

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

July 10, 2010

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, July 10, 2010, at its offices in Minneapolis, Minnesota.

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

PUBLIC SESSION

The minutes of the May 8, 2010, Board meeting were received and approved as circulated with a correction by Debbie Boe that the minutes incorrectly state that she is a paralegal with the Gislason and Hunter Law Firm; she is no longer employed there.

Agenda item, Urine Drug Screening and Confirmatory Practice presentation by Fred Apple, Ph.D., had to be rescheduled and will be presented at a future board meeting.

On recommendation of the Licensure Committee, physician applicants 1 – 341 of the agenda were approved for licensure subject to the receipt of verification documents; applicant 311 is subject to approval in Executive Session. John Ella, J.D., recused on applicant 258.

On recommendation of the Licensure Committee, physician applicants 342 - 343 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 344 - 345 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 346 - 352 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 353 - 397 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 398 - 414 were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Doctor Advisory Council, naturopathic doctor applicant 415 of the agenda was approved for licensure subject to receipt of all verification documents.

Bradley Johnson, M.D., Chair of the Licensure Committee presented the minutes of the June 17, 2010, Licensure Committee for approval with the exclusion of item number 1 of the minutes, which will be addressed in Executive Session. The minutes and actions of the June 17, 2010, meeting of the Licensure Committee were received and approved as circulated.

Robert Leach, J.D., Executive Director presented the next agenda item, an update on the Wisconsin License Portability Project. Mr. Leach stated that at the January 9, 2010, board meeting the board voted to participate in the Wisconsin License Portability Project. Mr. Leach stated that the states that are participating in the WI Licensure Portability Project are:

- Minnesota
- Iowa
- South Dakota
- Illinois
- Indiana
- Michigan
- Nebraska
- Missouri
- Wisconsin

The first meeting of the Wisconsin License Portability Project was held at the Annual Meeting of the Federation of State Medical Boards (FSMB) in April, 2010. Mr. Leach stated that Ruth Martinez, Complaint Review Supervisor, attended the meeting of the Project. Ms. Martinez gave a brief summary of the meeting.

Ms. Martinez stated that discussion at the meeting was about licensure reciprocity between the participating states.

Mr. Leach stated that Wisconsin has a project goal of reciprocity between the states. Mr. Leach stated that senior board staff agreed that if the board continues with reciprocity between the participating states, the licensure standard should be the highest standard. Mr. Leach stated that it may mean that the board may have to go to the legislature in an attempt to change the Medical Practice Act.

James Langland, M.D., stated that if there were a reciprocity agreement, it would make it easier for specialists to move across border States and that would be a real asset to rural communities. Jon Thomas, M.D., MBA agreed with Dr. Langland.

Mr. Leach stated that the next meeting of the Wisconsin License Portability Project is scheduled for July 29, 2010, by teleconference. Mr. Leach stated that they want to discuss comments of senior staff and board members on the goal of reciprocity between the states; Mr. Leach asked board members for their comments.

Wisconsin has a Federal Grant and the grant requires that forms need to be filled out monthly by each participating state. Mr. Leach stated that Mark Chu, Database Administrator, has written a program for the statistics, so the forms do not take a great deal of staff time, but the work involved is more than what was originally anticipated. Mr. Leach stated that he would not like to see Minnesota opt out at this time. Mr. Leach would like to continue, he would like them to hear what Minnesota's concerns are.

James Mona, D.O., Vice President asked Mr. Leach to suggest a regional database, similar to what the FSMB was trying to accomplish on a national level. Dr. Mona felt that the regional databank would be easier to accomplish than reciprocity. Mr. Leach stated that he would mention it, but felt that it would take a great deal of resources to create a regional database. Mr.

Leach stated that the FSMB received a lot more Federal Grant money for their project and they were not successful.

Dr. Thomas suggested that the reciprocity wouldn't have to be equal on both sides; it doesn't have to be symmetrical. Mr. Leach felt that they are looking for symmetry.

Subbarao Inampudi, M.D., FACR found it hard to believe that the FSMB could not create a database that is secure. Dr. Inampudi felt that the board needs to insist at the FSMB level that the national database go forward. Dr. Inampudi felt that it is the better way instead of a regional database or reciprocity.

Brad Johnson, M.D., asked if there were regional or federal reciprocity would there be reciprocity in a restriction on a license? Mr. Leach stated that currently, if someone holds dual licensure and they are disciplined in one state, the other state is notified by the FSMB and then they take reciprocal action. Mr. Leach stated that to the best of his knowledge, all states are doing reciprocal action at this point. Mr. Leach stated that it is something that needs to be brought up in the conference call.

Dr. Johnson stated that being on the Licensure Committee; there is always a concern about creations of loop holes. Dr. Auld stated that Dr. Johnson brought up an issue that senior board staff discussed was the loopholes that could be opened up.

Dr. Anderson closed the Wisconsin Licensure Portability Project Update and introduced the next agenda item Strategic Planning.

Mr. Leach stated that the only unfinished goal from the Strategic Planning is review of the board's website and this is on hold due to the Governor's E-licensing initiative.

Mr. Leach stated that he believes that most of the other goals have been accomplished unless a board member sees something that hasn't been done. Dr. Snyder stated that the Mission Statement contained in the Strategic Plan needs to be modified to include naturopaths. Mr. Leach stated that it will be updated.

Mr. Leach stated that one of the goals was to get feedback from physicians and complainants who had been through the board's process. Mr. Leach stated that the board did that in 2009 and brought it to the board. Mr. Leach asked if there was any interest in surveying the physicians and complainants again. Ms. McGee asked what the administrative burden was. Ms. Martinez stated that a Student Worker processed the surveys. Ms. Martinez stated that they received a good response and the responses were reviewed by the Combined Complaint Review Committee. Ms. Martinez stated that the Committees had a lot of discussion about whether the board needed to do the surveys again, and the conclusion was that it didn't need to be done on an annual basis, but it probably would be helpful to do it at least every few years. Mr. Leach stated that he believes that they agreed upon every three years. Dr. Thomas asked if board staff changed anything because of the information received from the surveys. Mr. Leach stated that board staff was happy with the feedback from the respondents and that they didn't make any changes because of the surveys. Dr. Thomas agreed that the surveys do not need to be done more often than three years.

Tammy McGee, MBA, asked about the progress with legislation relations. Mr. Leach stated that after the election, board staff will create a congratulatory letter for board members to sign, by district. Ms. McGee stated she assumes that board staff will call board members if something was going on legislatively in their district. Dr. Inampudi suggested that key legislators be invited to one of the board meetings. Mr. Leach stated that the Executive Director's Forum of all the Health Licensing Boards is very active in contacting key legislators that they deal with on a

regular basis. Mr. Leach stated that they are frequently invited to their meetings. Dr. Inampudi thought it would be worthwhile to also invite them to a board meeting.

Mr. Leach presented the Executive Director's Report of staff activities since the last board meeting. Keith Berge, M.D. stated that in the Executive Director Report it incorrectly states the he attended the Center for Personalized Education for Physicians (CPEP) on June 21, 2010.

Mr. Leach stated that he erroneously included the June 24th, 2010 meeting between Dentistry, Nursing, and Medical Practice on the Volunteer Health Provider Program; Mr. Leach stated this item should have been a separate agenda item because he is asking the board to vote on this item.

Mr. Leach stated that in 2002, the legislature established the Volunteer Healthcare Provider Program (VHPP) and the law provides that the boards of Medical Practice, Nursing and Dentistry pay malpractice insurance for licensees who do not have it and wish to volunteer their healthcare services at an eligible facility. Mr. Leach stated that the legislation that was passed this year provides that the boards can put some limits on this; the previous legislation had no limits. Mr. Leach stated he is asking the board to set some limits on the VHPP and he will bring back to the board later if the limit needs to be changed.

Dr. Johnson suggested changing the liability risk through legislative action rather than paying for private insurance. Dr. Johnson stated it would be along the lines of the Good Samaritan law so if the healthcare professional gets involved in this activity, there's some protection against liability from the legislative or Tort Reform approach as opposed to funding fund a few individuals with liability insurance. Mr. Leach stated that he will encourage the Minnesota Medical Association to bring this to the legislature; the Board of Medical Practice would support such legislation with testimony that this program is financially draining for the board. Mr. Leach stated he will call Karolyn Stirewalt, J.D., the liaison to the board at the MMA in support of this legislation.

Mr. Leach stated that the involved boards would like a July 1 application deadline, minimum number of volunteer hours, approximately 20 hours per month, and hiring a part-time person to administratively handle the program starting next year with the July 1 deadline. Mr. Leach stated that Juli Vangsness, who is the health licensing boards' accountant with the Administrative Services Unit, is currently handling the whole program by herself, along with her other full-time duties. Mr. Leach stated that she is overwhelmed and she cannot continue to administer the program.

Dr. Johnson suggested that instead of applications being accepted on a first-come, first-serve basis is to accept applications by the number of hours volunteered. Mr. Leach agreed. Dr. Johnson also suggested that at the end of the year of the liability coverage, go back to the individuals and tally how many hours that they actually volunteered. Dr. Johnson asked if this data had been collective previously. Mr. Leach stated no because of lack of a staff person to collect the data.

Ms. McGee asked Mr. Leach what he needed from the board. Mr. Leach requested a motion that the Boards of Dentistry, Nursing and Medical Practice along with the Administrative Services Unit set limits on replenishing the fund in the Special Revenue Fund that are exhausted by buying the malpractice insurance for the licensees. Motion was moved and seconded. Dr. Langland asked if it included the hours tied to service. Mr. Leach stated that the motion includes everything that the board talked about, the July 1 application cutoff date, and the number of volunteer hours getting priority in the application process. The revised motion was moved and seconded. Motion passed unanimously.

Kermit Fruechte, J.D., Assistant Attorney General requested that there be a finding in the minutes that the cost of the insurance for eligible providers exceeds – has exceeded or will exceed the funds appropriated because that's a necessary prerequisite.

Sarah Evenson, J.D., MBA, gave an overview of her visit to CPEP.

Ms. Evenson was very impressed with not only the quality of the assessment, but also how comfortable and relaxed the environment is.

Ernie Lampe, M.D. stated that Dr. Langland and he previously visited CPEP. Dr. Lampe was concerned that there may be a conflict of interest because CPEP also provides education. Dr. Lampe wondered if they ever found any physicians competent. Dr. Langland agreed with Dr. Lampe that no one comes out of the assessment without some deficiencies, but Dr. Langland stated that a physician that the CRC sent to CPEP recently came back with a good report; he was deficient in little things, but nothing major.

Ms. Evenson stated that the statistics that CPEP gave her were:

- Limited or no educational needs were 20%,
- moderate educational needs were 35%,
- broad educational needs were 35% and
- global deficiencies, which they say is equivalent to essentially the need to go through residency again, was 10%.

Dr. Lampe stated that when he asked CPEP for their statistics but they didn't share that information with him.

Mr. Leach informed the board that at the January 2011 board meeting the educational component will be a presentation given by the Director of CPEP; Elizabeth Korinek.

Dr. Anderson informed the board of a Corrective Action Agreement that was implemented since the last board meeting.

End of Public Session.

EXECUTIVE SESSION

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

BELINDA CHARLESTON-GREEN, R.T.

On recommendation of the Complaint Review Committee, the license of Ms. Charleston-Green was reinstated.

STEVEN A. ERLEMEIER, M.D.

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

CHRISTINE JOHNSON, M.D.

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

CARTER QUANG PHUC LE, M.D.

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

ERIK J. LINCK, M.D.

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

RICHARD O. LUNDEBREK, M.D.

On recommendation of the Complaint Review Committee, the Stipulation and Order for voluntary surrender of license signed by Dr. Lundebrek was approved.

PATRICIA A. MILLS, M.D.

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

KATHRYN T. MURRAY, R.T.

On recommendation of the Complaint Review Committee, the license of Ms. Murray was reinstated.

JAMES J. ROWE, M.D.

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

TODD A. SMITH, M.D.

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

AMANDA J. WYCOFF, M.D.

On recommendation of the Complaint Review Committee, the Stipulation and Order for stayed suspension and restricted license signed by Dr. Wycoff was approved. Ms. Boe opposed.

There being no further business, the meeting was adjourned.



Tammy McGee, MBA
Secretary
MN Board of Medical Practice

August 23, 2010
Date