

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

**November 9, 2013**

The Minnesota Board of Medical Practice met on November 9, 2013, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gregory B. Snyder, M.D., DABR, President; Sarah L. Evenson, J.D., MBA, Secretary; Debbie J. Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Rebecca J. Hafner-Fogarty, M.D., MBA; Irshad H. Jafri, M.D., FACP; Kelli Johnson, MBA; Gerald T. Kaplan, MA, LP; Charles F. Moldow, M.D.; and Maria K. Statton, M.D., Ph.D.

Jon V. Thomas, M.D., MBA was not present for the Public Session of the meeting; however, Dr. Thomas was present for Executive Session.

**PUBLIC SESSION**

Agenda Item 1: Call to Order and Roll Call

The board meeting was called to order by Dr. Snyder. Roll call was taken by board staff.

Agenda Item 2: Minutes of the September 7, 2013, Board Meeting

The minutes of the September 7, 2013, Board meeting were received and approved as circulated.

Agenda Item 3: Presentation of Board Service Plaque to Bradley Johnson, M.D.

Dr. Snyder presented Dr. Johnson with a board service plaque. Dr. Johnson served on the board from 2004 – 2012.

Agenda Item 4: Presentation of Board Staff Service Plaque to Richard Auld, Ph.D.

Dr. Snyder presented Dr. Auld with a board staff service plaque. Dr. Auld retired from the State of Minnesota following thirty-seven years of service. Twenty-eight years of his service was with the Board of Medical Practice as the board's Assistant Executive Director.

Agenda Item 5: Attorney General's Office Presentation on Government Data Practices, the Open Meeting Law, and Conflicts of Interest

Dr. Snyder informed the board that Kermit Fruechte, J.D., has resigned from the Attorney General Office and this will be his last board meeting.

Mr. Fruechte's replacement, Jason Pleggenkuhle, J.D., Assistant Attorney General, made a presentation to the Board on Government Data Practices, the Open Meeting Law, and conflicts of interest. A question and answer session followed.

Agenda Item 6: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 - 209 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 210 - 214 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 215 - 227 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 228 - 260 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 261 - 302 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 303 - 329 of the agenda were approved for licensure subject to the receipt of verification documents; applicants 315 and 319 are pending approval of a Stipulation and Order in Executive Session.

On recommendation of the Naturopathic Advisory Council, naturopathic doctor applicants 330 - 331 of the agenda were approved for registration subject to receipt of all verification documents.

On recommendation of the Midwifery Advisory Council, midwifery applicant 332 of the agenda was approved for licensure subject to receipt of all verification documents.

#### Agenda Item 7: Licensure Committee

- Agenda Item 7a: Minutes of the October 17, 2013, Licensure Committee  
Rebecca Hafner-Fogarty, M.D., MBA, Chair of the Licensure Committee presented the minutes of the October 17, 2013, Licensure Committee Meeting.
- Dr. Hafner-Fogarty further explained number 10 of the Licensure Committee minutes regarding a denial of an applicant's request to remove their birth year from the Professional Profile and Aim Docfinder because of identity theft concerns.
- The minutes and actions of the October 17, 2013, meeting of the Licensure Committee were received and approved as circulated.

#### Agenda Item 8: Federation of State Medical Boards' (FSMB) Annual Meeting Issues

The board discussed possible FSMB resolutions regarding license portability and telemedicine.

Ms. Evenson informed the board that she would like to serve on the FSMB Finance Committee. Ms. Evenson has previously expressed her interest to serve on the Committee to Jon Thomas, M.D., MBA board member and Chair of the FSMB's Board of Directors. Dr. Thomas has submitted his recommendation of Ms. Evenson to the FSMB.

Mr. Leach and Dr. Snyder briefly spoke of a draft report they received from the FSMB regarding electronic health records. Mr. Leach will forward the report to board members.

The discussion on FSMB resolutions and nominations will be discussed again at the January 11, 2014, board meeting.

Dr. Snyder stated that the date for the FSMB Annual meeting is April 24 – 26, 2014, in Denver Colorado. Dr. Snyder encouraged board members to attend.

Agenda Item 9: Welcome and Women's Networking Reception

Dr. Hafner-Fogarty was contacted by the FSMB asking if the Minnesota Board of Medical Practice wanted to, once again, reserve Wednesday evening, April 23, 2014, for the Welcome and Women's Networking Reception. Dr. Hafner-Fogarty recommended that the board reserve this timeslot. After board discussion, a motion was made and passed unanimously to continue to hold the Welcome and Women's Networking Reception on Wednesday evening, April 23, 2014.

The board also discussed changing the name of the Welcome and Women's Networking Reception to the Welcome Reception, the Minnesota Networking Reception, or the Minnesota Welcome Reception. Discussion on the name change will be continued at the January 11, 2014, board meeting.

Ms. Martinez, Supervisor of the Complaint Review Unit will contact the FSMB to confirm the board's reservation for Wednesday evening, April 23, 2014.

Agenda Item 10: Election of Board Officers for Calendar Year 2014

The nominating committee previously met and proposed the following slate of candidates:

President:	Keith H. Berge, M.D.
Vice President:	Mark A. Eggen, M.D.
Secretary:	V. John Ella, J.D.
Delegate to the Federation:	Joseph R. Willett, D.O.

Dr. Hafner-Fogarty moved that the nominations be closed and the proposed slate be elected by acclamation. Motion passed unanimously.

Dr. Snyder congratulated those elected and the board gave a round of applause.

Agenda Item 11: 2014 Board Meeting Dates

A motion was made and unanimously passed to accept the following meeting dates for 2014:

<u>Regular Board Meetings</u>	<u>Contested Case Hearings</u>
January 11	February 8
March 8	April 12
May 10	June 14
July 12	August 9
September 13	October 11
November 8	December 13

Agenda Item 12: Corrective Action Agreement

The four Corrective Action Agreements included in the agenda are for information only.

Additional Agenda Item, Executive Director Notice of Retirement and Perimeters for Selection of the New Executive Director

Mr. Leach announced that he will be retiring from his position as Executive Director in August of 2014.

The board discussed the process of selecting a new executive director. Discussion included:

- The Best Practice Act for Non-Profit Organizations and the State Human Resource Policy has been used in the past in selecting a new executive director and will be used again.

- A quorum of nine board members must agree on the candidate they select for the position.
- The executive director's salary is determined by board; however, it cannot exceed a certain percentage of the Commissioner of Health's salary.
- Because the executive director position is unclassified, it is up to the board to determine the requirements they want in the next executive director.
- The process of determining the next executive director will be transparent with the job opportunity either being posted nationally and/or locally.

Dr. Snyder appointed a Selection Committee to determine the requirements and begin the search for candidates for the executive director's position. After the Selection Committee has interviewed several candidates, the Committee will bring the finalists before the full board for their input and vote.

The following board members were appointed to the Selection Committee:

- Keith Berge, M.D.
- Mark Eggen, M.D.
- Sarah Evenson, J.D., MBA
- Rebecca Hafner-Fogarty, M.D., MBA
- Kelli Johnson, MBA
- Maria Statton, M.D., Ph.D.

Mr. Leach will distribute the Executive Director's Job Description to the Selection Committee.

Dr. Snyder thanked Mr. Leach for his years of service and for the ample time provided to find his replacement.

*End of public session.*

**EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Gregory B. Snyder, M.D., DABR, President; Sarah L. Evenson, J.D., MBA, Secretary; Debbie J. Boe; Mark A. Eggen, M.D.; V. John Ella, J.D.; Rebecca J. Hafner-Fogarty, M.D., MBA; Irshad H. Jafri, M.D., FACP; Kelli Johnson, MBA; Gerald T. Kaplan, MA, LP; Charles F. Moldow, M.D.; Maria K. Statton, M.D., Ph.D., and \*Jon V. Thomas, M.D., MBA

\*Jon V. Thomas, M.D., MBA was not present for the Public Session of the meeting; however, he was present for Executive Session.

**ALI EBRAHIMI, M.D.**

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

**KRISTIN J. KNUDSEN, R.T.**

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and conditioned license signed by Ms. Knudsen was approved.

**HANNAH M. LELUGAS, R.T.**

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and conditioned license signed by Ms. Lelugas was approved.

**DAVID R. LINDGREN, M.D.**

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

**STEVEN G. MUEHLSTEDT, M.D.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand, stayed suspension, conditioned and restricted licensed signed by Dr. Muehlstedt was approved.

**LUTHER P. PHILAYA, M.D.**

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

**DR. STEVEN S. SHU**

On recommendation of the Complaint Review Committee, the Stipulation and Order for conditioned and restricted licensed signed by Dr. Shu was approved. Drs. Eggen and Hafner-Fogarty and Mr. Ella opposed the Stipulation and Order.

There being no further business, the meeting was adjourned.

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

December 31, 2013  
Date