

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

July 14, 2012

The Minnesota Board of Medical Practice met on July 14, 2012, at its offices in Minneapolis, Minnesota.

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

PUBLIC SESSION

Robert Leach, J.D., Executive Director, stated that as a result of the Star and Tribune articles on the board, the Sunset Commission's Legislation called for a study of the board operations to be conducted by the Office of the Legislative Auditor. On July 12, 2012, board staff met with Jim Noble, the State Legislative Auditor, and his staff for the board's entrance interview. After the entrance interview, Chau Nguyen and Heather Varez from the Office of the Legislative Auditor immediately began their work. Mr. Leach introduced Chau Nguyen and Heather Varez to the board. They will observe the board meeting, as well as Executive Session and the Contested Case Hearing. They will also observe the Complaint Review Committee meetings this month. They anticipate that they will be at the board office until the end of July.

Jon Thomas, M.D., MBA, welcomed back Rebecca Hafner-Fogarty, M.D., MBA to the board.

The minutes of the May 12, 2012, Board meeting were received and approved as circulated, with a correction noted by Gerald Kaplan, MA, LPA that the polygraph used in the demonstration was digital not mechanical.

On recommendation of the Licensure Committee, physician applicants 1 - 344 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 345 - 352 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 353 - 360 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 361 - 407 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 408 - 428 of the agenda were approved for licensure subject to the receipt of verification documents.

Subbarao Inampudi, M.D., FACR, Chair of the Licensure Committee presented the minutes of the June 21, 2012, Licensure Committee Meeting.

The minutes and actions of the June 21, 2012, meeting of the Licensure Committee were received and approved as circulated.

Debbie Boe, board member asked Dr. Inampudi for clarification on item 1 and 2 of the June 21, 2012 Licensure Committee Minutes.

Mr. Leach informed the board that three of the five vacant board member openings have been filled. Dr. Hafner-Fogarty, who previously served on the board, was appointed to serve on the board representing the Sixth Congressional District and replaces Dr. Bradley Johnson. Dr. Ahsan Bhatti has been appointed from the Seventh Congressional District and replaces Dr. James Langland. Dr. Charles Moldow has been appointed from the Third Congressional District and replaces Dr. Ernest Lampe. Their board term date is June 30, 2012 through January 4, 2016.

Mr. Leach informed the board that there are still two physician board member vacancies, one for the Second Congressional District (southern metro area) and the other is for the Eighth Congressional District (Duluth). Mr. Leach stated that the Second Congressional District seat does not have any eligible applicants and he believes there is one applicant pending for the Eight Congressional District vacancy.

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

Dr. Thomas introduced an additional agenda item, an article from the Star Tribune, entitled *Minnesota No. 1 in Medical Care*. The article was e-mailed to board members prior to the board meeting.

Board members had a lengthy discussion regarding the high level of quality healthcare in Minnesota, the reasons for the low ranking given to the Board by Sidney Wolfe, M.D., from Public Citizen and also the reason why the Board does not always take disciplinary action when an individual has been disciplined in another state.

Dr. Hafner-Fogarty requested that board staff review Stipulation and Orders and Corrective Action Agreements for the past ten years for recidivism. Mr. Leach agreed.

Mr. Leach stated that as a result of the articles in the Star Tribune on the board, the Sunset Commission's legislation requires a study of the Medical Practice Act by a Workgroup to be organized by the Department of Health. The first meeting of the Workgroup is scheduled for August 20, 2012, at 10:00 A.M, in the Orville Freeman Building in St. Paul.

The members of the Workgroup have been named and they are:

- Representatives from the Board of Medical Practice are Jon V. Thomas, M.D., and Joseph R. Willett, D.O.
- The two practicing physicians appointed by the Minnesota Medical Association are Linda Lee Van Etta, M.D. (former board member), and Terry Cahill, M.D.

- The two medical educators appointed by the Minnesota Department of Health Commissioner are Dr. Barbara Gold from the University of Minnesota and Darrell Pardi, M.D. from the Mayo Clinic.
- The two senators named are Senator David W. Hann and Senator Kathy Sheran.
- The two representatives named are Representative Bob Barrett and Representative Carolyn Laine.
- The Commissioner of the Minnesota Department of Health, Edward Peter Ehlinger, M.D., will be a participant.
- The two consumers appointed by the Commissioner are Thomas P. Webber and Malcolm Mitchell.
- The two experts appointed by the Minnesota Department of Health are Dr. Kathleen Brooks and Mr. Jack Davis. Dr. Brooks served on the Board's Continuing Competency Taskforce and she is also a former Medical Coordinator for the Board.

The Chair of the workgroup will be elected at the first meeting.

Mr. Leach stated that he and Dr. Thomas decided that the Ad Hoc Committee to advise the board's two members (Drs. Thomas and Willett) will not meet until after the first meeting of the Workgroup. The Ad Hoc Committee consists of the following board members:

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

Dr. Thomas asked board members for any additional new business.

Dr. Eggen asked that the board be more proactive in practices that are concerning, rather than reactive (waiting for a complaint to be filed). Dr. Eggen gave three examples of practice that is a concern:

- Interventional pain management;
- Hormone therapy clinics; and
- IV therapy clinics that provides Chelation therapy.

Gerald Kaplan, MA, LP, added a fourth concern (with Dr. Eggen's approval), which is:

- HCG and weight loss.

After board discussion, the board decided to have an educational component at a future board meeting regarding concerning practice trends.

Drs. Thomas and Willett had questions about peer review protection and physician reporting requirements. After board discussion, it was decided that Mr. Fruechte will give a presentation on new legislation that was passed on additional reporting requirements, penalties that have been developed for not reporting, the Attorney General's Office views on the physician's role in reporting and what is clearly peer review at the September 8, 2012, board meeting. Mr. Fruechte, J.D., the board's advising attorney offered to discuss individual situations with board members.

End of public session.

EXECUTIVE SESSION

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

CHRISTINE A. COMMERFORD, R.T.

On recommendation of the Complaint Review Committee, the Stipulation and Order for stayed suspension and conditioned license signed by Ms. Commerford was approved.

VERN E. ERICKSON, M.D.

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

TILOK GHOSE, M.D.

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and conditioned license signed by Dr. Ghose was approved.

KEVIN J. GOODERUM, R.T.

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and conditioned license signed by Mr. Gooderum was approved.

KATHLEEN A. KOBBERMANN, M.D.

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

CAROLYN S. MCDONALD, M.D.

On recommendation of the Complaint Review Committee, the Stipulation and Order for reinstatement of license, reprimand, stayed suspension, and conditioned license signed by Dr. McDonald was approved.

BETHANY J. PORTER, M.D.

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

MOHAMED A. SAEED, R.T.

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

BRIDGET M. TIERNEY, P.A.

On recommendation of the Complaint Review Committee, a Stipulation and Order for unconditional license signed by Ms. Tierney was approved.

There being no further business, the meeting was adjourned.

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

Date