

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

MAY 6, 2006

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, May 6, 2006, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Kris Sanda, Vice President (Public Session only), Jon Thomas, M.D., Secretary, Alfred Anderson, M.D., D.C., Hilda Bettermann, Rebecca Hafner, M.D., Bradley Johnson, M.D., Kelli Johnson, Ernest Lampe, II, M.D., James Langland, M.D., James Mona, D.O., Allen Rasmussen, Carl Smith, M.D., and Linda Van Etta, M.D.

PUBLIC SESSION

Jon Thomas, M.D., Secretary, took roll call of Board members. Kris Sanda, Vice President, asked Board staff, members of the public, and the security person to identify themselves.

The minutes of the March 4, 2006, Board meeting were received and approved as circulated with two spelling corrections, rational should be rationale and Pubic should be Public.

On recommendation of the Licensure Committee, physician applicants 1 - 143 of the agenda were approved for licensure subject to the receipt of all verification documents.

On recommendation of the Licensure Committee, physician applicants 144 - 145 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 146 - 150 of the agenda were approved for licensure subject to the receipt of all verification documents.

Rebecca Hafner, M.D., asked why applicant number 148 had an Illinois address. Board staff will respond to Dr. Hafner with an answer.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 151 - 163 of the agenda were approved for registration subject to the receipt of all verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 164 - 174 of the agenda were approved for registration subject to the receipt of all verification documents.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 175 - 184 of the agenda were approved for registration subject to the receipt of all verification documents.

Rebecca Hafner, M.D., Chair of the Licensure Committee, asked for approval of the licensure minutes. The minutes of the April 17, 2006, meeting of the Licensure Committee were received and approved as circulated.

Dr. Johnson informed the Board that the Licensure Committee continues to see applicants that have been out of practice for a period of time and states that the suggested guidelines, which were discussed at previous meetings, have been very useful in dealing with these cases. Mr. Leach informed the Board that the Attorney General's Office has scheduled a meeting with Jeanne Hoffmann, Supervisor of the Licensure Unit, and himself for May 23, 2006, to discuss whether the guidelines are considered rulemaking. Steven Gunn, J.D., Assistant Attorney General, stated rulemaking would not limit the Committee's discretion or the flexibility that the Committee currently has, it would simply put the guidelines through a process. Mr. Leach suggested that if the advice received from the Attorney General's Office on May 23, 2006, is that rule writing would be necessary in order for the Licensure Committee to utilize the guidelines, the Licensure Committee attempt to adjust those guidelines to where rule writing would no longer be necessary. Ms. Sanda warned the Board that rule writing costs money, so this would impact the Board's budget.

Robert Leach, Executive Director, apologized to the Board because the first meeting of the Competency Taskforce has not yet been scheduled.

Mr. Leach asked Board members to identify individuals and entities they feel are absolutely necessary to participate in the first meeting of the taskforce. It was decided that Dr. Kathy Brooks should be at the first meeting. Dr. Hafner made a motion for two additions to the Continuing Competency Taskforce of either a surgeon Board member or a representative from the Minnesota College of Surgeons and Dean Powell, or her designee, to represent the University of Minnesota Medical School. Motion passed. Board members felt it was important to get as many Minnesota members as possible, but then move forward with the meeting.

Linda Van Etta, M.D. stated that there is an assembled statewide conversation that will occur in the third week of June to which Steven Alchuler, Ph.D., M.D., herself and Mr. Leach have been invited. Dr. Van Etta said that some of the attendees will be Senator Berglin, Representative Tom Huntley, Dean Powell, and Bob Meiches, CEO of the Minnesota Medical Association (MMA). Dr. Van Etta will report back to the Board about this meeting.

Mr. Leach presented an overview of the Physician Profiling System. Mr. Leach stated that the Board is nearing the completion of the development and data consolidation phase on the Physician Profile System. It is scheduled to go on-line at the end of June.

If a physician enters incorrect information on the Physician Profiling System, the physician can call the Board office and Board staff will enter the correction. Information can also be corrected annually with the licensure renewal. Since the American Board of Medical Specialties (ABMS) information is directly downloaded into the Board's Automated Licensing Management System (ALIMS), the physician would have to contact ABMS for them to change their information. Copies of all Minnesota issued Board Orders will be available on the Physician Profiling System.

Mr. Leach asked Board members for feedback on the Physician Profiling System. Board members had some concerns about identity theft. Mr. Leach responded that this is something that the Taskforce wrestled with during the Physician Profiling meetings and that was one of the reasons it was decided to only show the year of birth rather than the full birthdate. All of the information on the profile is public information.

Dr. Van Etta suggested that the Physician Profiling System be sent to the MMA to be reviewed and to solicit their comments. Mr. Leach agreed.

Dr. Hafner raised a concern about the malpractice data that will be online after the Board has collected three years of data. Dr. Hafner stated her understanding was that once the Board got the data, there would be an analysis that will decide whether or not the Board would or would not post it and, if so, how it should be posted. Mr. Leach responded that the Board has malpractice data going back much farther than three years. Mr. Leach stated that the decision from the Taskforce, at the time, was that this would be prospective. When the profile goes on-line will signal the beginning of the three-year period.

James Mona, D.O. raised a concern about e-mail addresses in the physician profile. Mr. Leach stated supplying an e-mail address on the profile is not mandatory. Where it asks for the e-mail, it states that it is voluntary and that the e-mail address supplied is public information.

Ms. Sanda made a suggestion to have the Bureau of Criminal Apprehension review the Physician Profiling System to see if there are any major concerns with security.

Ms. Sanda inquired how the medical community is being notified that the Physician Profiling System is going on-line. Mr. Leach said there would be an article in the next Board's newsletter, Update. Mr. Leach stated Board staff would attempt to release the newsletter by the end of June 2006. Richard Auld, Ph.D., Assistant Executive Director, said that a notice will be posted on the Board's website. Ms. Sanda made a suggestion that the Board put out a news release to all the media regarding the release of the Physician Profiling System.

Ms. Sanda suggested comparing the number of hits the Board's website received prior to the release of the Physician Profiling System to the number of hits received after the release to give some idea of what the interest of the public is.

Dr. Johnson noticed in the Executive Director's report that Mr. Leach gives an annual presentation to the Hennepin County Family Practice Residency Program and stated

that he would volunteer to participate should Mr. Leach ever decide to give a presentation to the Ramsey County Family Practice Residency Program.

Dr. Hafner suggested that one of the Board's Outstate Board meetings be held at one of the medical schools in Minnesota. Mr. Leach responded that the Board would in Rochester for the July Board meeting and there is a medical school there. Mr. Leach said he'd contact Steve Alchuler, Ph.D., M.D., Board President.

Mr. Leach informed the Board that at the 4/19/2006 Administrators in Medicine's (A.I.M.) meeting in Boston, MA, the Minnesota Board of Medical Practice was presented with the A.I.M. "Best of Boards" Honorable Mention Plaque for ALIMS in the technology category. Mr. Leach said much thanks to the Board's IT Staff for the great work they did on the Board's system.

Mr. Leach informed the Board that he has received his certification as Board Executive from the Federation of State Medical Boards. Jon Thomas, M.B.A., M.D., was nominated to the Federation of State Medical Boards' Nominating Committee. Dr. Alchuler campaigned for the Federation of State Medical Boards' Board of Directors. Unfortunately, he was unsuccessful in his campaign.

Dr. Hafner gave a report on the Women's Networking Meeting that was held at the Federation of State Medical Board's Annual Meeting. Dr. Hafner stated that attendance continues to grow and was very pleased to see that women Federation Board members, made a point in coming to the meeting. The feedback from the meeting was, once again, positive. Dr. Hafner thanked Board members for supporting the Women's Networking Meeting. Ms. Sanda thanked Dr. Hafner for her leadership.

Mr. Leach solicited Board members for their feedback regarding the Federation of State Medical Boards' (FSMB) Annual Meeting. Ernest Lampe, M.D. said that one of the speakers talked of the difficulty in accessing the medical boards in terms of people's impressions. Dr. Lampe, as a delegate at the Minnesota Medical Association, has heard complaints from physicians on their interface with the Board. Dr. Lampe felt it would increase the authority of the Board with the medical community if it had a clear reputation that the physician was invariably treated with courtesy. Mr. Leach stated that the Board has had a number of comments by attorneys who regularly represent clients before the Board's CRC, that they can always advise their client that the process will not be pleasant but they will be treated professionally and with respect by Board staff and by the CRC members. Mr. Leach stated that not everyone that goes through the CRC process is going to get the result that they want. Often times there is a great deal of bitterness following an action by the Board's CRC and an action by the full Board.

James Langland, M.D. attended a presentation by Virginia where they utilize an evidence based approach to their disciplinary actions. Dr. Langland stated he's always been intrigued with evidence-based practice and thought evidence based discipline had a role. There wasn't any discussion by Board members. Ms. Sanda said the Board would take that under consideration.

Dr. Hafner informed the Board that the resolution regarding release of the House Delegates Agenda in a timely manner was inadvertently omitted by FSMB staff. Dr.

Hafner was told FSMB staff that the FSMB would immediately take action to change their website and make this information accessible and posted on their website no later than 30 days before the next annual meeting. Dr. Mona stated last year it was easy to find, this must have been a snafu. Mr. Leach said that FSMB staff has given assurances that it will be user friendly next year. Dr. Hafner stated that even though the resolution did not make it to the floor of the House of Delegates, she had high hopes that early next March the FSMB website should have easy access to the House of Delegates material.

Dr. Hafner thought the keynote speakers were excellent. Dr. Hafner felt the speakers were so much better than in the recent past.

Dr. Anderson was impressed with the whole conference. Dr. Anderson would like to suggest that the FSMB include a pain management speaker.

A five-minute break was taken to prepare for the presentation on VeriDoc License Verification.

Ms. Sanda introduced Rolf Sletten, Executive Director of the North Dakota Medical Board. Mr. Sletten gave a presentation on VeriDoc.

VeriDoc is an electronic license verification system. It does one thing; it is used to send verification of the status of a doctor's license from one state medical board to another. Ms. Hoffman asked if VeriDoc could do verifications for other professions. Dr. Sletten said that right now the system can only verify MD's and DO's but Mr. Sletten is hopeful that PA's will eventually be added.

VeriDoc's processing fee is \$10.00 per verification, and Administrators in Medicine (AIM) receives one dollar per verification out of VeriDoc's \$10.00 processing fee. At the end of every month, VeriDoc prints out a report of all the verifications for a particular participating Board and then sends a check corresponding to the number of verifications done on that Board's behalf. If the Minnesota Board of Medical Practice wants to receive the same amount of money per verification, then the charge per verification would be \$35.00. Mr. Leach stated that the Board may have to absorb the revenue loss which would be approximately \$14, 000 a year.

Dr. Hafner asked about compatibility and integrating VeriDoc with the Minnesota Board of Medical Practice's system, ALIMs. Mr. Leach stated he didn't think the technology presents any barriers. Mr. Leach stated the Board has received VeriDoc verifications in the past without problems.

Dr. Thomas stated that after reading the document authored by Mark Chu, the Board's Data Base Administrator, that was included with the Board agenda, it seems that Mr. Chu has some concerns with VeriDoc. Mr. Leach stated that Mr. Chu does have some concerns and would the Board and Licensure Committee be comfortable with having Mr. Chu go to the Licensure Committee at their June meeting and make a personal presentation regarding his concerns to the Committee and then have the Committee make the determination on whether or not to use the system. Dr. Hafner agreed for the

Licensure Committee. Ms. Hoffman will schedule Mr. Chu to attend the Licensure Committee in June. Motion was made and carried to have Mr. Mark Chu, Database Administrator, give a presentation regarding his concerns with VeriDoc at the June Licensure Committee meeting and that the Licensure Committee comes back to the full Board with a recommendation.

Mr. Auld gave the Board a legislative update. The Board's legislative agenda this year was quite modest. The Board had a small housekeeping bill that has passed the houses and is currently at the Governor's office awaiting a signature. Mr. Auld also briefed the Board on other bills of interest to the Board.

The bill which was discussed at the March 4, 2006, Board meeting, regarding the National All Schedules Prescription Electronic Reporting Act (NASPER) language that would create an electronic data base for all controlled substance prescriptions, has advanced through all of the committees in the Senate with a few modifications. Mr. Auld gave a very special thanks to Dr. Anderson who took time out of his practice a number of different times during the course of this session to testify in committee. He also met with Representative Abler and Representative Bradley on this bill and was very instrumental in getting an agreement with them to oppose the language if it comes over to the house.

Dr. Johnson asked if the MMA has any position on any of these legislative actions. Mr. Auld stated he didn't know what their position has been on FCBS or the time change for the University. The MMA told Board staff that they had no position on our housekeeping bill. Mr. Auld stated that the MMA has written a letter of support to Senator Berglin on the NASPER legislation. Mr. Leach informed the Board that the MMA is aware of the Board's concerns regarding the NASPER legislation. Mr. Auld stated that the Board staff has provided the MMA with all the materials that were developed and the MMA has everything that the Board has and everything that was sent to the legislature regarding the NASPER legislation. Ms. Johnson felt that the MMA supporting this legislation is significant in that she feels their support would carry a lot of weight with legislators. Ms. Sanda agreed.

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EXECUTIVE SESSION

All Board members voting concurred in the following decisions, unless otherwise indicated:

GARY D. BENKE, M.D.

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

JENNIFER A. BIGLOW, M.D.

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

GLENN M. CHARLES, D.O.

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

DENISE J. COUNSELL, P.A.

On recommendation of the Complaint Review Committee, the Stipulation and Order for suspended registration signed by Ms. Counsell was approved.

TERRY L. ELLIS, P.A.

On recommendation of the Complaint Review Committee, the Stipulation and Order for voluntary surrender of registration signed by Mr. Ellis was approved.

PETER M. FRIEDLIEB, M.D.

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

MICHAEL J. GIORGI, M.D.

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

KEALY R. HAM, M.D.

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

LINDA L. HEDEMARK, M.D.

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

DAVID M. SAHLSTROM, M.D.

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

DAVID P. SUTTON, M.D.

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

WILLIAM D. TURCOTTE, D.O.

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

There being no further business, the meeting was adjourned.



Jon Thomas, M.D.

Secretary

MN Board of Medical Practice

June 28, 2006

Date