

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

**March 14, 2015**

The Minnesota Board of Medical Practice met on March 14, 2015, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., President; Subbarao Inampudi, M.B., B.S., FACR, Vice President; Charles F. Moldow, M.D., Secretary; Keith H. Berge, M.D.; Sarah L. Evenson, J.D., M.B.A.; V. John Ella, J.D., Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Irshad H. Jafri, M.B., B.S., FACP; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; and Maria K. Statton, M.D., Ph.D., 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 President, Mark A. Eggen, M.D. Roll call was taken by Board staff.

**Agenda Item 2: Minutes of the January 10, 2015, Board Meeting**

The minutes of the January 10, 2015, Board meeting were received and approved as circulated.

**Agenda Item 3: American Osteopathic Association (AOA) Presentation by Nicholas Schilligo, M.S.**

Dr. Eggen welcomed and thanked Mr. Schilligo for presenting to the Board. Dr. Eggen and Joseph R. Willett, D.O., FACOI, acknowledged Mr. Schilligo from the AOA for drafting the proposed language revisions and Colleen Jensen, Executive Director of the Minnesota Osteopathic Medical Society (MOMS), for finding a legislative representative to sponsor the bill.

Mr. Schilligo presented the proposed housekeeping changes to update language relating to osteopaths in the Medical Practice Act, Chapter 147 of Minnesota Statutes. Proposed revisions include aligning the maximum number of attempts allowed to pass the Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA) with the United States Medical Licensure Exam (USMLE) and to allow appointment of more than one osteopath to serve on the Board.

Proposed changes:

- In the Medical Practice Act, Chapter 147, subdivision 1; change the wording to reflect the intent of the Board to allow more than one doctor of osteopathy (D.O.) to concurrently serve on the Board.
- In the Medical Practice Act, Chapter 147, subdivision 2, use accurate terms for the COMLEX-USA Licensing Exam that is used by osteopaths.
- Change six attempts to nine attempts to pass the COMLEX-USA.
- Changing some technical nomenclature throughout the practice act. These changes create consistency in statute that only United States trained osteopaths with full medical education, training, and demonstrated competency are eligible for medical licensure in the State of Minnesota. A US trained osteopath with a degree of D.O., and post-graduate training has equivalent education and training as an allopathic physician. Foreign trained osteopaths are only trained in osteopathic principles and practice, not the medicine side of it. They use the D.O. degree behind their names, but when they come to the US, they include the country

they're from to distinguish for patients that they're not fully trained physicians. Most states don't recognize the profession at all.

The Board requested the following amendments to the proposed changes:

- The language for the number of attempts and time limit should align with the language of the USMLE, which allows three attempts per level in a five-year time period.
- The language for appointments to the Board of osteopathic and allopathic physicians should be composed to state that both allopathic and osteopathic physicians, with a minimum of one allopathic and one osteopathic physician, must be appointed to the Board.

Gerald Kaplan, M.A., L.P., suggested amending the osteopathic bill to allow for appointment of an at-large public board member. The statute currently requires that five members must be public members, none of which can be from the same congressional district. The statute could read there are four public members, none of which can be from the same congressional district, and a fifth at-large public member. Mr. Kaplan noted that there is an at-large physician member seat. After discussion, the Board decided to reconvene its discussion about an at-large public Board member appointment later in the agenda.

Dr. Willett made a motion that the Board support the changes proposed by AOA/MOMS with incorporation of the Board's recommended modifications. Motion unanimously passed.

Mr. Schilligo stated that he will make the changes suggested by the Board and forward the revised language to Ruth Martinez, M.A., Executive Director, for review. Mr. Schilligo will also review the practice act regarding military service extension provisions and M.D./Ph.D. extensions, to ensure that they align with the allopathic physicians.

Dr. Eggen confirmed with Ms. Jenson that she is comfortable with the Board's suggested changes. Ms. Jenson thought they were great suggestions and that she believed that the MOMS would agree.

Subbarao Inampudi, M.B., B.S., FACR, requested that the Board receive a copy of the modified language. Dr. Eggen stated that once the draft language is received from Mr. Schilligo, the full board will review it.

#### Agenda Item 4: March 5, 2015, Joint Licensure and Policy & Planning Committees Report

Rebecca J. Hafner-Fogarty, M.D., M.B.A., presented the Joint Licensure and Policy & Planning Committees Report.

##### 1. Immigrant International Medical Graduate (IIMG) Report Bill, SF 1049

The Committees heard a presentation by Taskforce Chair Dr. Edwin Bogonko, from the Minnesota Department of Health, and Mark Schoenbaum, Director of the Office of Rural Health and Primary Care, regarding the obstacles to medical licensure faced by immigrant international medical graduates. The Committee members had several questions and concerns about the legislative language. Mr. Schoenbaum stated that changes have been made in the bill since the IIMG Taskforce Report was presented to the Joint Licensure and Policy & Planning Committee on March 5, 2015.

Mr. Schoenbaum and Darcy Dungan-Seaver from the Department of Health, Office of Rural Health and Primary Care, were available to answer questions from the Board. Ms. Martinez noted that the updated draft language was distributed to Board members this morning, prior to the Board meeting.

Dr. Hafner-Fogarty summarized the Committees concerns with the bill.

The Committee was not in support of the Board taking a position to support the bill.

Mr. Schoenbaum thanked the Board for the invitation to attend the Board meeting. He distributed a one-page summary of the revisions that the IIMG Taskforce has made since the meeting of the Joint Licensure and Policy & Planning Committee. Mr. Schoenbaum provided a history of the IIMG Taskforce, its report to the legislature, and the resulting IIMG bill. He reviewed changes that had been requested by the Joint Licensure and Policy & Planning Committee on March 5, 2015.

The Board discussion included:

- Concern about language regarding residency verses alternative training.
- Concern about the House A-2 amendment, which added voluntary hospital training programs.
- Clinical assessment and certification programs and processes.
- The cost and number of physicians anticipated to be affected by the bill.
- The Board was not invited to participate on the Taskforce.
- Concern that the bar for licensure of international medical graduates is being lowered.
- Incorrect assumption that immigrant physicians are going to serve a need in the outstate population when most of the immigrant population lives in the twin cities area.
- United States graduates should also be eligible for any new residency programs that are created as a result of this legislation.

After a very robust Board discussion, Dr. Hafner-Fogarty made a motion that the Board remain neutral on the Immigrant International Medical Graduate (IIMG) bill and that the Board restate its concerns in written form and submit them to the bill sponsors. The motion was seconded.

After a lengthy Board discussion, Ms. Martinez suggested that the Board not submit its concerns in writing, but either support the bill, remain neutral, or oppose specific sections about which the Board has concerns. Dr. Hafner-Fogarty amended the motion to remove stating written concerns. Sarah L. Evenson, J.D., M.B.A., seconded the amendment to not submit the Board's concerns in writing.

The amendment to Dr. Hafner-Fogarty's original motion passed.

Dr. Hafner-Fogarty restated her amended motion that the Board remain neutral on the Immigrant International Medical Graduate (IIMG) bill. The motion passed. Gerald T. Kaplan, M.A., L.P., Joseph R. Willett, D.O., FACOI, Maria K. Statton, M.D., Ph.D., Dr. Eggen, Dr. Inampudi, Charles F. Moldow, M.D., and Irshad H. Jafri, M.B., B.S., FACP, opposed.

Ms. Martinez brought up her concern regarding the House A-2 Amendment which essentially puts into statute that a hospital can enroll physicians in training programs without the Board having any regulatory authority.

After Board discussion, Ms. Evenson moved that the Board take a position to oppose the House A-2 Amendment. The Motion was seconded.

Mr. Schoenbaum suggested the motion be more specific.

Ms. Evenson amended her motion: that the Board oppose the House A-2 Amendment, Subdivision 9, lines 1.10 – 1.16. The amendment was seconded.

After a brief discussion, the motion that the Minnesota Board of Medical Practice affirmatively oppose the A-2 amendment, Subdivision 9, lines 1.10 to 1.16, unanimously passed.

The Board took a five minute break.

Dr. Hafner-Fogarty continued with the report on the March 5, 2015, Joint Licensure and Policy & Planning Committee Meeting:

## 2. Legislative Issues

### a) Licensing of Genetic Counselors

The Committee recommends that the Board take a position to remain neutral on the pending legislation, except to oppose the section to allow provisional licensure. The motion unanimously passed.

### b) Changes Regarding Physician Assistant Statutes

Two bills were presented by the physician assistants, Mr. Lehman and Ms. Keizer, at the Committee meeting. The Committee expressed some concerns. Dr. Hafner-Fogarty reviewed the amended bill and noted that the Committee's concerns have been incorporated. The Committee recommends that the Board remain neutral on the pending legislation. The motion passed unanimously. Dr. Hafner-Fogarty thanked the physician assistants for addressing the concerns expressed by the Committee.

Ms. Martinez clarified that the concerns related to filing of the Notice of Intent to Practice that informs the Board of physician assistants' authority to prescribe. This is information that the Board needs and also reports to others. The physician assistants modified the repeal of that section and changed the name of the form from Notice of Intent to Practice to Notice of Practice Site. Revisions also allowed additional time for the Notice to be filed with the Board. The physician assistants are revising the form and they will forward it to Ms. Martinez for review.

### c) Right to Try.

Dr. Hafner-Fogarty stated that this bill will allow patients that are terminally ill to try experimental medications. The bill contains language similar to the Lyme's bill. The Right to Try bill states that the Board will not take disciplinary action against a physician based solely on off-label use or use of an experimental drug in these cases. The Committee recommends that the Board remain neutral on the pending legislation.

After a brief Board discussion, the motion passed. V. John Ella, J.D., Charles F. Moldow, M.D., Joseph R. Willett, D.O., FACOI, and Subbarao Inampudi, M.B., B.S., FACR, opposed.

## 3. Other Bills

### a. Opioid Analgesics with Abuse-Deterrent Properties

Dr. Hafner-Fogarty stated that this bill would require insurance companies to cover opioid with abuse deterrent properties. The Committee concluded that this bill doesn't affect the Board. The Committee recommends that the Board remain neutral on the pending legislation. The motion unanimously passed.

### b. Minnesota Telemedicine Act

The Committee did not see that this bill impacts the Board and recommends that the Board take a position to remain neutral on the pending legislation. The motion unanimously passed.

## 4. Legislative Update

For information only.

## 5. FSMB Model Practice Act

No comments have been submitted by members of the Minnesota Board of Medical Practice regarding the FSMB's updates to the Model Practice Act. Comments were due by March 13, 2015.

## 6. American Osteopathic Association (AOA) Update

This was previously discussed in Board Agenda Item 3.

## 7,8,&9. In the Matters of Administrative Licensure, Physician Reentry, and Possible Revisions to the Medical Practice Act

Dr. Hafner-Fogarty stated that the Licensure Committee reviews physician applicants who have been out of clinical practice for a number of years and who are requesting a license to practice administrative medicine only. The Licensure Committee has guidelines that state, if an applicant has been out of clinical practice for more than two years, before an applicant is issued a license, the applicant must complete a clinical reentry program. Once a license has been granted to practice medicine and surgery, the licensee can practice clinically. One of the items that the Committee discussed was the development of an administrative license.

Physician reentry guidelines, and whether or not they needed to be modified, were also discussed.

Also discussed was whether and how to update the Medical Practice Act regarding housekeeping, licensing, and other substantive changes. Dr. Hafner-Fogarty referenced the earlier discussion of an amendment to the osteopathic bill to allow appointment of an at-large public board member.

Dr. Hafner-Fogarty's personal recommendation is that the Board consider convening a taskforce of stakeholders to discuss items 7-9. Dr. Hafner-Fogarty stated that some Committee members didn't see the need for a taskforce and some members were uncomfortable about opening up the Medical Practice Act. Also, some members felt recommendations for changes to the practice act belonged with the Policy & Planning Committee.

Dr. Eggen requested that the discussion about changes to the practice act be tabled until the May 9, 2015, Board meeting. Dr. Hafner-Fogarty stated that there is time for recommendations to be presented to the legislature for consideration during the 2016 or 2017 session. Dr. Hafner-Fogarty suggested that the discussion be the topic for the May Board educational component. Ms. Martinez agreed.

### Agenda Item 5: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 – 176 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 177 – 179 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 180 – 185 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 186 – 195 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 196 – 255 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 256 – 272 of the agenda were approved for licensure subject to the receipt of verification documents.

### Agenda Item 6: Licensure Committee

Dr. Hafner-Fogarty explained that the Licensure Committee has held three meetings since the last Board meeting, February 12, March 5, and March 14, 2015.

- Minutes of the February 12, 2015, Licensure Committee  
Rebecca J. Hafner-Fogarty, M.D., M.B.A., Chair of the Licensure Committee, presented the minutes of the February 12, 2015, Licensure Committee Meeting.

The minutes and actions of the February 12, 2015, meeting of the Licensure Committee were received and approved as circulated.

- Minutes of the March 5, 2015, Licensure Committee  
Dr. Hafner-Fogarty presented the minutes of the March 5, 2015, Licensure Committee Meeting:

The Licensure Committee met briefly on March 5, 2015, and recommends the following advisory council appointments:

- Jennifer Oberstar, M.D., CAQ as the physician representative to the Athletic Advisory Council;
- Carrie Terrell, M.D., FACOG as the physician representative to the Licensed Traditional Midwifery Council; and
- Scott Moring, D.C, CCSP as the chiropractic representative to the Athletic Trainer Advisory Council.

After a brief discussion regarding the Licensure Committee's vetting process of advisory council applicants, the minutes and actions of the March 5, 2015, Licensure Committee were received and approved as circulated.

- Minutes of the March 14, 2015, Licensure Committee  
The Licensure Committee met briefly prior to the Board meeting and recommends the appointment of Robert Kempainen, M.D., as the physician representative to the Respiratory Care Advisory Council.

The minutes and actions of the March 14, 2015, Licensure Committee were received and approved as circulated.

#### Agenda Item 7: Executive Director's Report

Ruth Martinez, M.A., Executive Director, provided a summary of the Executive Director's Report.

- On February 24, 2015, Senior Medical Regulations Analyst Matthew Heffron resigned from the Board and accepted a position at the Department of Health. On May 5, 2015, Pat Hayes, Licensure Coordinator, will retire from Board staff. Ms. Martinez expressed how much Ms. Hayes will be missed. Elizabeth Huntley, Complaint Review Supervisor, and Molly Schwanz, Licensure Unit Supervisor, are preparing to fill these positions.
- January 20-22, 2015, Board staff members Matt Heffron (prior to his resignation), Complaint Review Unit, Roselynn Kowalczyk, Complaint Review Unit, and Rachel Prokop, Licensure Unit, attended the Council on Licensure, Enforcement and Regulation (CLEAR), National Certified Investigator and Inspector Training – Basic, in Topeka, Kansas. Over the years, this training has been required of Complaint Review Medical Regulations Analysts. The training was positively received by all attendees.
- On January 27, 2015, Ms. Martinez' article, "Upholding the Integrity of Health Care Delivery" was published in the January 2015 issue of *Minnesota Physician*. A link to the article was previously sent to Board members. Ms. Martinez thanked everyone for the positive comments she received.

- On January 29, 2015, Ms. Martinez and Ms. Huntley attended a very good conference, the 18<sup>th</sup> Annual Leadership Challenge, a business conference hosted by St. Catherine University. Ms. Martinez is committed to leadership and staff development.
- On February 2-3, 2015, Ms. Martinez attended the Federation of State Medical Boards' New Executive Orientation in Euless, Texas. Ms. Martinez felt she learned a lot and thought it was an outstanding orientation. Going forward, Ms. Martinez will utilize the FSMBs' tremendous resources more frequently.
- On February 4, 2015, Ms. Martinez presented to the Minnesota Board of Nursing on the role of advisory councils in regulatory processes. The massage therapists may come under the Nursing Board's jurisdiction, and if they do, they will require an advisory council.
- Dr. Eggen, Jon V. Thomas, M.D., M.B.A., and Ms. Martinez have all testified at the Legislature on the Interstate Medical Licensure Compact. The Compact has been very non-controversial, so far, and is moving very quickly through the legislative process.
- Ms. Martinez and Executive Assistant Cheryl Johnston completed a series of visits to the Minnesota History Center, Gale Library, to obtain copies of archived Physical Therapy Board Minutes, in response to a request for information. Ms. Johnston is working on redacting the minutes so that they can be viewed by the public. Ms. Martinez thanked Ms. Johnston for the incredible amount of work she's done for this project.
- Ms. Martinez and Ms. Huntley are on HPSP Strategic Planning Committees. Ms. Martinez participates in the Governance Planning Team and Ms. Huntley participates in the Work Group focused on strengthening Board and staff relationships, and understanding of roles. Allen Rasmussen, M.A., serves on the Governance Planning Team with Ms. Martinez. As a Board member with the Minnesota Board of Dentistry, Mr. Rasmussen serves as the HPSP Program Committee Chair. Ms. Martinez will report back to the Board when the HPSP Strategic Plan is official.
- Medical Coordinator Alison Coulter, M.D., announced her retirement effective March 31, 2015. Ms. Martinez invited Board members to a farewell luncheon for Dr. Coulter on March 31, 2015, at the Board office. Ms. Martinez stated that Dr. Coulter has served the Board for a long-time and served it well. Since Dr. Coulter arrived, she has trained all of the Board's Medical Coordinators. Dr. Coulter has been a tremendous resource for the Board.

Dr. Hafner-Fogarty made a motion to invite Dr. Coulter to a Board meeting to be recognized by the full Board for her years of service. Motion passed unanimously.

- Ms. Martinez informed the Board that she will be at the legislature often attending hearings on bills that may affect the Board. Ms. Martinez will keep the Board updated about legislative issues either by e-mail or by posting information at Box.com.

Ms. Martinez expressed how proud she is to work for the Board members, and proud of how they conduct themselves when they meet. They are effective and successful. Ms. Martinez noted the Joint Licensure and Policy & Planning Committee was an outstanding example of the Board's effectiveness, as is every Board meeting.

Agenda Item 8: Federation of State Medical Boards' (FSMB) Annual Meeting Updates

Dr. Eggen informed the Board that the Resolution that was discussed at the January 10, 2015, Board meeting regarding a FSMB Taskforce to Study Access by Regulatory Boards to Electronic Medical Records (included in the Board agenda) was submitted to the FSMB: The Resolution is two of five resolutions that were submitted to the FSMB that are related to electronic health records.

On February 12, 2015, Ms. Huntley and Dr. Eggen met with Allina representatives to talk about opportunities to work together to provide records electronically to the Board. Dr. Eggen felt they made a lot of progress.

Ms. Martinez stated that the Board's Minnesota Welcome Reception (Reception) is included in the FSMB Official Program. The Reception will be held on Wednesday, April 22, 2015, from 5:30 P.M. to 6:30 P.M., in the Ballroom of the Omni Fort Worth Hotel. Ms. Martinez and Office Manager Lois Kauppila ordered Minnesota chocolates to give-away at the Reception. Board members were very pleased that the Reception was included in the FSMBs' Official Program. A flyer, designed by Ms. Evenson, will be e-mailed as a reminder to attendees the week prior to the meeting.

Ms. Martinez informed the Board that Rob Leach, J.D., former Executive Director of the Minnesota Board of Medical Practice, has been awarded the FSMBs' 2015 Distinguished Service Award. The presentation of the award will take place on Saturday, April 25, 2015 from 10:15 – 11:00 a.m., in the Ballroom of the Omni Fort Worth Hotel.

Ms. Martinez encouraged Board members to support Minnesota's candidates by attending the FSMB's Candidates Forum on Thursday, April 23, 2015, from 5:30 – 6:30 p.m., and Meet the Candidates Reception from 6:30 – 7:30 p.m. Ms. Martinez stated that the Board's dinner will be held after the FSMB's Candidates Reception on Thursday, April 23, 2015, at 7:30 p.m., at Reata, less than a mile from the hotel. Rob and Colleen Leach will be joining the Board for dinner Thursday evening.

The three candidates that the Board has approved to run for office at the FSMB are:

- President of the Board Mark A. Eggen, M.D., is running for a seat on the FSMB Board of Directors;
- Former Board member, Gregory B. Snyder, M.D., DABR, is also running for a seat on the FSMB Board of Directors; and
- Public Board member Kelli Johnson, M.B.A., is running for a seat on the FSMB's Nominating Committee.

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

Dr. Eggen encouraged all Board members to attend the FSMB Annual Meeting. Dr. Eggen stated that if they have not already contacted Ms. Kauppila to register them for the meeting, they need to contact her immediately. Board members who are attending the meeting who haven't received an e-mail confirmation of their registration should contact Ms. Kauppila as soon as possible. Board members are responsible for their own flight and hotel reservations. Specific instructions on how to make flight and hotel reservations were included in the Board agenda.

#### Agenda Item 10: Public Outreach

V. John Ella, J.D., suggested that the Board approach *Minnesota Monthly* and *TwinCities* magazines to explain the mission of the Board or have a link in publications to the Board's website. Mr. Ella called the magazines and they told him that they do not check for disciplinary action on the physicians that they include in their magazine.

Ms. Martinez suggested that Public Outreach be part of the educational component at the May 9, 2015, Board meeting. The Board has tried to do public outreach in the past and has exhausted a couple of options, a booth at the State Fair and advertising on Minnesota Public Radio. Ms. Martinez invited Board members to think about ways to do improved public outreach with new technology that is now available. Dr. Eggen suggested social media, such as Facebook and Twitter. Ms. Martinez stated that, in the past, the Board has opted not to get involved in social media but it could be discussed in May.

#### Agenda Item 11: Corrective and Other Actions

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

## Agenda Item 12: New Business

- At-Large Public Member Amendment to the American Osteopathic Association (AOA) and Minnesota Osteopathic Medical Society (MOMS) Revisions to the Medical Practice Act, Chapter 147

Mr. Kaplan stated that he sees an amendment to the osteopathic bill as an opportunity to get an at-large public member seat passed now, rather than possibly waiting two years to open up the Medical Practice Act again. Mr. Kaplan made a motion that, if the Board's Executive Director has the opportunity to offer an amendment to the osteopathic bill to include language allowing one of the five public member seats to be an at-large seat, that she does so. The motion was seconded.

### Board Discussion:

- Concern was raised that the at-large seat may only go to a metro congressional district.
- The timing of the amendment. Amendments to the osteopathic bill must be done by Monday, March 16, 2015, and it may jeopardize the success of the bill.

After Board discussion, the motion, if the Board's Executive Director has the opportunity to offer an amendment to the osteopathic association bill to add language to allow for one of the five public member seats to be an at-large seat, that she do so. V. John Ella, J.D., Sarah L. Evenson, J.D., M.B.A., Dr. Eduardo T. Fernandez, and Rebecca J. Hafner-Fogarty, M.D., M.B.A., opposed. The opposition was not to the idea of an at-large public seat, it was about the timing of the amendment.

- Outstate and University of Minnesota Board Meetings

Dr. Eggen asked if Board members had any thoughts, ideas for places, or other issues related to an outstate and a University of Minnesota Board meeting. After Board discussion, the Board decided:

- For year 2015, there will not be an outstate Board meeting. Dr. Eggen suggested Walker, MN for the July 2016 Board meeting.
- The University of Minnesota Board meeting will be held at either the July 11 or September 12, 2015, Board meeting, depending upon the availability of a meeting room at the University.

Ms. Evenson volunteered to help in whatever way is needed to ensure that the meeting is promoted at the University and to get needed information out to the students.

Venues suggested were the Commons, the Campus Club, and the McNamara Center. Ms. Martinez and staff will research the venues.

## Additional Agenda Item: MN Department of Labor and Industry Proposing Permanent Rules Governing Long-Term Treatment with Opioid Analgesic Medications for Workers' Compensation Injuries in MN Rules

On March 12, 2015, the Board received notification (included with the additional agenda item materials), that the Minnesota Department of Labor and Industry is proposing permanent rules governing long-term treatment with opioid analgesic medication for workers' compensation injuries in Minnesota Rules, Parts 5221.6040, 5221.6105, and 5221.6110 (also included with the additional agenda item materials). Ms. Martinez requested guidance on whether the Board would like her to request a hearing on the rules and, if so, what their concerns may be.

Some Board members felt the rules are regulating the practice of medicine. Other Board members felt that the rules are regulating workers compensation costs.

After Board discussion, Dr. Inampudi made a motion that the Board has no role in requesting a hearing and the Board should not request a hearing: The motion passed. Rebecca J. Hafner-Fogarty, M.D., M.B.A., Joseph R. Willett, D.O., FACOI, Kelli Johnson, M.B.A., and Allen G. Rasmussen, M.A., opposed.

Dr. Eggen adjourned the public portion of the meeting.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., President; Subbarao Inampudi, M.B., B.S., FACR, Vice President; Charles F. Moldow, M.D., Secretary; Keith H. Berge, M.D.; Sarah L. Evenson, J.D., M.B.A.; V. John Ella, J.D., Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Irshad H. Jafri, M.B., B.S., FACP; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; and Maria K. Statton, M.D., Ph.D., and Joseph R. Willett, D.O., FACOI

### **JUDITH F. KASHTAN, M.D.**

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

### **MICHAEL A. MADDAUS, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License. Charles F. Moldow, M.D., recused.

### **CHRISTOPHER P. MAIER, M.D.**

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

### **DENISE L. MCSHERRY, D.O.**

On recommendation of the Complaint Review Committee, the Board approved the Amended Stipulation and Order eliminating the requirement for quarterly meetings with a designated Board member signed by Dr. McSherry.

### **DENNIS J. SULLIVAN, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for revoked license. Patricia J. Lindholm, M.D., FAAFP recused.

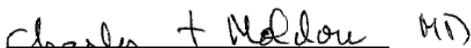
## **HEARING BEFORE THE BOARD**

### **S. Fred Everett, M.D.**

S. Fred Everett, M.D., appeared before the Board on March 14, 2015, for a Hearing for Alleged Noncompliance with the agreed to and signed Stipulation and Order adopted by the Board on September 10, 2011.

After Board deliberation, the Stipulation and Order of September 10, 2011, is rescinded and Dr. Everett's license is revoked. Mark A. Eggen, M.D., Gerald T. Kaplan, M.A., L.P., and Maria K. Statton, M.D., Ph.D., were members of the Board's Complaint Review Committee that initially reviewed this matter, and therefore, they did not participate in deliberations and did not vote in the matter. V. John Ella, J.D., and Sarah L. Evenson, J.D., M.B.A., recused.

There being no further business, the meeting was adjourned.

  
Charles F. Moldow, M.D.  
Secretary  
MN Board of Medical Practice

April 28, 2015  
Date