

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

**MARCH 8, 2008**

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, March 8, 2008, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Linda Van Etta, President, Carl Smith, M.D., President, Rebecca Hafner-Fogarty, M.D., MBA, Vice President, Alfred Anderson, M.D., D.C., Robert Brown, Ph.D., Jack Geller, Ph.D., Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, James Mona, D.O., Gregory Snyder, M.D., and Jon Thomas, M.D., MBA

**PUBLIC SESSION**

Roll call was recorded by Robert Leach, Executive Director.

The minutes of the January 12, 2008, Board meeting were received and approved as circulated.

On recommendation of the Licensure Committee, physician applicants 1 – 122 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 123 - 124 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 125 - 129 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 130 - 136 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 137 - 156 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 157 - 168 were approved for registration subject to the receipt of verification documents.

The minutes of the February 14, 2008, meeting of the Licensure Committee were received and approved as circulated.

Dr. Hafner informed the Board that the Licensure Committee held a special meeting at 8:30 am prior to the Board meeting in response to SF 3313 and HF 3611. This proposed legislation would increase the USMLE number of attempts allowed, for each of the three steps, from three to four providing the applicant is licensed in another state, free of disciplinary action, is board certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada. This legislation applies to both US and foreign medical graduates. The Licensure Committee recommends not opposing this legislation.

After board discussion, Dr. Hafner made a motion that the Board go on record as not opposing SF 3313 and HF 3611. Motion passed unanimously.

A motion was made and passed unanimously to appoint the following members to the Midwifery Advisory Council:

Amy Johnson-Grass, licensed traditional midwife member  
Joy Parker, licensed traditional midwife member

Mr. Leach presented the Executive Director's Report for activities that have taken place since the January 8, 2008, board meeting.

Mr. Leach relayed to the board that on February 4, 2008, he and Richard Auld, Ph.D., Assistant Executive Director met with Senator John Marty, Chair of the Senate Health Housing and Family Security Committee to discuss two issues.

The first issue discussed was SF 1615 which was introduced in the 2007 legislative session by Senator Chris Gerlach which would have removed the board's authority in the disciplinary process and require that all disciplinary matters be settled in district court. Senator Marty was informed of SF 1615 as the Chair of the Senate Health Housing and Family Security Committee; SF 1615 would have to pass through his committee if the bill is reintroduced.

Mr. Leach informed the board that he spoke with Senator Gerlach and asked that if he had any intention of reintroducing SF 1615 this legislative session, board staff would like to meet with him and Senator Marty to discuss it. The next day, Senator Gerlach called Mr. Leach stating that he is not going to reintroduce SF 1615. He further stated that Representative Shelly Madore has introduced HF 3640 and that he is also going to introduce this language in the senate. House file 3640 takes one section from last year's SF 1615 regarding the removal of board members for cause. Mr. Leach informed Senator Gerlach that because most of it is redundant and is already contained in other statutes, primarily Minnesota Chapter 214, Mr. Leach did not oppose it. Senator Gerlach will check to see if all of the components of HF 3640 are already in law, he will have them removed from the bill.

Mr. Leach asked for the board's position on HF 3640. After board discussion, the board felt that the language should apply to all health licensing boards and should be put into Chapter 214, and not be put into the board's Practice Act, Minnesota Statute Chapter 147.

Jon Thomas, MD, MBA, moved that the board oppose restating and modifying Chapter 214 specifically for Chapter 147 and that the board advise that the authors take this language and put it back into Chapter 214 with regards to the provision of the conflict of interest. Mr. Leach requested an additional statement of "that if the authors fail to do so, the board would vote to oppose this particular change to the board's practice act." Amendment was accepted. Motion with amendment passed unanimously.

The second issue discussed with Senator Marty was about an article from the Forest Lake Press regarding the fear factor that the Lyme Disease Association and the Minnesota Lyme Action Group had identified among physicians that they would be disciplined by the Board of Medical Practice for treatment of Lyme disease with long term prescribing of antibiotics. Mr. Leach informed Senator Marty that the board has never disciplined a physician for long term prescribing of antibiotics in the treatment of Lyme disease. However, the board has had one Corrective Action Agreement against a physician which primarily involved the misdiagnosis of Lyme disease.

The board discussed SF 3583 that was authored by Senator Ray Vandever which would prohibit the Board of Medical Practice from disciplining a physician solely for prescribing, administering, or dispensing long-term antibiotic therapy for a therapeutic purpose to a patient who has been clinically diagnosed with Lyme disease by the physician. Dr. Van Etta informed the board that similar legislation had passed in the state of Connecticut.

After board discussion, Mr. Leach suggested that board staff hold a meeting with the Senator Vandever, Senator Marty, and Senator Prettner Solon and the board's infectious disease specialist, Dr. Van Etta to discuss this legislation.

Dr. Hafner made a motion that board staff and the board chair, Dr. Van Etta meet with the legislative office in an attempt to mediate this, however, should mediation be unsuccessful that the board would oppose this bill. Motion passed unanimously.

Dr. Van Etta informed the board that there's a bill pending in legislature to outlaw the use of any vaccine that contains thimerosal. Thimerosal has been removed from the majority of children's' vaccines. Dr. Van Etta stated that the problem is that all influenza vaccines still, with the exceptions of a few pediatric vaccinations, contain thimerosal. If this passes through the legislature, there will not be any influenza vaccinations in Minnesota next fall.

Mr. Leach stated that notification has been received that board member, Dr. Jon Thomas has been selected as a candidate for the Federation's Board of Directors. Also, as a result of the board's letter of recommendation to the Federation, former board member, Doris Brooker, MD, will be awarded the Federation's Distinguished Service Award at this year's Federation's Annual Meeting.

Mr. Leach reminded Board members that the annual meeting of the Federation of State Medical Boards will be held May 1-3, 2008, in San Antonio, Texas and instructed the board on the reservation procedures.

Dr. Van Etta informed the board there will be an open discussion of the Federation's Draft Report regarding continuing competency from the Federation's Special Committee on Maintenance of Licensure in one of the break-out sessions at the Federation's Annual Meeting. Dr. Van Etta encouraged board members to attend this break-out session to discuss concerns that were raised at the January 12, 2008, board meeting.

The Board was informed of one Corrective Action Agreement introduced since the last Board meeting.

The Board took a five minute break.

Dr. Van Etta introduced Don Jacobs, MD, CEO of Hennepin Faculty Associates. Dr. Jacobs gave a presentation on health care reform efforts including internal efforts by the Minnesota Medical Association, community and legislative based efforts on Healthy Minnesota. A question and answer session followed.

End of Public Session.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Linda Van Etta, President, Carl Smith, M.D., President, Rebecca Hafner-Fogarty, M.D., MBA, Vice President, Alfred Anderson, M.D., D.C., Robert Brown, Ph.D., Jack Geller, Ph.D., Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, James Mona, D.O., Gregory Snyder, M.D., and Jon Thomas, M.D., MBA

### **DAVID ALLEN BECK, R.C.P.**

On recommendation of the Complaint Review Committee, the registration of Mr. Beck was reinstated.

### **TONY LEROY HIBBARD, R.C.P.**

On recommendation of the Complaint Review Committee, the registration of Mr. Hibbard was reinstated.

### **PENNY ANN KESSLER, R.C.P.**

On recommendation of the Complaint Review Committee, the registration of Ms. Kessler was reinstated.

### **CARTER QUANG PHUC LE, MD**

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

### **TODD F. MYRVIK, R.C.P.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. Myrvik was approved.

### **EDWARD W. RUTLEDGE, MD**

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

There being no further business, the meeting was adjourned.



Allen Rasmussen  
Secretary  
MN Board of Medical Practice

April 28, 2008  
Date