

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

May 14, 2016

The Minnesota Board of Medical Practice met on May 14, 2016, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Subbarao Inampudi, M.B., B.S., FACR; Gerald T. Kaplan, M.A., L.P., Vice President; Irshad H. Jafri, M.B., B.S., FACP, Secretary; Keith H. Berge, M.D.; Mark A. Eggen, M.D.; V. John Ella, J.D.; Kelli Johnson, M.B.A.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; and Jon V. Thomas, M.D., M.B.A.

PUBLIC SESSION

Agenda Item 1: Call to Order and Roll Call

The meeting was called to order by Board President Subbarao Inampudi, M.B., B.S., FACR. Roll call was taken by Board staff.

Agenda Item 2: Minutes of the March 12, 2016, Board Meeting

The minutes of the March 12, 2016, Board meeting were received and approved as circulated.

Agenda Item 3: Opioid Addiction and the Centers for Disease Control Guidelines for Prescribing Opioids for Chronic Pain Presentation by Charles Reznikoff, M.D.

Charles Reznikoff, M.D., an internal medicine specialist and addiction medicine subspecialist at Hennepin County Medical Center and Assistant Professor of Medicine at the University of Minnesota, provided a presentation regarding opioid addiction and the Centers for Disease Control and Prevention Guidelines for prescribing opioids for chronic pain. A question and answer session followed.

Dr. Reznikoff suggested reading an article, "The Opioid Epidemic and the Minnesota Board of Medical Practice," written by Steven J. Waisbren, M.D., Ph.D., and recently published by *Minnesota Medicine*. Board staff will e-mail the article to Board members.

Dr. Reznikoff informed the Board that the Minnesota Medical Association (MMA), the Steve Rummier Hope Foundation, and the University of Minnesota Medical School collaborated on a lecture series regarding pain, opioids, and addiction. Continuing medical education (CME) is available at MMA's website. <http://www.mnmed.org/advocacy/key-issues/prescription-opioids-lecture-series>.

The Board is interested in Dr. Reznikoff's opinion of the FSMB Foundation's Third Edition of *Responsible Opioid Prescribing*[™] by Scott M. Fishman, MD.

Dr. Reznikoff's PowerPoint presentation will be e-mailed to Board members.

Dr. Inampudi thanked Dr. Reznikoff and the Board gave him a round of applause.

The Board took a 5 minute break.

Agenda Item 4: Combined Complaint Review Committee Report

Dr. Inampudi summarized topics discussed at the April 21, 2016, meeting of the Combined Complaint Review Committee Meeting.

Once the minutes of the Combined Complaint Review Committee have been reviewed and finalized, they will be distributed to attendees and Board members. After the minutes have been circulated, the topics and action items can be presented at a future Board meeting.

Complaint Review Unit Supervisor Elizabeth Huntley, J.D., stated it was a great opportunity for Medical Coordinators and Complaint Review Committee members to meet and discuss cases that they have participated in.

Agenda Item 5: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 – 264 of the agenda and additional applicant 346 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicant 265 of the agenda was approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 266 - 276 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 277 - 286 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 287 - 336 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 337 – 343 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Doctors Advisory Council, naturopathic doctor applicants 344 - 345 of the agenda were approved for registration subject to the receipt of verification documents.

Agenda Item 6: Licensure Committee Report

- Agenda Item 6a: Minutes of the April 21, 2016, Licensure Committee
Licensure Chair Patricia Lindholm, M.D., FAAFP, presented the minutes of the April 21, 2016, Licensure Committee Meeting.

Dr. Lindholm summarized the Licensure Committee's actions and discussions.

- Agenda Item 6b: Physician Assistant Advisory Council Appointment
The Licensure Committee's motion to appoint Britta Reiersen, M.D., as a physician member to the Physician Assistant Advisory Council passed unanimously.
- Agenda Item 6c: Respiratory Care Advisory Council Appointment
The Licensure Committee's motion to appoint Jennifer Doyle as a public member to the Respiratory Care Advisory Council passed unanimously.

Agenda Item 7: Issuance of Credentials by Board Staff

At its meeting on April 21, 2016, the Licensure Committee passed a motion recommending that the Board delegate authority to Board staff to issue credentials to applicants who satisfactorily demonstrate that they have met all minimum requirements for licensure/registration. A similar motion was considered and passed by the Policy & Planning Committee on December 15, 2015. The Licensure Committee and the Policy and Planning Committee recommend that the Board delegate authority to Board staff to issue credentials to applicants who satisfactorily demonstrate that they have met all minimum requirements for licensure/registration and have no adverse or questionable conduct to consider.

After Board discussion, a motion to delegate authority to Board staff to issue credentials to applicants who satisfactorily demonstrate that they have met all minimum requirements for licensure/registration and have no adverse or questionable conduct to consider passed unanimously. If the Attorney General's Office finds that this delegation has to be made through statute, the Board will reconsider the above motion.

A Licensure and Registration report and action item will continue to be presented for Board approval, pending implementation of internal procedures for staff issuance of licenses. Once procedures have been put into place, the Board agenda will include an informational report of licenses/registrations issued.

Agenda Item 8: Executive Director's Report

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

- State Opioid Oversight Project (SOOP)
The Board continues to participate on the SOOP Work Group, which convenes monthly.
- Interstate Collaboration in Healthcare
The Board continues to participate on weekly conference calls with the Interstate Collaboration in Healthcare.
- National Governors' Association (NGA) Health Care Workforce Technical Assistance Program
The Board continues to participate on the National Governors' Association Health Care Workforce Technical Assistance Program.
- Immigrant International Medical Graduate (IIMG) Stakeholder Advisory Group
Board representatives Molly Schwanz and Ruth Martinez hosted meetings of the Licensure Study work group, and participated in meetings of the Alternate Pathways work group and the larger Stakeholder Advisory work group.
- Metro Minnesota Council on Graduate Medical Education (MMCGME)
On March 22, 2016, MMCGME Director Troy Taubenheim and his fellow representatives met with Board staff to discuss opportunities for sharing licensing data to enhance planning for graduate medical education.
- One Health MN Antibiotic Stewardship
This group talks about antibiotic impact on the community. The group continues to meet to develop a strategic plan for future activities. Ms. Martinez plans to participate in scheduled meetings and calls.
- Board of Medical Practice/Office of Health Facility Complaints
On March 16, 2016, Board staff met with representatives from the MN Dept. of Health, Office of Health Facility Complaints to continue discussions regarding sharing of information, report updates and other relevant issues.
- Interstate Medical Licensure Compact (IMLC) Commission Meeting
On March 31 – April 1, 2016, Minnesota hosted the third meeting of the IMLC Commission at the Stassen Building in St. Paul, Minnesota. The meeting was open to the public. Meeting minutes and notices of upcoming meetings and rules hearings are posted on the Board's website. The next meeting of the Commission will be in Salt Lake City, UT on June 24, 2016. The IMLC Commission is preparing to pilot issuance of licenses and will review a proposed plan at the June meeting.

Jon T. Thomas, M.D., M.B.A., IMLC Commissioner and member of the IMLC Technology Committee reported that the Technology Committee is exploring a solution to transport pertinent documents for a physician application from the state of principle licensure to other participating

states using a cloud-based program called DocuSign. The program is low cost and may even be free if there isn't a large volume of transactions. Most Commissioners are interested in seeking simple, cost effective solutions. However, a few people Commissioners envision a brick-and-mortar Commission building with an executive director, which would cost several hundred thousand dollars a year. At the next IMLC meeting in June, detailed plans and funding will be presented to the Commission.

- MN Psychiatric Association

Board staff was invited to present at the annual meeting of the Minnesota Psychiatric Association on the topic of ethical issues in mental health. Ms. Martinez presented on *Partnering for Success in the Physician – Patient Relationship: Setting clear expectations, establishing treatment goals, and enforcing professional boundaries*, and participated on a panel with other keynote presenters. The meeting was held at the American Swedish Institute in Minneapolis.

- Federation of State Medical Boards (FSMB) Annual Meeting

Board members and staff attended the FSMB Annual Meeting in San Diego, CA.

Ms. Martinez and Shirley Brekken, Executive Director of the Board of Nursing, co-presented with William Sage, M.D., J.D., Professor at the University of Texas School of Law, on *Interprofessional Collaboration and Regulation*.

The FSMB House of Delegates considered a resolution involving pharmaceutical compounding in physicians' offices that was presented to the Reference Committee. The resolution will be further studied over the summer. Ms. Martinez has received correspondence from various specialty groups that do compounding in the office and will direct interested parties to forward concerns to the study group facilitator at the FSMB.

Board staff received a report from the FSMB summarizing the activities of the House of Delegates. The report will be forwarded to Board members after the Board meeting.

After hearing a keynote address at the FSMB Annual Meeting by Surgeon General Vice Admiral Vivek H. Murthy, M.D., M.B.A., Ms. Huntley suggested inviting Dr. Murthy to present at a future Board meeting. Ms. Martinez contacted the Surgeon General's Office for instructions on extending an invitation. Ms. Martinez will work with Keith H. Berge, M.D., to consider scheduling a Board meeting with the Surgeon General at the Mayo Clinic. MMA might also be interested in partnering with the Board to coordinate a meeting locally if the Surgeon General is available to visit Minnesota.

Ms. Martinez expressed gratitude to the FSMB for partnering with the Board to notify FSMB Annual Meeting attendees about the Minnesota Welcome Reception. FSMB sent two e-mail blasts and informed attendees at hotel check-in of the Reception. Ms. Martinez received several messages from attendees thanking the Board for hosting an outstanding Reception. Ms. Martinez thanked Terry Statton for contracting with the Board to provide Minnesota honey samples as a give-away for attendees at the Minnesota Welcome Reception (Reception). Approximately 200 people attended the Reception, making it the most well-attended event hosted by the Minnesota Board of Medical Practice at an FSMB Annual Meeting.

The Board expressed how very proud its members are of our current Board member Mark Eggen, M.D., and former Board member Gregory Snyder, M.D., who campaigned for elected office. Congratulations to Dr. Snyder on his election as Chair-Elect of the FSMB Board of Directors. Dr. Eggen was encouraged to consider a future campaign for elected office and the Board expressed its commitment to rally around Dr. Eggen and other Board members interested in elected office. Dr. Eggen thanked the Board.

- Federal Trade Commission Lawsuits
The Board discussed whether or not the Board is at risk of lawsuits by the Federal Trade Commission, following the Supreme Court ruling on the North Carolina Dentistry case. Ms. Martinez believes that the Board has good processes in place, including due process for licensees and individual case involvement and review by the Attorney General's Office (AGO). The Board absolutely needs to follow due process when arriving at decisions on cases. Assistant Attorney General Brian Williams stated that the AGO continues to monitor and gather information relating to FTC cases involving health licensing boards across the country.
- Prescription Monitoring Program Grant
Ms. Martinez received notice from the Director of the MN Prescription Monitoring Program (PMP), Barbara Carter, announcing that Mayo St. Mary's Emergency Department has been awarded a grant to assist in implementation of an integrated solution to allow access to the PMP via the electronic medical records system.
- Joint Statement Regarding NTSB Guidance
In January 2015, the MN Boards of Medical Practice, Nursing and Pharmacy (Boards) received a letter from Governor Dayton asking the Boards to respond to a National Transportation Safety Board (NTSB) guidance document recommending that healthcare providers discuss with patients the effects of medical conditions and medication use on the ability to safely operate a vehicle in any mode of transportation. The Boards developed a Joint Statement in response to the Governor's request, which was adopted by each Board and published in January 2016. On May 12th, 2016, the Boards received a letter from Governor Dayton stating his satisfaction with the Joint Statement developed and adopted by the Boards.
- Inaugural Minnesota Tri-Regulatory Symposium
The Boards of Medical Practice, Nursing and Pharmacy finalized plans to host the first Minnesota Tri-Regulatory Symposium on June 1, 2016, at the Commons Hotel in Minneapolis. An agenda has been distributed. The Symposium is modeled after two symposia convened by the national collaborative of the Federation of State Medical Boards (FSMB), National Association of Boards of Pharmacy (NABP), and National Council of State Boards of Nursing (NCSBN). Speakers include Doris Gundersen, M.D., Medical Director of the Colorado Physician Health Program, and Barbara Brandt, Ph.D, Director of the University of Minnesota Center for Interprofessional Practice and Education. Panelists include Chief Executive Officers of the FSMB, NABP and NCSBN, and Officers of the Minnesota Boards of Medical Practice, Nursing and Pharmacy. Invited guests include Governor Dayton, key legislators, and members and staff of Minnesota's Boards of Medical Practice, Nursing and Pharmacy. Ms. Martinez encouraged Board members to attend.
- Other Activities
 - As required by Minnesota Management and Budget, staff performance evaluations were completed in April 2016.
 - Mary DelaHunt joined Board staff on March 29, 2016 as a licensure specialist. Vicki Chelgren, Licensure Specialist, retired on April 1, 2016.
 - An overview of the process for conducting criminal background checks (CBC) was provided to Board staff by CBC Program Director Sean McCarthy. Criminal background checks were mandated by statute in 2014 for all health licensing Boards to implement by 2018. Criminal background checks will be implemented by the Board of Medical Practice during 2016. Ms. Martinez will keep the Board updated on implementation processes for criminal background checks.
 - Board staff, Ms. Schwanz and Ms. Martinez, participated in testing and provided feedback regarding a new, on-line open appointments application at the Secretary of State's office.

- Ms. Martinez informed the Board that she and Dr. Berge have been invited by the Department of Health to again participate on the Drug Diversion Coalition in which they previously participated in 2011/2012.

- Legislation

Board staff continues to participate in the 2016 legislative process to advance or monitor progress of several bills, including the following:

- SF 454/HF 1036: Physician assistant housekeeping modifications; temporary suspension process alignment; and traditional midwifery statute modifications.
The housekeeping bill to modify the Physician Assistant Statute failed to pass last year. The bill included revisions to the Midwifery Statute, as well as changes to align internal and administrative hearing processes in Minn. Stat. §214 related to temporary suspension of licenses. Ms. Martinez apologized that the bill failed to pass last year because of the temporary suspension language. This session, the bill included an amendment to the traditional midwifery practice act to allow a recommendation for the physician appointee to the Traditional Midwifery Advisory Council to be made by the professional association, rather than the Minnesota Medical Association.

On May 4, 2016, representatives of the health licensing boards testified before a conference committee (Representatives David Baker, Tara Mack, Debra Hilstrom, Senators Chris Eaton, Mary Kiffmeyer, and Melissa Wicklund). Language proposed by the boards, or language on which the board has taken a neutral position, was approved by the conference committee. The conference committee's report will be presented to the House and Senate for final approval of the bills.

Ms. Martinez thanked the Attorney General's Office and the Office of Administrative Hearings for their work on the language for this bill.

- SF 2341/HF 2445: Osteopathic physician housekeeping modifications.
The Osteopathic Housekeeping bill has passed in both the House and Senate.
- SF 1440/HF 1652: Expansion of access to prescription monitoring program data.
The bill, in part, allows expanded access to PMP data when a regulatory board is actively investigating prescribing practices of a licensee/registrant and requires mandatory registration for prescribers. The bill does NOT mandate use of the PMP.

Ms. Martinez noted that despite some technical difficulties, a link to the MN Prescription Monitoring Program registration site was successfully implemented into the Board's on-line renewal processes for physicians and physician assistants.

- There is a related pharmacy bill that addresses safe disposal of controlled substances. It allows people to return unused medications to a pharmacist, rather than requiring take-back by law enforcement authorities.
- SF 37/HF 978: Authorizes licensing of genetic counselors under the jurisdiction of the Board of Medical Practice.
The Policy & Planning Committee recommended that the Board take a neutral position on the bill, which it did at its meeting on March 12, 2016. The bill, introduced during the 2015 legislative session, is moving successfully through House and Senate committees during the 2016 session and is expected to pass.
 - Ms. Martinez asked Minnesota Medical Association representative Ms. Knoedler and Physician Assistant representative Gay Lentfer, P.A., if they had any legislative information to share. Ms. Knoedler did not. Ms. Lentfer stated that the

Board shouldn't forget physician assistants in the Interstate Licensure Compact (ILC) process. Ms. Martinez and Jon T. Thomas, M.D., M.B.A., noted that the IMLC Commission is aware of the physician assistants' interest in a compact.

- SF 2609/HF 3038: Modifying the MN Athletic Trainers Act; moving from registration to licensure; expanding scope of practice for athletic trainers.
 - Board staff met with legislative authors and with MN Athletic Trainers Association representatives to learn more about the bill and to offer suggestions on how to interact with the Board on legislation that may impact existing statutes or rules.
 - Proposed amendments to the athletic trainer practice act include removal of the requirement for athletic trainers to establish a protocol with a physician; modifies reference to "athlete" and replaces with "patient" and authorizes patient care; and allows athletic trainers to "provide patient care under the direction of, on the prescription of, or in collaboration with" a person from "any licensed health profession..."
 - The bill is unlikely to advance during the 2016 legislative session but is likely to be reintroduced during the 2017 session.
 - The bill's most significant opponent is the MN Physical Therapy Association.

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

Agenda item 9 was discussed with the Executive Director's Report, Agenda Item 8.

Agenda Item 10: Corrective and Other Actions

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

Agenda Item 11: New Business

1. Because Board members are not allowed to print from their state issued iPads, Mr. Kaplan requested that any public documents distributed by Board staff be sent to Board members private e-mail addresses. Ms. Martinez agreed.
2. Ms. Martinez provided a hard copy for review of the article "The Minnesota Tri-Regulator Collaborative," jointly written by Ruth Martinez, M.A., Shirley A. Brekken, M.S., R.N., and Cody Wiberg, PharmD, M.S., R.Ph., published in Minnesota Physician in April 2016, for Board members who were unable to open the on-line article distributed by e-mail.
3. Mr. Kaplan made a motion to study the sixteen states that currently mandate use of a prescription monitoring program prior to prescribing opioids to find out the impact on physician delivery of services.

The Board discussed the motion. Patricia J. Lindholm, J.D., FAAFP, moved that the Federation of State Medical Boards study the impact on physician delivery of services in the sixteen states that mandate the use of a prescription monitoring program prior to prescribing opioids. Mr. Kaplan accepted the amendment.

After Board discussion, the amended motion to ask the Federation of State Medical Boards to study the impact on delivery of services by prescribers in states that mandate prescription monitoring program use prior to prescribing an opioid passed unanimously.

Dr. Inampudi adjourned the public session of the meeting.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Subbarao Inampudi, M.B., B.S., FACR; Gerald T. Kaplan, M.A., L.P., Vice President; Irshad H. Jafri, M.B., B.S., FACP, Secretary; Keith H. Berge, M.D.; Mark A. Eggen, M.D.; V. John Ella, J.D.; Kelli Johnson, M.B.A.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; and Jon V. Thomas, M.D., M.B.A.

MISTY D. ELIASON, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

FREDREKIA LEWIS, M.D.

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

GERALDINE F. GOERTZEN, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand signed by Dr. Goertzen. Dr. Thomas recused.

KEVIN C. NEPSUND, M.D.

On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

STEPHEN C. OLSON

On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand signed by Dr. Olson. Dr. Eggen recused.

S. CHARLES SCHULZ, M.D.

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

There being no further business, the meeting was adjourned.



Irshad H. Jafri, M.B., B.S., FACP
Secretary
MN Board of Medical Practice

June 29, 2016
Date