The Minnesota Board of Medical Practice met on November 12, 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, President; Gerald T. Kaplan, M.A., L.P., Vice President; Mark A. Eggen, M.D.; V. John Ella, J.D.; Kelli Johnson, Ph.D.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; *Jon V. Thomas, M.D., M.B.A.; Patrick R. Townley, M.D., J.D.; and Joseph R. Willett, D.O., FACP.

*Dr. Thomas was not present for Executive Session.

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 September 10, 2016, Board Meeting
The minutes of the September 10, 2016, Board meeting were received and approved as circulated.

Agenda Item 3: Policy & Planning Committee Report
Chair of the Policy & Planning Committee V. John Ella, J.D., presented the minutes of the October 12, 2016, Policy & Planning Committee meeting.

Mr. Ella provided a brief overview of the October 12, 2016 Policy & Planning Committee meeting, which included presentations on proposed changes to the Registered Athletic Trainer Practice Act and Naturopathic Doctor Practice Act, as well as a presentation on the Licensure Subcommittee work of the International Medical Graduate Assistance Program Stakeholder Advisory Group. The Committee declined to make recommendations for positions on any of the presentations.

Mr. Ella noted that the Committee did not discuss possible amendments to the Medical Practice Act at its October 12, 2016, meeting, but the topic will be discussed at the December 7, 2016, Committee meeting.

Mr. Ella reminded the Board that, at its meeting on August 10, 2016, the Policy & Planning Committee passed a motion to endorse the Provider Orders for Life Sustaining Treatment (POLST) Statement. Action on the motion was deferred until the presentation on POLST, scheduled for this November 12, 2016 Board meeting.

POLST Presentation
Victor Sandler, M.D., Medical Director of Home Care and Associate Medical Director of Hospice at Fairview Home Care and Hospice presented on the POLST Statement. Teresa Knoedler, J.D., Policy Council for the Minnesota Medical Association (MMA) facilitated the presentation.
A question and answer session followed.

A motion was made and seconded to endorse the Provider Orders for Life Sustaining Treatment (POLST) Statement. Board discussed ensued.

Patrick R. Townley, M.D., J.D., stated that, as a member of the Policy & Planning Committee he opposed the motion to recommend endorsement of the POLST to the full Board at the Committee meeting and he still opposes endorsement. Dr. Townley stated his belief that the POLST is a wonderful tool and that he is grateful for the POLST; however, as a practicing physician it is difficult when tools used in the practice of medicine have various endorsements, recommendations, and quality measures which don't appreciate the subtlety and difficulties of using these tools properly. Dr. Townley was hesitant to have the Board set a precedent of endorsing tools used by physicians in the practice of medicine because he doesn't think the Board is the right body to make these types of endorsements. Dr. Townley asked if there is a way to alter the motion to support the proper use of the POLST. Dr. Townley suggested that the Board acknowledge the great work behind the POLST, but stay neutral in terms of endorsing specific tools used in the practice of medicine.

Dr. Inampudi called for action on the pending motion from the Policy & Policy Committee.

The motion for the Board to endorse the Provider Orders for Life Sustaining Treatment (POLST) Statement as presented passed. Patrick R. Townley, M.D., J.D., and Maria K. Statton, M.D., Ph.D., voted against the motion.

Dr. Inampudi thanked Dr. Sandler and Ms. Knoedler.

Athletic Trainer Presentation
Troy Hoehn, AT and Aaron Benson, AT, from the Minnesota Athletic Trainer Association presented on proposed scope of practice and practice act changes to Minn. Statute § 148.7801 – 148.7815, the practice act for registered athletic trainers.

A question and answer session followed.

As noted, the Policy & Planning Committee declined to recommend a position on the proposed modifications to the Registered Athletic Trainer Practice Act. The Minnesota Academy of Physician Assistants and the Minnesota Medical Association have also not taken positions on the proposed changes to the Registered Athletic Trainer Practice Act.

Dr. Inampudi thanked Mr. Hoehn and Mr. Benson.

Naturopathic Doctor Presentation
Sara Jean Barrett, N.D., Crystalin Montgomery N.D., and A.P., presented on proposed changes to the scope of practice and practice act changes to Minn. Statute § 147E, the practice act for registered naturopathic doctors.

A question and answer session followed.

As noted, the Policy & Planning Committee did not recommend a position on the proposed scope of practice changes to the Registered Naturopathic Doctor Practice Act. The Minnesota Medical Association has also not taken a formal position on the proposed modifications, but could consider a position in opposition to some of the proposed changes to the scope of practice for naturopathic doctors.
After lengthy Board discussion, a motion was made to oppose the proposed modifications to the Registered Naturopathic Doctor Practice Action. Dr. Lindholm opposed. Mr. Ella abstained.

Dr. Inampudi thanked Ms. Barrett and Ms. Montgomery.

**International Medical Graduate Assistance Program Presentation**

Yende Anderson, J.D., from the Minnesota Department of Health International Medical Graduate (IMG) Assistance Program provided a presentation on the program and recommendations to the legislature that may be forthcoming from the Minnesota Department of Health (MDH).

Although the IMG Assistance Program has made great progress in preparing IMGs for residency training, it has not received feedback from all of its stakeholder advisory group members on recommendations due to the legislature in January 2017. The IMG Assistance Program will recommend to the Commissioner of Health that the Program should be authorized to continue to study licensure requirements and to further research clinical skills assessment programs.

A question and answer session followed.

The Board decided to table the discussion because there is more work to be done to clarify recommendations. Board staff will continue to participate on the IMG Assistance Program Stakeholder Advisory Group and its subcommittees.

As noted, the Policy & Planning Committee declined to recommend a position on the Medical Graduate Assistance Program recommendations. The Minnesota Academy of Physician Assistants and the Minnesota Medical Association have also not taken positions on the recommendations of IMG Assistance Program. Both organizations are represented on the IMG Assistance Program Stakeholder Advisory Group and its subcommittees.

The Board applauded the work of the IMG Assistance Program and Ms. Anderson.

Dr. Inampudi thanked Ms. Anderson.

Ms. Anderson thanked the Board and requested that if, within the next few months, there are any new ideas, to please forward them to the Board’s Licensure Unit Supervisor Molly Schwanz.

**Additional Agenda Item: Health Providers Services Program (HPSP) Committee Program Committee November 8, 2016, Report**

Allen Rasmussen, M.A., HPSP Program Committee Chair, provided a report of the November 8, 2016, meeting of the HPSP Program Committee meeting. Mr. Rasmussen noted that there wasn’t time to prepare the report to include in the Board agenda. The full report will be posted next week at Box.com for Board members to review.

The Board took a 10 minutes break.

**Agenda Item 4: Report of Licenses Issued by Board Staff**

An informational report was included in the Board agenda that included licenses issued by Board staff weekly from September 20 through November 3, 2016.

As authorized by the Board at its May 14, 2016 meeting, Licensure Unit staff began real-time issuance of licenses in August 2016 for individuals with complete applications who meet all minimum requirements for licensure/registration. Licenses are currently processed in a weekly
batch. Staff will continue to implement real-time issuance of licenses/registrations across all professions over the next several months.

**Agenda Item 5: Licensure and Registration**

On recommendation of the Licensure Committee, physician applicants 1 – 84 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 85 - 87 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 88 - 130 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 131 - 196 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 197 – 234 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Advisory Council, naturopathic doctor applicant 235 of the agenda was approved for licensure subject to receipt of verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwifery applicants 236 - 238 of the agenda were approved for licensure subject to receipt of verification documents.

**Agenda Item 6: Licensure Committee Report**

- **Agenda Item 6a: Minutes of the October 20, 2016, Licensure Committee**
  Licensure Committee Chair Patricia Lindholm, M.D., FAAFP presented the minutes of the October 20, 2016, Licensure Committee Meeting.

  - Dr. Lindholm summarized the Licensure Committee’s actions and discussions.

**Agenda Item 7: Executive Director’s Report**

Ms. Martinez provided a summary of the Executive Director’s Report.

The Board continues its active engagement in the following external work groups:

- State Opioid Oversight Project (SOOP)
- Opioid Prescribing Work Group (OPWG)
- National Governors’ Association (NGA) Health Care Workforce Technical Assistance Program
- Immigrant International Medical (IMG) Graduate Stakeholder Advisory Group & subgroups:  
  - Licensure Study work group  
  - Alternate Pathways work group
- Drug Diversion Coalition through the MN Department of Health
- One Health MN Antibiotic Stewardship
- Community Dialogue on Diagnostic Error
- MN Alliance for Patient Safety
- Interstate Collaboration in Healthcare
Board staff also met with leadership from the respiratory therapy profession to discuss practice issues and Board processes.

Office of Medical Cannabis:
On September 15, 2016, executive directors of the tri-regulatory Boards of Medical Practice, Nursing and Pharmacy met with representatives of the Minnesota Department of Health Office of Medical Cannabis (OMC) to discuss regulation as it relates to medical cannabis. The meeting was productive and the group will continue to convene regularly to discuss developments and evolving issues.

Acupuncture:
On September 20, 2016, several of the health licensing board executive directors met with representatives from the acupuncture professional association to discuss the benefits of non-opioid modalities such as acupuncture for pain management.

In the 2016 legislative session, an acupuncturist brought forward a piece of legislation to mandate continuing medical education on opiate prescribing and also to expand reimbursement and scope for acupuncturists to become involved in pain management as part of a team. The Board of Medical Practice and other health licensing boards do not support mandating specific types of continuing education.

Minnesota Medical Association (MMA) Annual Meeting:
On September 23, 2016, for the first time, the Board exhibited at the MMA Annual Meeting in St. Louis Park. Ms. Martinez thanked MMA for inviting the Board to present and the outstanding location given to the Board in the exhibit hall. The Board interacted with attendees and gave away Board of Medical Practice tote bags that included copies of Board of Medical Practice information, tri-regulatory (Board of Medical Practice, Nursing and Pharmacy) information, and Minnesota Prescription Monitoring Program (PMP) material. Many attendees visited the exhibit table to ask questions, offer comments and obtain information. It was a very positive experience. Costs to exhibit were minimal, as follows:

- Exhibit fee $ 920.00
- Tote Bags $ 480.00
- Copying costs $3,279.45
- Total $4,679.45

Each Board member was given a tote bag with the materials distributed at the meeting. The Board briefly discussed how the Board should engage in public outreach in addition to exhibiting at the MMA Annual Meeting. Ms. Martinez said it’s a goal for 2017 to explore additional ways to engage in public outreach.

Administrators in Medicine (AIM) Executive Directors Meetings:
The professional association of state medical board executive directors convened its annual orientation, workshop and training at the Commons Hotel in Minneapolis from October 24 – 27, 2016.
- Oct. 25, 2016: AIM Executive Directors Workshop provided a series of open discussions on challenges in licensing, discipline, operations, and management. Jacqueline Byrd, PhD, provided an outstanding presentation on creativity and innovation in leadership. The day wrapped up with an executive directors’ roundtable.
- Oct. 26 – 27, 2016: AIM Certified Member Board Executive Institute provided training and certification for executive directors who met application and participation
requirements. Executive directors submitted and presented papers on topics describing management of specific challenges. Seasoned executive directors presented on such topics as management, leadership, communication, transparency, legislation and advocacy. Additional presenters included former Minnesota Public Board Member Sarah Evenson, JD (Understanding and Engaging the Public Member), Minnesota Alliance for Patient Safety Executive Director Marie Dotseth, JD (Engaging Patients, Providers, and the Community for Safe Care), Minnesota Chief Administrative Law Judge Tammy Pust (Leadership in Public Service), and FSMB Chief Advocacy Officer Lisa Robin (Legislation and Advocacy Issues). Ruth Martinez was issued CMBE certification following the training.

A handout, A Call to Serve: Quotes on Public Service, distributed by Chief Judge Pust, was included for the Board’s reference and enjoyment!

Ms. Martinez noted that former Board member Sarah Evenson, J.D., Minnesota Chief Administrative Law Tammy Pust and Minnesota Alliance for Patient Safety Executive Director Marie Dotseth, J.D., gave outstanding presentations.

Interstate Medical Licensure Compact (IMLC) Commission Meeting
On October 3, 2016, the IMLC Commission met in Kansas City, Kansas, and by teleconference on November 7, 2016, to continue its work toward its target date of January 2017 to begin issuing licenses through the compact process. Minnesota continues to work with the Council of State Governments, Minnesota Criminal Background Checks Program, National Crime Prevention and Privacy Compact Council, and the IMLC Executive Committee to address the FBI determination (in three states, including Minnesota) that the IMLC statutory language for criminal background checks does not comply with federal requirements for receipt of FBI CHRI data.

Ms. Martinez noted that an article mentioned at the September 10, 2016, Board meeting, regarding the Interstate Medical Licensure Compact has been published in the October issue of Minnesota Medicine, Doctors Without [State] Boarders.

Ms. Martinez thanked Ms. Knoedler and the MMA for collaborating with the Board to address the FBI’s concerns. The MMA will draft legislation for the January 2017 session to modify language to assure that the statute meets the FBI’s requirements relating to criminal background check data. The Board briefly discussed this topic.

Biennial Report
The draft Biennial Report of the Board of Medical Practice for the period of July 1, 2014 – June 30, 2016 was included for Board member reference. The report will be filed with Minnesota Management and Budget in December 2016.

Biennial Budget Proposal and Policy Change Items
- The Board will seek an increased biennial budget appropriation from the Legislature to cover increased technology costs through MN.iT and to create permanent funding for additional staff positions/salaries. The increased appropriation will not require an increase in licensing/registration fees.
- The Board will seek a budget line item to accept service fees related to the Interstate Medical Licensure Compact.
- Policy Change Items
  - Medical Practice Act modifications to grounds for discipline
- Medical Practice Act modification to title protection of term “physician”
- Practice act modifications for allied professions to remove renewal dates and enable implementation of birth month renewal cycles for all professions

Staffing:

- Sean McCarthy, JD, has been hired as a Legal Analyst, following the retirement of Polly Hoye in August. Sean began his employment with the Board in mid-November. Sean comes to the Board from his position as Director of the Minnesota Criminal Background Check Program for the health licensing boards.

- Medical Regulations Analyst Helen Patrikus announced her retirement from the Board after 25 years of service, effective December 6, 2016. The Board hired Arielle (Ari) Bowhay, JD, to fill the position. Ms. Martinez introduced Ms. Bowhay, who began her employment with the Board on November 3, 2016.

- The Board is also seeking to fill a vacancy and add positions to the Licensure Unit.

- Ms. Martinez and Ms. Schwanz met with representatives from the Minnesota Hospital Association, hospital Chief Medical Officers, credentialers and other stakeholders to discuss licensing processes and the impact of staffing changes throughout the practicing community, particularly during peak application and renewal periods. As Board staff gains experience and modified procedures are implemented, we anticipate continued improvement and expediency in carrying out licensure processes.

National Governors’ Association (NGA) Health Care Workforce Technical Assistance Program: On November 14, 2017, the Legislative Health Care Workforce Commission, co-chaired by Senator Greg Clausen and Representative Tara Mack, will convene to review a draft framework for scope of practice legislative proposals. The Commission will also hear presentations on scope of practice bills by representatives of the Minnesota Athletic Trainers Association and the Minnesota Association of Naturopathic Physicians and, possibly, other groups. The Board of Medical Practice is represented on the NGA core team of stakeholders that developed the framework. If adopted by the Legislature, groups proposing scope of practice bills could begin using the framework during the 2017 legislative session, which convenes on January 3, 2017.

Minnesota Secretary of State Website for Appointments: In November 2016, the Secretary of State’s office plans to launch a new website for posting vacancies and accepting applications for appointments to Minnesota state boards and advisory councils. In September 2016, Executive Assistant Cheryl Johnston, Licensure Unit Supervisor Molly Schwanz, and Executive Director Ruth Martinez participated in training on the new appointment process, which will decentralize the posting of vacancies. The Board currently has two vacancies for physician appointees and one vacancy for a public member. There will be two additional physician Board member vacancies in 2017 when Dr. Inampudi and Dr. Eggen’s Board terms expire in January. Ms. Martinez and Ms. Knoedler have been in contact with the Governor’s office to try to expedite the appointment of Board members. The MMA has endorsed at least five candidates for physician seats.

Institute for Clinical Systems Improvement (ICSI) Guidelines: At the May 14, 2016 Board meeting, Dr. Charles Reznikoff presented on opioid addiction and the recently published CDC Guidelines on opioid prescribing. Dr. Reznikoff noted that ICSI was in the process of preparing its own set of guidelines on pain management and opioid prescribing, of which he is a contributor.
On October 26, 2016, ICSI published its guidelines on *Pain: Assessment, Non-Opioid Treatment Approaches and Opioid Management*. Please link to the PDF of the full set of guidelines at [https://www.icsi.org/_asset/f8rj09/Pain.pdf](https://www.icsi.org/_asset/f8rj09/Pain.pdf). Ms. Martinez encouraged Board members to review the guidelines.

Ms. Martinez noted that Complaint Review Committees may require remedial reading as part of Board actions, including the 2013 “Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain,” adopted as policy by the Executive Committee of the Federation of State Medical Boards of the United States, Inc. (FSMB), *Responsible Opioid Prescribing™, a clinician’s Guide* by Scott M. Fishman, M.D., and the CDC Guidelines on opioid prescribing, as well as the new ICSE guidelines on pain management.

**Opiate Antagonist Protocol:**
For Board member reference, included is the final draft of the Protocol prepared by the Minnesota Board of Pharmacy in consultation with the Board of Medical Practice (which chose not to offer feedback), the Minnesota Medical Association and other stakeholders.

**Agenda Item 8: Federation of State Medical Boards’ Annual Meeting Issues**
Ms. Martinez called for resolutions Board members would like to submit to the Federation of State Medical Boards’ (FSMB) House of Delegates. There were no resolutions submitted. The call for resolutions will be revisited at the January 14, 2017 Board meeting.

Ms. Martinez called for nominations. Mark A. Eggen, M.D., asked for the Board’s endorsement and support for his bid for a seat on the FSMB House of Delegates Board of Directors. Dr. Eggen noted that he lost last year. A motion was made and passed unanimously to nominate and support Dr. Eggen as a candidate for the FSMB Board of Directors. Mr. Eggen thanked the Board.

Ms. Martinez asked the Board if they’d like to continue sponsoring the Minnesota Welcome Reception. A motion was made and unanimously passed to continue to host the Minnesota Welcome Reception at the FSMB Annual meeting. Based on increased attendance at the 2016 Minnesota Welcome Reception, Board members suggested increasing the budget for the 2017 Welcome Reception.

The Federation of State Medical Boards Public Policy Compendium was included for Board member review if they wish to offer comments, instructions on how to provide comments are included in the FSMB Public Policy Compendium.

The FSMB Annual Meeting is April 20-23, 2017, in Fort Worth, Texas. The Minnesota Welcome Reception will be held the evening of April 19, 2017. Board members are encouraged to attend.

**Agenda Item 9: Election of Board Officers for Calendar Year 2017**
The Nominating Committee consisting of Dr. Inampudi, Dr. Spaulding, and Ms. Johnson met by teleconference on November 1, 2016, at 1:00 p.m., and proposed the following slate of candidates:

- **President:** Gerald T. Kaplan, M.A., L.P.
- **Vice President:** Patricia J. Lindholm, M.D., FAAFP
- **Secretary:** Kelli Johnson, Ph.D.
- **Voting Delegate to the Federation:** Joseph R. Willett, D.O., FACOI

It was noted that Ms. Johnson abstained from the discussion regarding the nomination of the Secretary of the Board.
A motion was made and passed unanimously to accept the recommendations of the Nominating Committee.

**Agenda Item 10: New Business**
No new business.

**Agenda Item 11: Corrective or Other Actions**
The Corrective and other actions were presented for Board information only.

Dr. Inampudi adjourned the public session of the Board.
The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Subbarao Inampudi, M.B., B.S., FACR, President; Gerald T. Kaplan, M.A., L.P., Vice President; Mark A. Eggen, M.D.; V. John Ella, J.D.; Kelli Johnson, Ph.D.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Maria K. Statton, M.D., Ph.D.; *Jon V. Thomas, M.D., M.B.A.; Patrick R. Townley, M.D., J.D.; and Joseph R. Willett, D.O., FACOI. *Dr. Thomas was not present for Executive Session.

SHARYN L. BARNEY, M.D.
On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand and conditioned license signed by Dr. Barney.

JOHN W. EMBLOM, M.D.
On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for stayed suspension and conditioned license signed by Dr. Emblom.

RODNEY J. LEE, M.D.
On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

STEVEN G. MUEHLSTEDT, M.D.
On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

WILLIAM G. NELSON, M.D.
On recommendation of the Complaint Review Committee, the Board approved the Stipulation and Order for reprimand and conditioned license signed by Dr. Nelson.

JOSEPH J. PIETRAFITTA, M.D.
On recommendation of the Complaint Review Committee, the Board approved the Order for unconditional license.

There being no further business, the meeting was adjourned.

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

Irshad H. Jafri, M.B., B.S., FACP

January 5, 2017
Date