

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

NOVEMBER 14, 2009

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, November 14, 2009, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Rebecca Hafner-Fogarty, M.D., MBA, President; Allen Rasmussen, Vice President; Alfred Anderson, D.C., M.D., Secretary; Keith Berge, M.D.; Robert Brown, Ph.D.; Mark A. Eggen, M.D.; Sarah L. Evenson, J.D., MBA; Jack Geller, Ph.D.; Subbarao Inampudi, M.D., FACR; Bradley Johnson, M.D.; Ernest Lampe, II, M.D.; James Langland, M.D.; Tammy McGee, MBA; James Mona, D.O.; Gregory Snyder, M.D., DABR, and Tracy Tomac, M.D.

PUBLIC SESSION

The minutes of the September 12, 2009, board meeting were received and approved as circulated.

Steve Gunn, J.D., Deputy Attorney General introduced Kermit Fruechte, J.D., Assistant Attorney General; Mr. Fruechte replaces Tiernee Murphy, J.D., Assistant Attorney General, as General Counsel to the Board.

Monica Feider, Program Manager, Health Professional Services Program (HPSP), presented the 2009 HPSP Statistical Report to the Board and gave a brief overview of HPSP. A question and answer session followed.

Ms. Feider thanked Ruth Martinez, Supervisor of the Complaint Review Unit and Elizabeth Huntley, J.D., Senior Analyst, for their participation this past year in presentations that HPSP has provided to various organizations regarding monitoring of individuals and the complaint process in licensure. Ms. Feider also thanked Rob Leach, J.D., Executive Director and board staff for being an advocate in obtaining appropriate and adequate funding for HPSP. Ms. Feider thanked Rebecca Hafner-Fogarty, M.D., MBA, Board President, for serving on HPSP's Program Committee.

As requested by the board at the September 12, 2009, board meeting, Alfred Anderson, D.C., M.D., Board member, presented the Appropriate Use of Managing Pain with Opioids materials, which will be included in the Board's educational outreach on Pain Management.

Dr. Auld informed the board that the National All Schedules Prescription Electronic Reporting Act (NASPER) that the board has been following for several years is now being implemented by the Board of Pharmacy under the name of the Minnesota Prescription Monitoring Program. Dr. Auld stated that both he and Dr. Anderson are members of the Prescription Monitoring Program Advisory Committee. Dr. Auld stated that this program will be implemented soon, first with the pharmacists and then shortly after with the physicians. Dr. Auld stated that board staff has asked the Board of Pharmacy to prepare an article to be published in the board's next newsletter, Update. Dr. Auld further explained that the Board of Pharmacy has asked to meet with the prescribing boards within the next couple of months to explain the operation of this program.

The board took a 5 minute break.

On recommendation of the Licensure Committee, physician applicants 1 - 147 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicant 148 of the agenda was approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 149 - 165 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 166 - 190 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 191 - 234 of the agenda and 252 of the hand-out were approved for licensure subject to the receipt of verification documents.

On recommendation of the Respiratory Therapist Advisory Council, respiratory therapist applicants 235 - 250 were approved for licensure subject to the receipt of verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwife applicant 251 of the agenda was approved for licensure subject to receipt of all verification documents.

The minutes of the October 1, 2009, meeting of the Licensure Committee were received and approved as circulated.

Brad Johnson, M.D., Chair of the Licensure Committee stated that the Licensure Committee met and approved licensure for an applicant applying for licensure for the second time after a number of years away due to illness and chemical dependency. Dr. Johnson further explained that the applicant was a successful graduate of the HPSP program for four years and had completed a recent fellowship in nuclear medicine.

Mr. Leach informed the board that he was contacted by Tom Ryan of the Wisconsin Department of Regulation and Licensing, approximately a week before the board agenda was sent out, asking if the Minnesota Board of Medical Practice would be interested in participating in their Interstate License Portability Taskforce. Mr. Leach informed Mr. Ryan that the Minnesota Board of Medical Practice was involved with the Federation of State Medical Boards' (FSMB) License Portability Demonstration Project and asked Mr. Ryan if his project is associated with the Federation's project. Mr. Ryan informed Mr. Leach that it was not affiliated with the Federation of State Medical Boards' project; that it is being put together by the Wisconsin Department of Regulation with anticipated participation from surrounding states to Wisconsin. Mr. Leach had asked Mr. Ryan to send his proposal so it could be presented to the board at this meeting. Mr. Leach stated that unfortunately, he only received a Memorandum of Agreement to participate and a draft letter for his signature accepting the offer to participate in the Taskforce and federal grant initiative. Mr. Leach stated all the materials received from Mr. Ryan are included in the board agenda book.

Mr. Leach stated that it is his understanding that one of the goals of this project is to address problems inherent when individuals wish to practice telemedicine across state lines and the hurdles they face in getting full licensure. Mr. Leach stated that Minnesota is not a state that requires full licensure for telemedicine practice; telemedicine registration is fairly easy to obtain in Minnesota by simply having an unconditional license in another state, and a \$75.00 fee. Mr. Leach feels that anything the board can do to enhance license portability across state lines should be considered. Mr. Leach stated that there is a push by Governor Pawlenty and the Governor of Wisconsin for state agencies to work together to increase functions over state lines. Mr. Leach stated that this commitment wouldn't require a lot of economic investment but would require some staff and travel time; and believes that the travel would be allowed under Governor Pawlenty's

travel restrictions. Mr. Leach stated that the Federation's project is studying total portability of full licensure across state lines. Mr. Leach felt that there would be duplication of some effort if the board participated in the Wisconsin Project. Mr. Leach asked the board to decide whether or not they'd like board staff to participate in this project. Mr. Leach stated that the deadline to accept or decline participation in this project is November 18, 2009.

After board discussion, Dr. Langland made a motion that the Minnesota Board of Medical Practice participate in the Wisconsin Department of Regulation and Licensing Interstate Licensure Portability Taskforce. Motion passed. Drs. Lampe and Inampudi opposed.

Mr. Leach presented the Executive Director's Report of staff activities since the last board meeting.

Dr. Johnson stated that the Pain Management Presentation at Allina in Minneapolis on October 13, 2009, was well received.

Dr. Hafner-Fogarty stated that because the board did not hold the September board meeting in Outstate Minnesota because of the Governor's travel restrictions, she and Mr. Leach have continued to work to hold a board meeting at the University of Minnesota Medical School. Dr. Hafner-Fogarty stated that the January 9, 2010, may be held at the University of Minnesota Medical School.

Dr. Auld stated that because of internal review processes at the Board of Nursing, the Joint Statement on Pain Management that the Board of Medical Practice, Nursing, and Pharmacy entered into came up for periodic review. Dr. Auld stated that the changes that were made from the original to the revised statement were to correct a couple of typographical errors in the text of the statement and the addition of resource material in the resources appendix. A motion was made and passed unanimously to accept the revised version of the Joint Statement on Management.

Dr. Hafner-Fogarty asked board members if they had any resolutions they would like to bring forward to the FSMB and if there were any board members interested in any FSMB Committee Appointments. Dr. Hafner-Fogarty stated that she had previously heard from Ms. McGee that she'd like to run for the FSMB Audit Committee. Board members did not have any resolutions to forward to the FSMB.

Dr. Hafner-Fogarty asked the board to continue its support of the Woman's Networking Reception that is held each year at the FSMB Annual Meeting. Board members asked about the possibility of the FSMB sharing in the cost of the Reception. Dr. Hafner-Fogarty stated that she has spoken to individuals on the FSMB Board about financial support for the Woman's Networking Reception and they seemed receptive to the idea.

A motion was made and passed unanimously to continue to support the Woman's Networking Reception which is held at the Federation of State Medical Boards' Annual Meeting and the board requests that Dr. Hafner-Fogarty write a letter to the Federation of State Medical Boards requesting financial help with the Woman's Networking Reception.

At the 2009 meeting of the Federation of State Medical Boards' House of Delegates, former board member Jon Thomas, M.D., MBA, was elected to a one-year term to the Federation of State Medical Boards' Board of Directors. Dr. Thomas asked that the board nominate him for another term on the FSMB Board of Directors.

A motion was made and passed unanimously that the board submit Dr. Thomas' name for the Board of Directors at the Federation of State Medical Boards.

Dr. Hafner-Fogarty stated that for informational purposes only that both she and Mr. Leach received letters from Kim LeBlanc, M.D., Ph.D. Secretary-Treasurer of the Louisiana State Medical

Examiners, who is currently a member of the Federation Board of Directors and he's now running for Chair elect and is asking for the board's support. Dr. Hafner-Fogarty stated that she feels the board should take it under advisement.

Dr. Hafner-Fogarty informed the board that Bob Brown, Ph.D. was nominated by the Nominating Committee to serve as the board secretary for year 2010. Unfortunately, Dr. Brown is not going to be a candidate for reappointment. Dr. Hafner-Fogarty stated that Dr. Brown has served the board well and will be missed.

Ms. McGee was nominated for the office of Secretary to the board by Dr. Johnson and Dr. Lampe seconded the nomination.

Dr. Hafner-Fogarty stated that traditionally the board secretary has been a public member, but is not a requirement. Dr. Hafner-Fogarty asked if there were any other nominations for Board Secretary.

Dr. Hafner-Fogarty stated that the Nominating Committee proposes that James Mona, D.O., and Alfred Anderson, D.O., share the presidency and vice presidency of the board for year 2010; with Dr. Mona serving the first six months as president and Dr. Anderson serving the last six months as president of year 2010.

The Board unanimously elected the following officers for calendar year 2010:

President:	James Mona, D.O. & Alfred Anderson, D.C., M.D.
Vice President:	Alfred Anderson, D.C., M.D. & James Mona, D.O.
Secretary:	Tammy McGee, MBA
Delegate to the Federation:	James Mona, D.O.

Dr. Hafner-Fogarty presented the 2010 board meeting dates.

Regular Board Meetings

January 9
March 13
May 8
July 10
September 11
November 13

Contested Case Hearings

February 13
April 10
June 12
August 14
October 9
December 11

Keith Berge, M.D., board member, recommended that board members visit the website Opiophile.org. Dr. Berge stated that it is a website that is a forum for opioid addicts to discuss various aspects of how to beat drug testing, how not to die from what they're taking, etc.

Dr. Hafner-Fogarty stated that traditionally the board president has appointed a board member to serve as the board's representative to HPSP. Dr. Hafner-Fogarty stated that if any board member is interested in serving as the board's representative to HPSP, please let Dr. Mona, Dr. Anderson, or Mr. Leach know and they will take it under advisement. Dr. Hafner-Fogarty stated that she has also suggested to Mr. Leach that we have a regular, relatively senior staff member attend the HPSP meetings too.

The board recognized and thanked Dr. Hafner-Fogarty for her years of devoted service to the board.

End of Public Session.

EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Rebecca Hafner-Fogarty, M.D., MBA, President; Allen Rasmussen, Vice President; Alfred Anderson, D.C., M.D., Secretary; Keith Berge, M.D.; Robert Brown, Ph.D.; Mark A. Eggen, M.D.; Sarah L. Evenson, J.D., MBA; Jack Geller, Ph.D.; Subbarao Inampudi, M.D., FACR; Bradley Johnson, M.D.; Ernest Lampe, II, M.D.; James Langland, M.D.; Tammy McGee, MBA; James Mona, D.O.; Gregory Snyder, M.D., DABR, and Tracy Tomac, M.D.

WILLIAM I. BRAUNSTEIN, M.D.

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

PASTOR COLON, M.D.

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

DEBRA G. CUDNOWSKI, M.D.

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

JOHANNES M. GEBRE, M.D.

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

RODNEY J. LEE, M.D.

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

PHILIP S. VUOCOLO, M.D.

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

LEONARD J. WARREN, M.D.

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

DEXTER D. WHITEMORE, JR., M.D.

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

There being no further business, the meeting was adjourned.



Alfred Anderson, DC, MD
Secretary
MN Board of Medical Practice

December 30, 2009

Date