Applicant 101 for Emeritus registration was withdrawn.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 102 - 108 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 109 - 116 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 117 - 129 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Care Practitioner Advisor Council, respiratory therapist applicants 130 - 135 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Advisory Council, naturopathic doctor applicants 136 - 137 of the agenda were approved for licensure subject to receipt of all verification documents.

Bradley Johnson, M.D., Chair of the Licensure Committee presented the minutes of the December 16, 2010, Licensure Committee. Dr. Johnson commented on items 1-7:

1. Integrating Physician Workforce Survey into Physician Renewals was discussed and motion passed previously in the board agenda.
2. Application was denied with option to withdraw by the Committee. Further discussion to be held in Executive Session.
3. The applicant submitted a fraudulent application. There is a lawsuit regarding the application process and the Committee decided to defer consideration until the lawsuit is resolved.
4. Probation was not reported by a program director regarding this applicant. The Committee reviewed the Board of Medical Practice Training Verification form and decided to replace the current questions regarding disciplinary action and derogatory information with a battery of questions similar to those used for the Federation Credentials Verification Service (FCVS) and the Uniform Application (UA).
5. The Hazelden Program asked for exemption from licensure using residency permits for program participants. The Committee reviewed the request and decided that the residency permit is appropriate for their program participants.
6. The Committee presented a Maintenance of Competency (MOC) Continuing Medical Education (CME) press release (included in the board agenda) per a motion passed at the November 13, 2010, board meeting requesting a press release to be publicized on the board's website that if a physician is going through the MOC process, it potentially complies with CME requirements. Dr. Thomas requested that the reference to the American Board of Medical Specialties implementation of an MOC pilot program be deleted from the third paragraph because the pilot program was implemented years ago. Dr. Johnson accepted Dr. Thomas' correction.

7. Applicant completed a CPEP re-entry program.

The minutes and actions of the December 16, 2010, meeting of the Licensure Committee were received and approved as circulated.

Mr. Leach presented the Advisory Council Appointments:

A motion was made and passed unanimously to appoint Dawn Ludwig as the physician assistant member to the Physician Assistant Advisory Council. Ms. McGee recused.

A motion was made and passed unanimously to appoint Karen Thullner as the public member to the Physician Assistant Advisory Council.

Currently, there isn't an applicant for the vacant physician member seat on the Physician Assistant Advisory Council. Mr. Leach asked board members to give his contact information to any physician who may be interested in serving on the Council.

A motion was made and passed unanimously to reappoint the following members to the Acupuncture Advisory Council:

Emily Silkwood, acupuncturist member
Evelyn Staus, public member

A motion was made and passed unanimously to reappoint the following members to the Athletic Trainer's Advisory Council:

Dean Wennerberg, athletic trainer member
Robert Johnson, physician member
Jason Eggers, chiropractor member
Jean Wang, public member

A motion was made and passed unanimously to (re)appoint the following members to the Respiratory Care Practitioner Advisory Council:

Kris Hammel, respiratory therapist member (appoint)
Alan Uhl, public member (reappoint)

There is currently a vacancy for the physician member position on the Respiratory Care Practitioner Advisory Council; an application for this vacancy will be presented at the March 12, 2011, board meeting.

Mr. Leach presented the Executive Director's Report. Mr. Leach referred board members to the HF 3272, Genetic Counseling Licensure hand-out. If passed in the Legislature, the Board of Medical Practice would be responsible for the licensure of genetic counselors.

The board discussed educational sessions for board meetings in 2011. Suggestions for presentations were:

- Mr. Leach suggested that the Pharmacology course given by Leonard Lichtblau, Ph.D., and the Boundaries course given by John Hung, Ph.D., be once again presented for the benefit of new board members.
- At the 2010 Federation of State Medical Boards' Annual meeting there was a presentation that briefly covered boundaries regarding social networking and also regulation and security of e-mail. Dr. Tomac suggested that if this subject is not

presented at the 2011 FSMB Annual meeting, that the board have a presentation on these issues. Mr. Leach will contact the Minnesota Medical Association for a referral for a presenter on this subject.

- Dr. Tomac volunteered to give a presentation on psychiatric illness and personality disorders to help board members serving as designated board members.
- Ms. Boe requested a presentation on guidelines for board members serving as designated board members. Ms. Martinez, Complaint Review Unit Supervisor, has presented this previously to the board and is happy to do the presentation again.
- Dr. Berge suggested a presentation from Omar Manejwala, M.D, Medical Director of Hazelden in Center City, Minnesota. Within the past year, Hazelden has reopened their healthcare professional addiction treatment program and hired Dr. Manejwala as the medical director.
- Dr. Johnson stated that he knows of a good course provider on documentation that is located in San Diego that he could contact for a presentation on their documentation course.

If board members have any additional requests for presentations, Mr. Leach requested board members to send him an e-mail.

Dr. Lampe introduced the next agenda item, FSMB Resolutions.

At the request of the board at the November 13, 2011 board meeting, Dr. Thomas presented the draft resolution to the FSMB that he and Dr. Auld crafted that requests the FSMB to form a taskforce regarding the regulatory implications of electronic medical records (EMR) and the implications of EMR for regulatory activity of state boards, including some examples.

After board discussion, a motion was made and passed unanimously for adoption of the resolution as it stands with a friendly amendment from Mr. Ella that board staff will include some language that the FSMB should address best practices. Mr. Leach stated that once Dr. Auld has revised the resolution, it will be forwarded to Dr. Thomas. An editorial correction noted was that the parenthesis on whereas number 7 needs to be closed.

Mr. Leach informed Board members that the annual meeting of the Federation of State Medical Boards will be held April 28 – 30, 2011, in Seattle, Washington at the Sheraton Seattle Hotel and instructed the Board on the reservation procedures. Mr. Leach informed board members of a new State requirement, that in order to be reimbursed for plane tickets, board members must go through Travel Leaders for their airline reservations. Board staff will also e-mail the new requirements to board members.

Dr. Tomac asked the board to sponsor the Women's Networking Meeting. Motion was made and passed unanimously to support and finance the meeting of the Women's Networking Meeting that will be held at the Federation of State Medical Boards' Annual Meeting in April, 2011. Ms. Martinez is working with the FSMB to include the meeting on the official agenda.

A motion was made and passed unanimously to endorse Tammy McGee, MBA as a candidate for the non-physician seat on the Federation's Board of Directors. Mr. Leach apologized for the breach of protocol but, because of the January 7, 2011, deadline to submit all nominations for FSMB Office; he has already submitted the letter of the board's recommendation of Ms. McGee.

Mr. Leach presented the 2011 Board Committee Appointments for the board's information. Mr. Leach apologized for the exclusion of Dr. Anderson in the listing. Dr. Anderson will be on the Licensure Committee. Also, regarding a note at the bottom of the listing in the board agenda that after Dr. Lampe has served his term as Board Chair that he will assume Chair of the

Complaint Review Committee; Mr. Leach stated that there may be other options depending upon future appointments to the board.

COMPLAINT REVIEW COMMITTEES

A.

Keith Berge, MD, Chair
Tammy McGee, MBA
Mark Eggen, MD

B.

James Langland, MD, Chair
Sara Evenson, JD
Greg Snyder, M.D., DABR

LICENSURE COMMITTEE

Brad Johnson, MD, Chair
Kelli Johnson, MBA
Jon Thomas, MD, MBA
Subbarao Inampudi, MD, FACR
Alfred Anderson, DC, MD/Replacement

POLICY AND PLANNING COMMITTEE

Tracy Tomac, MD, Chair
Debbie Boe
V. John Ella, JD
James Mona, DO/Replacement

Mr. Leach asked for a show of hands of board members that will attend the 2011 FSMB Annual meeting. All board members present, with the exception of Drs. Anderson and Mona indicated that they will attend the 2011 FSMB Annual meeting.

Mr. Leach informed the board of one Corrective Action Agreement that was implemented since the last board meeting.

Mr. Leach stated that the board had previously approved Dr. Snyder to run for the FSMB Board of Directors. Because Dr. Snyder's is currently on the FSMB Nominating Committee, he is not eligible to run for the FSMB Board of Directors, but will be seeking the board's support in 2012 for this nomination. Dr. Snyder's term on the Nominating Committee ends after the FSMB Annual meeting in April. Dr. Thomas is currently serving on the FSMB Board of Directors. Dr. Eggen is running for the FSMB Nominating Committee.

Dr. Anderson informed the board that on January 7, 2011, the Board Officers met with Mr. Leach for his annual performance evaluation. The board gave Rob a round of applause.

Ms. Boe informed the board that she submitted a Letter of Interest to the FSMB, copying the board president, vice president, and the executive director, regarding her interest in serving on any FSMB Committee regarding medical records. Ms. Boe will inform the board if she is contacted by the FSMB.

End of Public Session.

EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Ernest Lampe, II, M.D., President; James Langland, M.D., President; Bradley Johnson, M.D. Vice President; Subbaro Inampudi, M.D., FACR; Kelli Johnson, MBA, Secretary; Alfred Anderson, D.C., M.D.; Keith Berge, M.D.; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., MBA; Tammy McGee, MBA; James Mona, DO; Gregory Snyder, M.D., DABR; Jon Thomas, M.D., MBA and Tracy Tomac, M.D.

STEPHEN R. ENGLER, MD

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

GAYL L. GUSTAFSON, MD

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

JULIE M. JOHNSON, MD

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

GAYLE C. LEEN, PA

On recommendation of the Complaint Review Committee, the Stipulation and Order for restricted license signed Ms. Leen was approved.

KATHLEEN T. LUNDELL, MD

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

JEFFREY H. RAYL, DO

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

DAVID E.R. SUTHERLAND, MD

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand signed by Dr. Sutherland was approved. Dr. Snyder recused.

EROL T. UKE, MD

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

MARK A. URBAN, MD

On recommendation of the Complaint Review Committee, the Amended Stipulation and Order for reprimand and restricted license signed by Dr. Urban was approved. Dr. Anderson recused.

There being no further business, the meeting was adjourned.



Kelli Johnson, MBA
Secretary
MN Board of Medical Practice

March 2, 2011
Date