The Minnesota Board of Medical Practice met on May 11, 2013, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gregory Snyder, M.D., DABR, President; Keith Berge, M.D., Vice President; Sarah Evenson, J.D., MBA, Secretary; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Rebecca Hafner-Fogarty, M.D., MBA; Subbarao Inampudi, M.D., FACR; Irshad H. Jafri, M.D., FACP; Kelli Johnson, MBA; Charles Moldow, M.D.; Jon Thomas, M.D., MBA; and Joseph Willett, D.O., FACOI

PUBLIC SESSION

Agenda Item 1: Call to Order and Roll Call
The board meeting was called to order by Gregory Snyder, M.D., DABR, Board President. Roll call was taken by board staff.

Agenda Item 2: Minutes of the March 9, 2013, Board Meeting
The minutes of the March 9, 2013, Board meeting were received and approved as circulated.

Dr. Snyder noted that as Chair of the Board he is not allowed to vote on motions before the board. In the March 9, 2013, board minutes it was incorrectly recorded that he voted on the motion which passed to support legislation amending Minnesota Statutes 214.33 to mandate employer reporting of regulated health care providers to the appropriate regulatory board if the employer has knowledge that the regulated person has or is diverting narcotics or controlled substances or has violated a state or federal narcotics or controlled substances law.

After the board meeting, it was discovered that there was a tied vote on the motion, so in the case of a tie, the Chair is allowed to vote. The March 9, 2013, board minutes will reflect Dr. Snyder’s affirmative vote.

Agenda Item 3: Update of the Minnesota Prescription Monitoring Program
Cody Wiberg, Pharm.D., M.S., R.Ph., Executive Director of the Pharmacy board provided the board with an update on the Minnesota Prescription Monitoring Program. Mr. Wiberg also discussed the Pharmacy Board’s reaction to the fungal meningitis outbreak last fall resulting from the contaminated medications obtained from the New England Compounding Center. A question and answer session followed.

Agenda Item 4: Guidelines for Duration of Chemical Dependency Monitoring
Keith Berge, M.D., Mayo Clinic anesthesiologist, Board member, and Complaint Review Committee Chair, and Monica Feider, MSW, LICSW, Program Manager for the Health Professionals Services Program presented a discussion on federal and state guidelines relating to the duration of monitoring of impaired health care providers.
Dr. Berge recommended that the minimum period of monitoring by the Health Professionals Services Program (HPSP) for substance dependence be five years, which is consistent with the Federation of State Physician Health Program (FSPHP) Guidelines.

Ms. Feider stated that HPSP decides the length of monitoring on a case-by-case basis and has general guidelines that they follow. Ms. Feider believes that there needs to be evidence based data used to support length of monitoring. Ms. Feider requested that if the length of monitoring is increased, HPSP be funded appropriately.

The board discussed referring this issue to the HPSP Program and Advisory Committee to evaluate the duration of monitoring.

After lengthy board discussion, it was agreed that the following data be gathered by Ms. Feider, by September, 2013:

- Data to support the Federation of State Physicians Health Programs’ recommendation for five year monitoring;
- Data that supports five year over three year monitoring;
- The duration of monitoring and underlying rational for monitoring of HPSP’s current participants, limited to healthcare professionals regulated by the Board of Medical Practice; with substance abuse disorders;
- The overall relapse rate of HPSP participants;
- The cost impact to HPSP if monitoring increased from three years to five years;

The Joint Complaint Review Committees will review the data at their annual fall meeting and provide the board with their recommendations at the November 9, 2013, board meeting, where the discussion will be reopened.

The board thanked Ms. Feider for her hard work and gave her a round of applause.

**Agenda Item 5: Licensure and Registration**

On recommendation of the Licensure Committee, physician applicants 1 - 227 of the agenda were approved for licensure subject to the receipt of verification documents; applicant number 35 is pending approval in Executive Session.

On recommendation of the Licensure Committee, physician applicants 228 - 235 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 236 - 243 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 244 - 252 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 253 - 276 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 277 - 287 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Council, naturopathic doctor applicant 288 of the agenda was approved for licensure subject to receipt of all verification documents.

Agenda Item 6: Licensure Committee

- Agenda Item 6a: Minutes of the April 11, 2013, Licensure Committee
  Rebecca Hafner-Fogarty, M.D., MBA, Chair of the Licensure Committee presented the minutes of the April 11, 2013, Licensure Committee Meeting. The minutes and actions of the April 11, 2013, meeting of the Licensure Committee were received and approved as circulated.

- Agenda Item 6b: Respiratory Care Advisory Council Appointment
  Alex Adams, RT resigned from the Respiratory Care Advisory Council effective January 27, 2013. Dr. Hafner-Fogarty noted that there were two qualified candidates to choose from, but in the interest of geographic diversity selected Mr. Neumann. The Licensure Committee nominated Alan Neumann, RT to fill Mr. Adams’ remaining term on the Respiratory Care Advisory Council. The board approved the nomination to appoint Alan Neumann, RT to the Respiratory Care Advisory Council.

Agenda Item 7: Federation of State Medical Boards’ (FSMB) Annual Meeting

The board congratulated Dr. Thomas on his election to Chair of the FSMB Board of Directors and for his dedication to the FSMB and to the board. Dr. Thomas thanked the board for all of its support.

Mr. Leach stated that if they had any feedback regarding the FSMB Annual meeting to direct it to Dr. Thomas whom is also the Chair of the Education Committee at the FSMB. Dr. Willett thought that today’s presentation by Mr. Wiberg on the compounding issue was excellent and thought it may be of national interest. Dr. Thomas stated that Mr. Wiberg is an asset and has been recognized for his work at the FSMB.

Agenda Item 8: Welcome and Women’s Networking Reception

Dr. Hafner-Fogarty thanked Ruth Martinez, MA, Supervisor of the Complaint Review Unit for the excellent job she did making the arrangements and handling the organization for board members. The board gave Ms. Martinez a round of applause.

Dr. Hafner-Fogarty received positive feedback regarding the Welcome and Women’s Networking Reception for the new name and timeslot. Attendance at the Reception was the highest ever. Dr. Hafner-Fogarty encouraged the board to continue the Reception with the Wednesday evening timeslot and the new name. Dr. Snyder agreed and would support it when it is discussed next year. Dr. Snyder commended Dr. Hafner-Fogarty for the transition.

Jon Thomas, M.D., MBA, encouraged female board members to participate in the FSMB.

Additional Agenda Item: Policy and Planning Committee

Dr. Thomas, Chair of the Policy and Planning Committee gave a summary of the April 30, 2013, Policy and Planning Committee meeting.

1. Use of Social Media by the Board. The Committee decided to table discussion regarding affirmative use of Social Media by the board to provide information to licensees and the public and use of techniques like QR to assist licensees and the public access of board materials until the process of updating the board’s current website is
complete, and/or until actual need for these methods of communication has been demonstrated. The Committee decided to continue using Social Media to develop background information on applicants and respondents on a case by case basis as provided by the Office of the Attorney General.

2. Additional Education Requirement for Physician Assistants providing mental health care in out-patient settings to Medicaid patients, as proposed in a draft report from the Department of Human Services. The Committee regards this as a payment issue for any third party payor, and not a regulatory issue, given that the board has no jurisdiction over payment issues. The Board doesn’t recognize specialties with any of the professions it regulates, and performs no specialty certifications. The Committee decided to withhold any final recommendation until the Department of Human Service’s Final Report is issued, or legislation is proposed based on the draft. Legislation was passed last session requiring the report by January 15, 2013; however, there currently is no information on when it will be available.

Additional Agenda Item: Legislation Update
Richard Auld, Ph.D., Assistant Executive Director updated the board on legislation of interest to the board.

1. HF 1115/SF 825 Medical Practice Act Changes Made. This bill resulted from the Workgroup to Study the Board of Medical Practices’ Practice Act. It has passed both Houses and has been signed by the Governor.

2. HF 1002/SF 588 Criminal Background Check process established for individuals licensed by the health-related licensing boards. This bill is in conference. It has passed in both Houses.

3. HF 1742/SF 1584 Sunset Act Repealed. This bill has been merged into the Omnibus State Agency Finance Bill and is in Conference Committee.

4. HF 1604/SF 1181 Diverted Narcotic or Controlled Substance Report Required. The bill has gone to the floor in the both Houses. It is on the calendar for its third reading and final passage.

End of public session.
EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gregory Snyder, M.D., DABR, President; Keith Berge, M.D., Vice President; Sarah Evenson, J.D., MBA, Secretary; Debbie Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Rebecca Hafner-Fogarty, M.D., MBA; Subbarao Inampudi, M.D., FACP; Irshad H. Jafri, M.D., FACR; Kelli Johnson, MBA; Charles Moldow, M.D., Jon Thomas, M.D., MBA; and Joseph Willett, D.O., FACOI

STEVEN MARK BROWN, M.D.
A motion was made and passed to approve the physician licensure application of Steven Mark Brown, M.D., number 35 on the physician application agenda. Dr. Moldow abstained.

NANCY A. KERMATH, M.D.
On recommendation of the Complaint Review Committee, the Order for unconditional license signed by Dr. Kermath was approved.

NANCY L. MOYER, M.D.
On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand signed by Dr. Moyer was approved. Drs. Hafner-Fogarty and Moldow voted no. Dr. Snyder abstained.

DR. ROBERTO R. PAGARIGAN.
On recommendation of the Complaint Review Committee, the Order for unconditional license signed by Dr. Pagarigan was approved. Dr. Willett recused.

JOHN L. RATZ, M.D.
On recommendation of the Complaint Review Committee, the Stipulation and Order for voluntary surrender of license signed by Dr. Ratz was approved.

MEGHABHUTI ROTH, M.D.
On recommendation of the Complaint Review Committee, the Stipulation and Order for indefinite suspension of license signed by Dr. Roth was approved.

There being no further business, the meeting was adjourned.

Sarah Evenson, J.D., MBA
Secretary
MN Board of Medical Practice

June 26, 2013
Date