

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

SEPTEMBER 13, 2008

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, September 13, 2008, at Cragun's Conference Resort in Brainerd, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Carl Smith, M.D., President, Rebecca Hafner-Fogarty, M.D., MBA, Vice President, Allen Rasmussen, Secretary, Alfred Anderson, D.C., M.D., Robert Brown, Ph.D., Jack Geller, Ph.D., Bradley Johnson, M.D., Kelli Johnson, Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, James Mona, D.O., and Gregory Snyder, M.D.

PUBLIC SESSION

Roll call was recorded by Robert Leach, Executive Director.

The minutes of the July 12, 2008, Board meeting were received and approved as circulated.

Tiernee Murphy, J.D., Assistant Attorney General gave a presentation on Due Process.

After the presentation, Ms. Murphy presented several different fictitious legal scenarios for the board to analyze and discuss.

On recommendation of the Licensure Committee, physician applicants 1 – 299 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicants 300-304 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 305 308 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 309 - 331 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 332 – 341 and 343 - 374 of the agenda were approved for registration subject to the receipt of verification documents. Applicant 342 was not approved for

registration. Drs. Johnson and Hafner-Folgarty asked that physician assistant applicant 342 be removed for discussion later in the agenda.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 375 - 400 were approved for registration subject to the receipt of verification documents. Applicants 401 – 403 will be reviewed during Executive Session.

Dr. Hafner-Fogarty stated that the Licensure Committee held a brief meeting prior to the board meeting and voted to approve a reentry plan and a temporary permit for physician assistant applicant 342 until permanent registration is granted at the January, 2009 board meeting.

The minutes of the August 14, 2008, meeting of the Licensure Committee were received and approved as circulated.

Mr. Leach presented the Executive Director's Report. Mr. Leach updated the board on SF 3583 which was authored by Representative Bob Dettmer and Senator Ray Vandever in the last legislative session. This bill would prohibit the Board of Medical Practice from disciplining a physician solely for prescribing, administering, or dispensing long-term antibiotic therapy for a therapeutic purpose to a patient who has been clinically diagnosed with Lyme disease by the physician. SF 3583 did not receive a hearing at the last legislative session. On August 27, 2008, Mr. Auld, Dr. Linda Van Etta (by conference call), Senator Ray Vandever, Representative Bob Dettmer, Senator John Marty and Mr. Leach met to discuss SF 3583. Also present were representatives of an organization of citizens interested in the treatment of Chronic Lyme Disease. Mr. Leach asked Mr. Auld to inform the board of the result of the meeting.

Mr. Auld stated that in the meeting, Dr. Van Etta proposed that a bill be drafted to fund a scientific study of chronic Lyme disease and, in addition, language that states that the board will continue any complaint against a physician based solely on the prescription of long term antibiotics for that diagnosis. Mr. Auld stated that in the meeting there was an agreement that the statutory language regarding the study would contain a time limitation. Mr. Auld will keep the board informed if and when the bill progresses.

Mr. Leach requested that the board approve a Tuition Reimbursement Policy. Mr. Leach stated that the first item is approval of a tuition reimbursement policy, detail to be discussed if approval is made by the board. Motion was made and seconded to discuss and accept the tuition reimbursement policy for the board office.

A motion was made and passed unanimously to adopt the first paragraph of the proposed Tuition Reimbursement Policy for board staff. The first paragraph reads as follows "To contribute to employee development, the Minnesota Board of Medical Practice encourages all employees to stay current and continually upgrade their knowledge, skills, and abilities. Tuition reimbursement is available for courses that offer college credit from accredited institutions. This program is designed to encourage employees to develop their skills by taking recognized educational courses related to their current or future career goals with the State. Employees who are committed to continued education not only bring added value and strength to the agency but also greatly enhance their opportunities for advancement both professionally and personally."

Mr. Leach thanked the board and asked the board to discuss the details of the Tuition Reimbursement Policy.

Discussion included:

- The board asked where the money would come from, Mr. Leach stated that it would come from the board budget.
- Mr. Leach stated that the Board Management Team, consisting of Mr. Leach, Mr. Auld, Ms. Martinez, Ms. Hoffman, and Ms. Kauppila, would decide who would receive tuition reimbursement and the decision would be based on various factors such as length of service.
- Mr. Leach stated that the Tuition Reimbursement Policy would be specifically for academic credits because the board is already covering other types of tuition reimbursement.

Dr. Hafner-Fogarty made a motion that the Tuition Reimbursement Policy be referred to the Staff Management Committee and they, along with board members to be selected by Mr. Leach, work on the details and then bring it to the next board meeting, November 8, 2008. Motion was seconded and passed unanimously.

Dr. Johnson suggested that (under the fifth bullet under Eligible Courses contained in the Proposed Tuition Reimbursement Policy) the Board's Executive Director should be responsible for applications that are reviewed based on the following:

1. Agency relatedness to career development program;
2. Immediate supervisors input regarding the applicants; and
3. Total estimated application costs relative to the Board's Career development budget and the number of applications received.

Dr. Snyder felt that reimbursement should not be dependent on grades.

Ms. McGee recommended considering cost sharing with board staff or some cost structure. Ms. McGee also felt that paying for time off to take tests may not be appropriate.

Mr. Leach informed the board that the State of Minnesota does not have a policy regarding tuition reimbursement for state employees. Mr. Leach stated that tuition reimbursement is contained within each of the employee union contracts and Mr. Leach will make sure that when the group discusses the Proposed Tuition Reimbursement Policy, the provisions in each of the union contracts are available.

Mr. Leach presented the next agenda item, the Fiscal Year 2008 Statistical Report. Mr. Leach stated that he would be presenting this report at the Reference Committee at the Minnesota Medical Association Annual Meeting. Mr. Leach stated that the board continues to issue more licenses than previous years so the number of applicants and the number of issued licenses continues to increase. The total number of individuals that the board credentials continues to increase. The board had a 4.2% increase in complaints this last fiscal year over the previous year and while the number of unresolved complaints increased from 507 to 554 the number of resolved complaints in fiscal year 2008 remained about the same as in 2007.

Ms. McGee asked if further clarification could be added to Table A, Number of Licenses/Registrations Issued, regarding the physicians and the surgeons column. Ms. McGee wondered if there was a way to bifurcate it between primary care and sub-specialties. Mr. Leach stated that most of the applicants are in residency programs and the board doesn't have the technology to track that information. The board's information on primary care or specialty care is the board certification information that comes from the Physician Profile data. The board is able to break that information out with the board's technology which isn't available for the residency program. Ms. McGee stated there would be value for the public to know that. Mr. Leach suggested a footnote on Table A. Dr. Mona thought it would be interesting and for statistical purposes to know how many physicians have licenses in multiple states that don't practice in Minnesota.

Mr. Leach stated that the Continuing Competency and Maintenance of Licensure Taskforce are meeting in October and they will review a survey that Mr. Leach has created to be sent out to all Minnesota physicians. The Committee needs to approve the survey. Part of the survey is requesting where the physician is located and asking whether they are practicing primary care, versus specialty care. The board will get a lot of data through this Committee. Mr. Leach stated that the board can use some of this data to decide how the board is going to remodel its renewal application to capture some of this information in the future.

The Board unanimously nominated Dr. Linda Van Etta, Dr. Carl Smith and Tammy McGee to the Board's Nominating Committee.

Mr. Leach proposed the following Board meeting dates for 2009:

Regular Board Meetings

January 10
March 14
May 9
July 11
September 12
November 14

Contested Case Hearings

February 14
April 11
June 13
August 8
October 10
December 12

The tentative Board meeting dates will be e-mailed out to Board members. The Board will finalize meeting dates at its November meeting.

The Board was informed of the Corrective Action Agreements entered since the last Board meeting.

Mr. Leach went over the State's Employee Business/Travel Expenses Policy. Mr. Leach asked the board members to refer to the hand-out regarding the state requirement that state employees, which include board members, may not use state paid travel for frequent flyer miles. Dr. Snyder asked if the State had a way of diverting those miles back to the State. Mr. Leach stated no. Mr. Leach also informed the board members that the gift certificates that they received from the Hyatt in San Antonio, for their inconvenience, cannot be used either.

Dr. Hafner-Fogarty felt that it was time to increase the \$55.00 per diem given to board members. Dr. Hafner-Fogarty made a motion that the board ask the Policy and Planning Committee to work with other health licensing boards on the possibility of approaching the legislature for an increase in the per diem rate for all members of the health licensing boards. Motion seconded. Dr. Langland felt that given the budgetary concerns in the State, this may not be the appropriate time to bring this forth. Dr. Hafner-Fogarty felt that it will probably take two to three budget cycles to this passed. Motion passed, Dr. Langland opposed.

End of Public Session.

EXECUTIVE SESSION

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Carl Smith, M.D., President, Rebecca Hafner-Fogarty, M.D., MBA, Vice President, Allen Rasmussen, Secretary, Alfred Anderson, D.C., M.D., Robert Brown, Ph.D., Jack Geller, Ph.D., Bradley Johnson, M.D., Kelli Johnson, Ernest Lampe, II, M.D., James Langland, M.D., Tammy McGee, James Mona, D.O., and Gregory Snyder, M.D.

PAMELA M. BECKERING, RCP

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and restricted registration signed by Ms. Beckering was approved.

RODOLFO SCOTT BEER, MD

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

ANNIE L. BURTON, MD

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

BARRY J. MACE, RCP

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. Mace was approved.

ROBERT E. MCLAUGHLIN, RCP

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. McLaughlin was approved.

SANDRA M. MORAR, MD

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

KAREN L. PAJARI, MD

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

HARRY J. REED, DO

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

ROBERT E. MCLAUGHLIN, RCP

On recommendation of the Licensure Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. McLaughlin was approved.

MICHAEL E. STODDARD, MD

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

JESSICA A. WOLIN, MD

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

KRISTOFER M. WALLMAN, PA

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. Wallman was approved.

There being no further business, the meeting was adjourned.



Allen Rasmussen
Secretary
MN Board of Medical Practice

October 28, 2008
Date