

**MINNESOTA BOARD OF MEDICAL PRACTICE  
BOARD MEETING**

**Hamline University  
School of Business  
1492 Hewitt Avenue  
Saint Paul, MN 55104**

**SEPTEMBER 12, 2015**

The Minnesota Board of Medical Practice met on September 12, 2015, at Hamline University in Saint Paul, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., President; Subbarao Inampudi, M.B., B.S., FACR, Vice President; Charles F. Moldow, M.D., Secretary; Keith H. Berge, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Irshad H. Jafri, M.B., B.S., FACP; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; 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 President, Mark A. Eggen, M.D. Roll call was taken by Board staff.

Dr. Eggen thanked Professor Thaddeus Mason Pope, J.D., Ph.D., for inviting the Board to Hamline Law School. Dr. Eggen welcomed and thanked the numerous members of the public for their attendance.

**Agenda Item 2: Minutes of the July 18, 2015, Board Meeting**

The minutes of the July 18, 2015, Board meeting were received and approved as circulated.

**Agenda Item 3: Presentation of Service Plaque to Former Medical Coordinator Alison J. Coulter, M.D.**

Dr. Eggen gave a brief overview of the various committees of the Board and complaint review process, including a description of the role of medical coordinator.

Dr. Eggen then introduced Alison J. Coulter, M.D., and presented her with a Medical Coordinator Service Plaque. Dr. Coulter retired from her consulting work with the Board on March 31, 2015. Dr. Coulter consulted for the Board for over twenty-years and served as a mentor and trainer to every Medical Coordinator since she initially contracted with the Board. She was an outstanding resource to Board members, her fellow Medical Coordinators, Board staff and the Attorney General's Office. Dr. Eggen thanked Dr. Coulter for her hard work for the Board over many years. Dr. Coulter thanked the Board and staff for the support to her and stated she enjoyed and misses her work at the Board. The Board gave Dr. Coulter a round of applause.

**Agenda Item 4: Attorney General's Office Presentation**

At the January 10, 2015, Board meeting, Board members requested a presentation on the landscape of the corporate practice of medicine as a topic for the Attorney General's Office annual presentation to the Board.

Assistant Attorney General Jason Pleggenkuhle, J.D., presented to the Board on the Corporate Practice of Medicine Doctrine and the Minnesota Professional Firms Act. A question and answer session followed.

#### Agenda Item 5: Criminal Background Check Presentation

In accordance with Minnesota Statute §214.075, each health-related licensing Board shall implement a process for conducting criminal background checks (CBC) by January 2018. At the May 9, 2015, Board meeting, the Board discussed implementing criminal background checks during 2015 to comply with the requirements of the Interstate Medical Licensure Compact, Governor Dayton signed into law on May 19, 2015. Board members invited the Program Manager of the Criminal Background Checks Unit, Sean McCarthy, J.D., to provide a presentation to the Board and answer questions regarding criminal background checks.

Mr. McCarthy provided a presentation to the Board on the criminal background check processes as it relates to the health licensing boards. A question and answer session followed.

The Board took a five minute break.

#### Agenda Item 6: Licensure and Registration

On recommendation of the Licensure Committee, physician applicants 1 – 220 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicant 221 of the agenda was approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 222 - 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 – 256 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 257 – 316 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 317 – 374 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Naturopathic Advisory Council, naturopathic doctor applicant 375 of the agenda was approved for registration subject to receipt of all verification documents.

On recommendation of the Traditional Midwifery Advisory Council, traditional midwife applicants 376 – 377 of the agenda were approved for licensure subject to receipt of all verification documents.

#### Agenda Item 7: Licensure Committee

- Minutes of the August 20, 2015, Licensure Committee  
Patricia J. Lindholm, M.D., FAAFP, Chair of the Licensure Committee, presented the minutes of the August 20, 2015, Licensure Committee Meeting.

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

#### Agenda Item 7a: Naturopathic Doctor Advisory Council Appointments

Dr. Lindholm requested that the Board approve the following Licensure Committee recommended reappointments to the Naturopathic Doctor Advisory Council, with terms ending July 2017.

The Board accepted the Licensure Committee recommended reappointments to the Naturopathic Doctor Advisory Council and a motion was made and passed unanimously to reappoint the following members to the Naturopathic Doctor Advisory Council:

Physician Member:

- Michael Green, M.D.

Naturopathic Doctor Member:

- Lee Aberle, N.D.
- Amy Johnson-Grass, N.D.
- Dionne Reinhart, N.D.
- Helen Soley, N.D.
- Leslie Vilensky, ND

Public Member:

- Karen Thullner

Agenda Item 8: Policy and Planning Committee Report, August 27, 2015

V. John Ella, J.D., provided a summary and presented the minutes of the August 27, 2015, Policy and Planning Committee meeting.

1. In the Matter of the Telemedicine for Medicare Act of 2015 (S 1778/HR 3081) Federal Legislation  
The Committee considered whether to recommend that the Board take a formal position on federal legislation (S 1778/HR 3081) and, if so, whether to send letters to congressional representatives relaying the Board's position. The Committee decided to forward the question to the full Board without a recommendation.

Board discussion included state jurisdiction under the bill, whether and how the bill might affect the Board's ability to protect patients located in Minnesota, and protection of state sovereignty.

Following discussion, V. John Ella, J.D., made a motion for Executive Director Ruth Martinez, M.A., to prepare a one-page letter to Minnesota's congressional representatives stating the Board's official opposition to the federal legislation (S 1778/HR 3081) on the specific grounds that it limits the Board's ability to protect the public for reasons as follow, and referencing the Interstate Medical Licensure Compact:

- It takes away the Board's ability to protect the public;
- It disrupts the policing function of states; and
- It violates the constitution.

A brief discussion ensued on how the proposed federal legislation violates the constitution. If the motion passes, Ms. Martinez will provide copies to Mr. Ella and Dr. Eggen for review prior to sending the letter.

The motion passed for Executive Director Ruth Martinez, M.A., to prepare a one-page letter to Minnesota's congressional representatives stating the Board's official opposition to the federal legislation (S 1778/HR 3081) on the specific grounds that it limits the Board's ability to protect the public and referencing the Interstate Medical Licensure Compact. Rebecca J. Hafner-Fogarty, M.D., M.B.A., opposed.

2. In the Matter of the Minnesota Prescription Monitoring Program (PMP)  
The Policy and Planning Committee made a motion that the Board support adding a link to the enrollment site for the Prescription Monitoring Program into the Board's on-line licensure renewal processes. After a brief discussion, the motion passed unanimously.
3. In the Matter of Social Media Communications  
At the July 18, 2015, Board meeting, the Board referred the question of whether to expand Board communications to include social media to the Policy & Planning Committee. The Committee discussed various social media option, message content, interest in social media by various stakeholder groups, risks associated with social media, and available expertise to research and launch social media communications. The Committee authorized Board staff to begin the process of researching social media options and consulting with social media experts, as needed.

4. In the Matter of Whether and How to Open the Medical Practice Act

As directed by the Board at its meeting on May 9, 2015, the Policy & Planning Committee, with the assistance of Board staff, solicited topics from the Board's Licensure and Complaint Review Committees for consideration in developing a process for updating the Medical Practice Act. Board staff compiled and presented issues identified by the Committees, but the Policy and Planning Committee did not have sufficient time to thoroughly discuss all of the issues presented.

The Policy & Planning Committee recommended housekeeping changes to the Medical Practice Act updating osteopathic references pursuant to legislation that was introduced in the 2015 legislative session that did not pass because it was submitted too late to meet committee deadlines. Ms. Martinez stated that the 2016 legislative session will be very brief and there won't be time to bring forth legislation that has to go through lengthy committee hearings.

Osteopathic Physician Legislation - Summary of Proposed Changes:

- In the Medical Practice Act, Chapter 147, subdivision 1: change the wording to reflect the intent of the Board to allow more than one doctor of osteopathy (D.O.) to concurrently serve on the Board;
- Update all references in the Medical Practice Act relating to osteopathic physicians; and
- Revise examination requirements for osteopathic physicians in section 147.031 to align with examination requirements under section 147.02.

Ms. Martinez noted that the housekeeping bill to modify the Physician Assistant Statute failed to pass in the House during the 2015 Legislative Session. The bill included revisions to remove the cap on the number of physician assistants that a physician could supervise, extended the filing deadline requiring physician assistants to file a Notice of Intent to Practice with the Board, and aligning administrative and internal hearing processes related to temporary suspension, as outlined in Minn. Stat. §214. This legislation will be presented during the 2016 Legislative session with deletion of a repeal that caused controversy during House deliberations.

Mr. Ella made a motion that the Board limit changes to the Medical Practice Act proposed during the 2016 legislative session to the osteopathic physician legislation previously drafted and circulated to the Board (attached). Motion passed unanimously.

Mr. Ella stated that the Committee will continue to review the Medical Practice Act for future legislative modifications and improvements.

Agenda Item 9: Executive Director's Report

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

- Staffing Update

The vacancy for a Complaint Review Unit Assistant in the Complaint Review Unit was filled on September 11, 2015. The vacancy in the Licensure Unit for a Licensure Specialist will be posted, shortly.

Ms. Martinez thanked Board staff involved in the process of staffing changes over the past year and a half, including updating position descriptions to ensure that they are clear and accurate. Ms. Martinez acknowledged Elizabeth Huntley, J.D., Complaint Review Unit Supervisor, Molly Schwanz, Licensure Unit Supervisor, and Lois Kauppila, Office Manager, who is not here, for conducting interviews with qualified candidates, doing all the appropriate screening, and training new employees. The Board gave a round of applause.

- Reminder of the *First Annual Mayo Clinic Opioid Conference: Evidence, Clinical Considerations and Best Practice 2015*

Ms. Martinez reminded Board members that the *First Annual Mayo Clinic Opioid Conference: Evidence, Clinical Considerations and Best Practice 2015*, will be held at the Mayo Clinic in Rochester, Minnesota, October 22-23, 2015. Ms. Martinez encouraged Board members to attend.

Ms. Martinez thanked Mayo Clinic for providing two scholarships for public members and also for providing a reduced rate for physicians to attend the conference. Mayo has recently added additional seating for the conference; the conference will be well attended

- *Pain.Pill.Problem Conference*

Current and former Board members Keith H. Berge, M.D., Patricia J. Lindholm, M.D., Gerald T. Kaplan, M.A., L.P., Alfred Anderson, M.D., D.C., and Bradley Johnson, M.D., along with Ms. Martinez attended the *Pain.Pill.Problem* Conference on August 25, 2015, at the University of Minnesota, Northrop Auditorium. The topic of the Conference was opioid abuse as a societal issue and a call to action for a community response. Governor Dayton, as well as Minnesota Senators Amy Klobuchar and Al Franken, addressed more than 1,250 participants at the Conference. Dr. Berge was a panel participant.

Ms. Martinez continues to represent the Board on the State Opioid Oversight Project (SOOP). Discussion at the most recent SOOP meeting, August 20, 2015, related to preparations for the *Pain.Pill.Problem* Conference.

- *Tri-Regulatory Article for Minnesota Physician Publishing*

*Minnesota Physician Publishing* invited the Boards of Medical Practice, Pharmacy, and Nursing to provide a Tri-Regulatory article on their joint efforts. One joint effort is to update the Joint Pain Management Statement, which will be coming to the Board for its review and approval at a future date.

On June 29, 2015, Dr. Hafner-Fogarty wrote an article on "Physician Burnout: A growing Problem," which was published in the June 2015 edition of *Minnesota Physician*. Dr. Thomas will also publish an article in an upcoming publication of *Minnesota Physician*.

- *Minnesota Department of Health (MDH), Office of Rural Health Survey Update*

Board staff is working with the MDH Office of Rural Health on its survey modifications to the MDH Work Force Survey. Proposed revisions include modification of and additions to the questions to which licensees/registrants are asked to respond. Ms. Martinez may present the modifications for Board review at the November 14, 2015, Board meeting. Ms. Martinez noted that some Board members have been invited to provide feedback; Ms. Martinez encouraged them to respond.

- *Top 10 Mistakes Attorneys Make When Appearing Before the Board Continuing Legal Education*

Board member Sarah Evenson, J.D., M.B.A., and Complaint Review Unit Supervisor Elizabeth Huntley, J.D., co-presented a continuing legal education session, *Top 10 Mistakes Attorneys Make When Appearing Before the Board*, to the Minnesota Defense Lawyers Association Medical Liability and Health Care Law Committee on August 27, 2015. Attendees included defense attorneys representing respondents before the Complaint Review Committees (CRC). Ms. Evenson strongly supports yearly outreach of continuing legal education sessions to defense attorneys who appear before the CRC. Board members agreed and invited Ms. Evenson to present at future continuing legal education sessions on behalf of the Board, though her Board term will expire in January 2016.

Ms. Martinez received positive feedback from participants that was extremely complimentary of Ms. Evenson's and Ms. Huntley's presentation. The session was very well attended. Ms. Martinez thanked Ms. Evenson and Ms. Huntley for presenting to the Minnesota Defense Lawyers Association Medical Liability and Health Care Law Committee.

Mr. Kaplan asked if there was a mechanism to receive feedback from the Minnesota Defense Lawyers Association Medical Liability and Health Care Law Committee to help CRC members interact better with respondent's defense attorneys. Ms. Evenson responded yes, and thought it was appropriate for Ms. Martinez to share the feedback prior to the next CRC meetings. Ms. Evenson noted that it was very specific and practical feedback.

- Council on Licensure, Enforcement and Regulation (CLEAR) Conference  
Ms. Huntley will attend the CLEAR Conference in Boston, Massachusetts from September 17 through September 19, 2015. Ms. Huntley participated last year in CLEAR's Executive Training. Several Board staff members have attended CLEAR's investigator training. Ms. Huntley noted that they have education for licensure, regulation, compliance, and disciplinary work. Ms. Huntley may attend the Federation of State Medical Boards' Attorney Workshop in November 2015.
- First Meeting of the Interstate Medical Licensure Compact Commission  
Ms. Martinez informed the Board that the first meeting of the Interstate Medical Licensure Compact Commission is scheduled for late October 2015. Ms. Martinez believes that Governor Dayton will approve the Board's recommended appointees to the Interstate Compact Commission early next week. Ms. Martinez is looking forward to participating in the first meeting of the Interstate Compact Commission.

Agenda Item 10: The Center for Personalized Education for Physicians 2015 Learning Summit

Ms. Martinez informed the Board that the Center for Personalized Education for Physicians (CPEP) has invited Board members to its *2015 Learning Summer* in Denver, November 5 and November 6, 2015.

Participants in the *Learning Summit* will:

- Experience first-hand what makes up a comprehensive clinical competence assessment;
- Learn how structured education plans can address documented clinical deficiencies; and
- Apply those lessons in interactive case-study session.

Ms. Martinez stated that the *2015 Learning Summit* is particularly helpful for Board members currently serving on the Board's Complaint Review Committees. Board members who previously attended the Learning Summit all expressed positive feedback. Ms. Martinez requested that Board members interested in attending the *2015 Learning Summit* contact her or Cheryl Johnston, Executive Assistant.

Agenda Item 11: Appointment of a Nominating Committee

Three names were submitted for the Nominating Committee:

- Mark A. Eggen, M.D.
- Dr. Eduardo T. Fernandes
- Allen G. Rasmussen, M.A.

A motion was made and unanimously passed to accept the recommendation of Dr. Eggen, Dr. Fernandes and Mr. Rasmussen to the Board's Nominating Committee.

Agenda Item 12: Proposed 2016 Meeting Dates

A motion was made and passed unanimously to establish the following meeting dates for 2016:

Regular Board Meetings

January 9  
March 12  
May 14  
July 9  
September 10  
November 12

Contested Case Hearings

February 13  
April 9  
June 11  
August 13  
October 8  
December 10

Dr. Eggen noted that the Federation of State Medical Boards' Annual Meeting will be held from April 28-30, 2016, at the Grand Hyatt Hotel in San Diego, California.

Agenda Item 13: Corrective and Other Actions

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

#### Agenda Item 14: New Business

- Ms. Martinez informed the Board that she has been in communication with the Federation of State Medical Boards (FSMB) regarding a possible FSMB visit to the Board at its November 14, 2015, Board meeting. The FSMB will provide a presentation on services they provide to state medical Boards. The FSMB last presented to the Board at its November 13, 2010, Board meeting.

Former Board member Gregory B. Snyder, M.D., DABR, is the Minnesota liaison for the FSMB. He is very enthusiastic to revisit the Board in November.

Ms. Martinez proposed that the Board approve a motion to invite the FSMB to present at its November 14, 2015, Board meeting. Ms. Martinez noted that the FSMB would like to meet with Board members and executive staff for dinner on November 13, 2015. The motion passed unanimously.

- Jon Thomas, M.D., M.B.A., informed the Board that he attended the American Board of Medical Specialties (ABMS) Disciplinary Alert Service meeting and was appalled that they use state medical Board orders to determine whether or not physicians maintain Board certification. Dr. Thomas informed ABMS that the Board uses a minimum standard in its disciplinary decisions; Board certification should be above the minimum standard. Dr. Thomas spoke to FSMB's Chief Advocacy Officer Lisa Robin, M.L.A., and suggested that it would be a good idea for FSMB to present to ABMS about appropriate use of state medical Board orders to determine eligibility for Board certification.

Dr. Thomas thought it was important to bring this matter to the Board's attention because when requests to change Board orders are received to allow a physician to sit for Board certification exams, the Board needs to determine whether the orders have ethical components. Dr. Thomas noted that the ABMS uses Board orders correctly when they are based on chemical dependency and illness.

- On September 11, 2015, Dr. Eggen, Dr. Inampudi, and Ms. Evenson performed Ms. Martinez's performance review as executive director. Dr. Eggen noted that there were no concerns by staff or Board members regarding Ms. Martinez performance as executive director.
- Charles F. Moldow, M.D., requested an educational session regarding involvement of pharmacists in physician prescribing. As an example, Dr. Moldow cited a California physician on trial for murder for inappropriate opioid prescribing essentially because the California Board of Pharmacy thought the physician's prescribing of opioids was inappropriate.

Dr. Eggen adjourned the public session of the Board.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Mark A. Eggen, M.D., President; Subbarao Inampudi, M.B., B.S., FACR, Vice President; Charles F. Moldow, M.D., Secretary; Keith H. Berge, M.D.; V. John Ella, J.D.; Sarah L. Evenson, J.D., M.B.A.; Dr. Eduardo T. Fernandes; Rebecca J. Hafner-Fogarty, M.D., M.B.A.; Irshad H. Jafri, M.B., B.S., FACP; Kelli Johnson, M.B.A.; Gerald T. Kaplan, M.A., L.P.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; and Jon V. Thomas, M.D., M.B.A.

**FLOYD O. ANDERSON, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

**ANNIE L. BURTON, M.D.**

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

**ALICIA A. FRANKWITZ, D.O.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

**JEFFREY J. HERICKHOFF, 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. Herickhoff.

**THOMAS A. LOHSTRETER, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

**JOSEPH S. RICHMOND, M.D.**

On recommendation of the Complaint Review Committee, the Board approved the Order of Unconditional License.

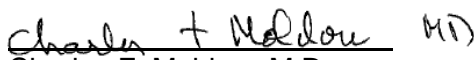
**ROBERT S. ROSS, M.D.**

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

**STEVEN P. WALLER, M.D.**

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

There being no further business, the meeting was adjourned.

  
Charles F. Moldow, M.D.  
Secretary  
MN Board of Medical Practice

November 4, 2015  
Date



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State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
EIGHTY-NINTH SESSION

**H. F. No. 1923**

03/16/2015 Authored by Dean, M.,  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

- 1.1 A bill for an act  
1.2 relating to health; modifying licensure requirement for osteopathic physicians;  
1.3 making technical changes to the composition of the Board of Medical Practice;  
1.4 amending Minnesota Statutes 2014, sections 147.01, subdivisions 1, 2; 147.02,  
1.5 subdivision 1.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2014, section 147.01, subdivision 1, is amended to read:
- 1.8 Subdivision 1. **Creation; terms.** The Board of Medical Practice consists of 16  
1.9 residents of the state of Minnesota appointed by the governor. ~~Ten~~ Eleven board members  
1.10 must ~~hold a degree of doctor of medicine and~~ be licensed to practice medicine under this  
1.11 chapter. ~~Not, not less than one board member of whom~~ must hold a degree of doctor of  
1.12 ~~osteopathy osteopathic medicine~~ and either be licensed to practice ~~osteopathy osteopathic~~  
1.13 ~~medicine~~ under Minnesota Statutes 1961, sections 148.11 to 148.16; prior to May 1,  
1.14 1963, or be licensed to practice medicine under this chapter. Five board members must  
1.15 be public members as defined by section 214.02. The governor shall make appointments  
1.16 to the board which reflect the geography of the state. In making these appointments, the  
1.17 governor shall ensure that no more than one public member resides in each United States  
1.18 congressional district, and that at least one member who is not a public member resides in  
1.19 each United States congressional district. The board members holding the degree of doctor  
1.20 of medicine must, as a whole, reflect the broad mix of expertise of physicians practicing  
1.21 in Minnesota. A member may be reappointed but shall not serve more than eight years  
1.22 consecutively. Membership terms, compensation of members, removal of members,  
1.23 the filling of membership vacancies, and fiscal year and reporting requirements are as  
1.24 provided in sections 214.07 to 214.09. The provision of staff, administrative services and

2.1 office space; the review and processing of complaints; the setting of board fees; and other  
2.2 provisions relating to board operations are as provided in chapter 214.

2.3 Sec. 2. Minnesota Statutes 2014, section 147.01, subdivision 2, is amended to read:

2.4 Subd. 2. **Recommendations for appointment.** Prior to the end of the term of a  
2.5 doctor of medicine or public member on the board, or within 60 days after a doctor of  
2.6 medicine or public member position on the board becomes vacant, the State Medical  
2.7 Association, the Mental Health Association of Minnesota, and other interested persons and  
2.8 organizations may recommend to the governor doctors of medicine and public members  
2.9 qualified to serve on the board. Prior to the end of the term of ~~a doctor of osteopathy~~  
2.10 an osteopathic physician, or within 60 days after ~~a doctor of osteopathy~~ an osteopathic  
2.11 physician membership becomes vacant, the Minnesota Osteopathic Medical Society may  
2.12 recommend to the governor three ~~doctors of osteopathy~~ osteopathic physicians qualified  
2.13 to serve on the board. The governor may appoint members to the board from the list of  
2.14 persons recommended or from among other qualified candidates.

2.15 Sec. 3. Minnesota Statutes 2014, section 147.02, subdivision 1, is amended to read:

2.16 Subdivision 1. **United States or Canadian medical school graduates.** The board  
2.17 shall issue a license to practice medicine to a person not currently licensed in another state  
2.18 or Canada and who meets the requirements in paragraphs (a) to (i).

2.19 (a) An applicant for a license shall file a written application on forms provided by  
2.20 the board, showing to the board's satisfaction that the applicant is of good moral character  
2.21 and satisfies the requirements of this section.

2.22 (b) The applicant shall present evidence satisfactory to the board of being a graduate  
2.23 of a medical or osteopathic school located in the United States, its territories or Canada,  
2.24 and approved by the board based upon its faculty, curriculum, facilities, accreditation by a  
2.25 recognized national accrediting organization approved by the board, and other relevant  
2.26 data, or is currently enrolled in the final year of study at the school.

2.27 (c) The applicant must have passed an examination as described in clause (1) or (2).

2.28 (1) The applicant must have passed a comprehensive examination for initial licensure  
2.29 prepared and graded by the National Board of Medical Examiners, the Federation of State  
2.30 Medical Boards, the Medical Council of Canada, the National Board of Osteopathic  
2.31 Examiners, or the appropriate state board that the board determines acceptable. The board  
2.32 shall by rule determine what constitutes a passing score in the examination.

2.33 (2) The applicant taking the United States Medical Licensing Examination (USMLE)  
2.34 must have passed steps one, two, and three. Step three must be passed within five years

3.1 of passing step two, or before the end of residency training. The applicant must pass  
3.2 each of steps one, two, and three with passing scores as recommended by the USMLE  
3.3 program within three attempts. The applicant taking combinations of Federation of State  
3.4 Medical Boards, National Board of Medical Examiners, and USMLE may be accepted  
3.5 only if the combination is approved by the board as comparable to existing comparable  
3.6 examination sequences and all examinations are completed prior to the year 2000. The  
3.7 applicant taking the ~~College of Osteopathic Medical Licensure Examination (COMLEX)~~  
3.8 Comprehensive Osteopathic Medical Licensing Examination (COMPLEX-USA) must  
3.9 pass all three steps within ~~six~~ nine attempts.

3.10 (d) The applicant shall present evidence satisfactory to the board of the completion  
3.11 of one year of graduate, clinical medical training in a program accredited by a national  
3.12 accrediting organization approved by the board or other graduate training approved  
3.13 in advance by the board as meeting standards similar to those of a national accrediting  
3.14 organization.

3.15 (e) The applicant may make arrangements with the executive director to appear in  
3.16 person before the board or its designated representative to show that the applicant satisfies  
3.17 the requirements of this section. The board may establish as internal operating procedures  
3.18 the procedures or requirements for the applicant's personal presentation.

3.19 (f) The applicant shall pay a fee established by the board by rule. The fee may not be  
3.20 refunded. Upon application or notice of license renewal, the board must provide notice  
3.21 to the applicant and to the person whose license is scheduled to be issued or renewed of  
3.22 any additional fees, surcharges, or other costs which the person is obligated to pay as a  
3.23 condition of licensure. The notice must:

3.24 (1) state the dollar amount of the additional costs; and

3.25 (2) clearly identify to the applicant the payment schedule of additional costs.

3.26 (g) The applicant must not be under license suspension or revocation by the  
3.27 licensing board of the state or jurisdiction in which the conduct that caused the suspension  
3.28 or revocation occurred.

3.29 (h) The applicant must not have engaged in conduct warranting disciplinary action  
3.30 against a licensee, or have been subject to disciplinary action other than as specified in  
3.31 paragraph (g). If the applicant does not satisfy the requirements stated in this paragraph,  
3.32 the board may issue a license only on the applicant's showing that the public will be  
3.33 protected through issuance of a license with conditions and limitations the board considers  
3.34 appropriate.

3.35 (i) If the examination in paragraph (c) was passed more than ten years ago, the  
3.36 applicant must either:

- 4.1 (1) pass the special purpose examination of the Federation of State Medical Boards  
4.2 with a score of 75 or better within three attempts; or  
4.3 (2) have a current certification by a specialty board of the American Board of  
4.4 Medical Specialties, of the American Osteopathic Association Bureau of Professional  
4.5 Education, the Royal College of Physicians and Surgeons of Canada, or of the College  
4.6 of Family Physicians of Canada.