



**MINNESOTA BOARD OF
MEDICAL PRACTICE**

BIENNIAL REPORT

JULY 1, 2004 TO JUNE 30, 2006

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**MINNESOTA BOARD OF MEDICAL PRACTICE
2829 UNIVERSITY AVENUE SE, SUITE 500
MINNEAPOLIS, MINNESOTA 55414-3246**

STATUTORY AUTHORITY: M.S. 146, 147, 148, 319A

REPORT PERIOD: JULY 1, 2004 TO JUNE 30, 2006

SUBMITTED BY: ROBERT A. LEACH, EXECUTIVE DIRECTOR

1. General Information	1 - 3
2. Board Members, Staff, and Budget	
a. Board Members	4 - 5
b. Staff	6 - 7
c. Budget	8 - 9
3. Licensing and Registration	10 - 11
4. Complaints	12 - 15

**Minnesota Board of Medical Practice
Biennial Report
July 1, 2004 to June 30, 2006**

I. General Information

A. Board Mission and Major Functions

BMP Mission

The board's mission is to protect the public by extending the privilege to practice to qualified applicants, and investigating complaints relating to the competency or behavior of individual licensees or registrants.

The Board of Medical Practice is made up of 11 physicians and 5 public members, all of whom are appointed by the governor. Approximately 17,100 physicians are licensed by the Board of Medical Practice and the board also regulates acupuncturists, athletic trainers, physician assistants, respiratory care practitioners, traditional midwives, and professional firms.

Currently, graduates from US medical schools must complete a one year residency program and pass the national standardized examination to be licensed in Minnesota. Foreign graduates must pass their examinations and complete two years of residency training in the United States or Canada. The board also considers other information provided by the applicant and may conduct interviews before a license is granted.

BMP functions

Setting and administering educational and examination standards for initial and continuing licensure or registration for each health profession regulated by the Board

- ◆ Setting licensure requirements through the legislative process.
- ◆ Selecting the licensing examination to assure an adequate candidate knowledge base.
- ◆ Reviewing individual applicant/licensee documentation to determine eligibility for initial and continuing licensure.
- ◆ Constantly reviewing statutes as well as working with professional organizations to assure current, up-to-date-laws, keeping pace with new or continuously changing professions.
- ◆ Working with Advisory Councils to set standards for initial and continuing licensure for each health profession regulated.
- ◆ Ensuring that initial and continuing licensure activities comply with relevant federal laws (e.g. Americans with Disabilities Act).

Pursuing educational or disciplinary action with licensees as deemed necessary based upon results of investigations conducted in response to complaints/reports

- ◆ Providing applicants and licensees education to improve practice and assure compliance with the statutes.
- ◆ Conducting audits of continuing education to assure continuing competency as well as compliance with the law.
- ◆ Working with Advisory Councils to direct and review investigations and provide advice in resolving issues and enforcing the statutes.

Providing information and education about licensure requirements and procedures and standards of practice to the public, the health care community, and other interested clientele

- ◆ Providing information to the health care community and other interested clientele concerning licensure requirements as well as information on licensees.
- ◆ Providing information about licensure requirements to prospective applicants for licensure.
- ◆ Providing information to licensees to assure compliance with the law through newsletters, websites, and meetings.
- ◆ Providing information to licensees, health care community, the general public, and other interested clientele regarding licensure laws as well as related laws.
- ◆ Working with the Advisory Councils to disseminate information to licensees, general public, health care facilities and other interested clientele.

Responding to inquiries, complaints and reports from the public and other health care regulators regarding licensure and conduct of applicants, permit holders, licensees and unlicensed practitioners

- ◆ Accepting complaints and reports from the public, health care providers, and regulators.
- ◆ Deciding whether a complaint or inquiry is jurisdictional and, if so, whether and what type of action to pursue to resolve the matter.
- ◆ Referring inquiries and complaints to other investigative, regulatory or assisting agencies.
- ◆ Responding to complainants and agency reports by informing the complainants/agencies of action taken to resolve their complaints while observing provisions of the data practices act regarding the legal status of data obtained during the course of an investigation and disciplinary proceeding.

Pursuing educational or disciplinary action with licensees as deemed necessary based upon results of investigations conducted in response to complaints/reports

- ◆ Setting standards of conduct and a basis for disciplinary action through the rules process.
- ◆ Seeking information directly from the licensee and securing investigative and fact finding information from other agencies in response to complaints or inquiries.
- ◆ Holding conferences with licensees to identify their role and responsibility in a matter under investigation.
- ◆ Providing applicants and licensees education to improve practice and prevent recurrence of problems.
- ◆ Obtaining disciplinary action through either voluntary agreement or through a due process, contested case hearing and potential court action.

B. Major Activities During the Biennium

MINNESOTA BOARD MEMEBERS CONTINUE TO LEAD AT THE NATIONAL LEVEL

Doris Brooker, MD, served as Chair of the Federation of State Medical Boards (FSMB) from May 2004 until April 2005 and in the position of immediate post Chair from April 2005 until April 2006.

Jon Thomas, MD, was elected to the Federation of State Medical Boards' Editorial Committee at the FSMB Annual Meeting in Boston, Massachusetts in April 2006.

EXECUTIVE DIRECTOR

The Board's Executive Director Robert A. Leach, JD, served on the Federation of State Medical Boards Board of Directors from May 2004 until April 2005. Mr. Leach also continues to serve on the National Board of Medical Examiners' Committee on Irregular Behavior.

MINNESOTA STATE FAIR

The Minnesota Board of Medical Practice continued its presence at the 2005 and 2006 Minnesota State Fair with a booth in the Education Building. The Board participated in the fair in order to increase public awareness of the Board's role in public protection.

THE BOARD'S NEW AUTOMATED LICENSING SYSTEM WINS AWARDS

The Board's new IT system, ALIMS (Automated Licensure Information Management System) was selected to receive the Minnesota Government IT Recognition Award in the category of Customer Services Applications at the 24th Minnesota Government IT Symposium in December, 2005. In addition, the system also received the Honorable Mention Award for the Best of Boards Award presentation by Administrators in Medicine, the national organization of Medical Board Executives at their annual meeting in Boston, Massachusetts in April 2006.

II. Board Members, Staff, and Budget

A. Board Composition

**LIST OF BOARD MEMBERS WHO SERVED DURING
FISCAL YEARS 2005 AND 2006**

**NUMBER OF BOARD MEMBERS REQUIRED BY STATUTE: 16
LENGTH OF TERM: 4 YEARS**

Name & Address	Occupation	Term(s)
Steven Altchuler, M.D., Ph.D. Mayo Clinic 200 First Street SW Rochester, MN 55905	Medical Doctor	1/00 - 1/01 2/01 - 1/05 4/05 - 1/09
Alfred V. Anderson, M.D., D.C. Pain Assessment & Rehabilitation Center, LTD. 5775 Wayzata Blvd., #110 St. Louis Park, MN 55416	Medical Doctor Chiropractor	9/03 - 1/07
Hilda Bettermann 8435 Sara Road NW Brandon, MN 56315	Educator	6/98 - 1/02 3/02 - 1/06
Rebecca Hafner, M.D. Minnesota Board of Medical Practice 2829 University Avenue SE, 500 St. Paul, MN 55414	Medical Doctor	1/98 - 1/02 1/02 - 9/03 3/04 - 1/06 6/06 - 1/10
Bradley S. Johnson, M.D. 1021 Bandana Blvd., East St. Paul, MN 55108	Medical Doctor	3/04 - 1/08
Kelli Johnson SHADAC/University of MN 2221 University Avenue., SE, #345 Minneapolis, MN 55414	Administrator	7/04 - 1/08
Ernest W. Lampe, II, M.D. Surgical Specialists of Minnesota 2545 Chicago Avenue, Suite 500 Minneapolis, MN 55404	Medical Doctor	3/04 - 1/08
James Langland, M.D. Dakota Clinic 1720 Highway 59 SE Thief River Falls, MN 56701	Medical Doctor	7/04 - 1/08
James L. Mona, D.O. Hutchinson Area Healthcare 1095 Highway 15 South Hutchinson, MN 55350	Doctor of Osteopathy	7/03 - 1/07
Gloria Perez-Jordan The Jeremiah Program 1510 Laurel Avenue Minneapolis, MN 55403	Administrator	9/90 - 1/94 7/00 - 1/02 3/02 - 1/06

Name & Address	Occupation	Term(s)
Allen Rasmussen Rainy River Community College 1501 Highway 71 International Falls, MN 56649	Educator	3/02 – 1/04 1/04 – 1/08
Kris Sanda 11730 Hastings Street NE Blaine, MN 55449-7912	Businesswoman	7/99 - 1/03 7/03 – 1/07
Burton Schwartz, M.D. 405 Piper Bldg., 800 E. 28 th St. Minneapolis, MN 55407	Medical Doctor	2/98 - 1/02 3/02 - 1/06
Carl Smith, M.D. Hennepin County Medical Center 701 Park Avenue South, 869A Minneapolis, MN 55414	Medical Doctor	2/01 - 1/05 4/05 – 1/09
Gregory Snyder, M.D. Minnesota Radiology 4000 West 76 th Street Edina, MN 55435	Medical Doctor	6/06 – 1/10
Jon Thomas, M.D. 347 North Smith Avenue, Suite 602 St. Paul, MN 55102	Medical Doctor	2/01 - 1/05 4/05 – 1/09
Linda Lee Van Etta, M.D. St. Luke's Infectious Disease Assoc. 1001 East Superior St., L201 Duluth, MN 55802	Medical Doctor	2/01 - 1/05 4/05 – 1/09

B. Employees

<u>NAME</u>	<u>CURRENT JOB CLASSIFICATION/TITLE</u>	<u>DATES OF SERVICE</u>
Therese Anderson	Office & Administrative Specialist Intermediate Licensure Specialist	10-25-76 – present
Richard Auld	Assistant Executive Director	11-25-85 – 06-16-92 08-24-94 – 01-21-98 01-01-99 – present
Jeffrey Boldt	Office & Administrative Specialist Registration Assistant	6-22-05 – 9-20-05 Temp. 9-21-05 – 3-21-06
Wendy Boswell	Office & Administrative Specialist Intermediate Registration Specialist	07-03-06 - present
Timothy Carnahan	Office & Administrative Specialist Intermediate Complaint Review Unit Assistant	06-04-01 – 08-04-04
Mark Chu	Information Technology Specialist 4 Database Administrator	12-10-01 – present
Donna Church	Office & Administrative Specialist Registration Assistant	11-03-03 – 11-01-05
Barbara Dressel	Office & Administrative Specialist Receptionist	10-20-76 – present
Charlie Drews	Office & Administrative Specialist Complaint Review Unit Assistant	12-02-02 – present
Mary Erickson	Investigator Senior Medical Regulations Analyst Senior	04-24-91 – present
Nick Hansgen	Information Technology Specialist 2 Network Administrator	01-21-03 – 08-23-06
Patricia Hayes	Office & Administrative Specialist Principal Licensure Specialist	02-27-89 – present
Jeanne Hoffman	Management Analyst Supervisor 3 Licensure Supervisor	04-01-87 – present
Polly Hoyer	Legal Analyst	02-13-06 - present
Elizabeth Huntley	Investigator Medical Regulations Analyst	07-23-03 - present
Lois Kauppila	Office Services Supervisor 2 Office Manager	11-25-85 – present
Cheryl Kohanek	Office & Administrative Specialist Principal Executive Assistant	12-10-97 – present
Robert Leach	Executive Director	01-20-88 – present

<u>NAME</u>	<u>CURRENT JOB CLASSIFICATION/TITLE</u>	<u>DATES OF SERVICE</u>
Maura LeClair	Office & Administrative Specialist Complaint Review Unit Assistant	07-30-03– present
Paul Luecke	Office & Administrative Specialist Intermediate Licensure Specialist	04-03-96 – present
William Marczewski	Investigator Medical Regulations Analyst	02-03-88 – present
Ruth Martinez	Investigation Supervisor Complaint Review Unit Supervisor	01-20-88 – 07-07-93 06-01-94 – present
Debra Milla	Accounting Officer	12-04-91 – present
Kari Nybakke	Office & Administrative Specialist Registration Assistant	04-24-06 - present
Helen Patrikus	Investigator Medical Regulations Analyst	10-23-91 – present
Stephanie Preble	Investigator Medical Regulations Analyst	10-09-91 – 05-30-06
Kevin Slator	Investigator Senior Medical Regulations Analyst Senior	01-04-99 – 07-25-06
Jeremy Sorenson	Office & Administrative Specialist Intermediate Registration Specialist	09-03-02 – 06-02-06

C. Receipts and Disbursements and Major Fees Assessed by the Board

Item	FY 2005	FY 2006
Receipts	\$4,383,653	\$4,305,868
Disbursements	\$3,950,938	\$3,594,802

Source Codes	Description	ACTUAL RECEIPTS FY 2005	ACTUAL RECEIPTS FY 2006
<i>Fund -</i>	<i>171 Receipts</i>		
5191	Telemedicine Application	5,900	6,300
5192	Telemedicine Registration	10,608	13,075
5193	Telemedicine Certification	1,350	3,175
5194	Midwifery Certification	0	0
5195	Midwifery Late Fee	225	150
5196	Midwifery Temporary Permit	75	0
5197	Midwifery Annual License	1,800	1,500
5198	Midwifery Inactive Status	0	0
5199	Midwifery Application	300	200
5200	MD Annual Registration	3,498,377	3,466,012
5201	MD Application Fee	206,400	222,000
5202	Exam Administrative Fee	0	0
5203	MD Temporary License	35,540	38,400
5204	MD Endorsement Fee	535	2,470
5205	MD Certification	54,680	52,950
5206	MD Verification	0	0
5207	MD Late Fee	28,860	31,472
5208	MD Residency Permit	16,310	16,795
5210	Emeritus Registration	1,050	650
5211	PA Annual Registration With Prescribing	133,545	143,464
5212	PA Application Fee	14,040	17,400
5216	PA Certification Fee	1,950	1,450
5218	PA Late Fee	1,350	1,950
5226	RCP Annual Registration	144,402	138,127
5227	RCP Application Fee	11,700	12,600
5229	RCP Certification Fee	1,650	1,575
5230	RCP Temporary Permit	3,300	3,360
5231	RCP Late Fee	2,450	2,100
5232	AT Annual Registration	57,002	53,628
5233	AT Application Fee	3,200	4,450
5234	AT Temporary Permit	1,350	2,250
5235	AT Certification Fee	475	325
5236	AT Late Fee	645	915
5237	Civil Penalties	73,670	28,801
5238	Miscellaneous	1,840	811
5239	Duplicate License	3,720	3,460
5240	Education Approval	0	0
5241	Competitive Athletic Event	50	150
5242	Medical Corporate Annual Registration	12,950	12,825
5243	Corporate Application	3,700	2,800

Source Codes	Description	ACTUAL RECEIPTS FY 2005	ACTUAL RECEIPTS FY 2006
<i>Fund -</i>	<i>171 Receipts</i>		
5245	AP Annual Registration	45,204	43,254
5246	AP Application	7,050	5,250
5247	AP Certification	375	300
5248	AP Late Fee	310	600
5249	AP Temporary Permit	2,040	1,380
5250	AP Inactive Status	50	50
5251	PA Annual Registration Without Prescribing	1,419	1,110
5252	PA Temporary Permit	5,035	7,260
5253	PA Temporary Registration	1,840	1,840
5254	PA Locum Tenens Permit	0	0
5255	RCP Temporary Registration	3,480	2,970
5256	RCP Inactive Status	50	50
5257	Report Generation	10,127	8,180
5258	AT Temporary Registration	300	300
5259	Primary Verification		175
8310	EZ Gov Fee	(5,060)	(5,724)
8346	Credit Card CLR	(23,566)	(48,717)
	TOTAL RECEIPTS	<u>4,383,653</u>	<u>4,305,868</u>

III. Licensing and Registration

A. Persons licensed as of June 30, 2006

Licenses/Registrations issued by Health Profession

PHYSICIANS	FY 05	FY 06
Federation Licensing Examination	55	36
Licentiate Medical Council Canada	13	10
National Board of Medical Examiners	110	90
National Board of Osteopathic Medical Examiners	20	22
COMLEX	20	21
State Examination	7	9
Examination Combination	17	14
United States Medical Licensing Examination	<u>733</u>	<u>790</u>
TOTAL LICENSED/REGISTERED	975	992
PHYSICIAN RESIDENCY PERMITS	763	855
ATHLETIC TRAINERS		
Equivalency	14	18
General Registration	37	40
Reciprocity	17	14
Transitional	<u>0</u>	<u>0</u>
TOTAL LICENSED/REGISTERED	68	72
PHYSICIAN ASSITANTS		
National Commission on Certifications of Pas	<u>100</u>	<u>143</u>
TOTAL LICENSED/REGISTERED	100	143
RESPIRATORY CARE PRACTITIONERS		
Equivalency	0	0
General Registration	59	79
Reciprocity	<u>36</u>	<u>43</u>
TOTAL LICENSED/REGISTERED	95	122
ACUPUNCTURISTS		
Equivalency	0	0
General Licensure	44	31
Reciprocity	1	4
TOTAL LICENSED/REGISTERED	45	35
MIDWIVES	5	2
PROFESSIONAL FIRMS	35	26
TELEMEDICINE	51	51

*The Board commenced administering the telemedicine regulatory law in FY 2003.

B. NUMBER OF NEWLY REGULATED

Fiscal Year	Physicians & Surgeons	Residency Permits	PA's	RCP's	AT's	AP's	Traditional Midwives	Telemedicine	Total
2006	993	855	143	122	72	35	2	51	2,273
2005	976	763	100	95	68	45	5	51	2,103

C. NUMBER OF ACTIVELY REGULATED

Fiscal Year	Physicians & Surgeons	PA's	RCP's	AT's	AP's	Traditional Midwives	Telemedicine	Total
2006	17,939	1,097	1,596	537	297	15	174	21,655
2005	17,423	832	1,483	522	263	10	125	20,658

*The Board commenced administering the telemedicine regulatory law in FY 2003.

IV. Complaints

A. Complaints Received

NUMBER OF COMPLAINTS RECEIVED EACH YEAR

Fiscal Year	Number of Complaints Received	Percent of Change From Previous Year
2005	780	(17)
2006	770	(1.3)

B. Time Required to Resolve Complaints:

As of June 30 of each year of the previous biennium (i.e., June 30 of the current year and June 30 of last year):

	FY 05	FY 06
Less than 90 days	163	237
90 – 180 days	242	299
181 – 365	120	172
More than 365 days	<u>60</u>	<u>44</u>
Total resolved complaints:	621	716

C. Closed Complaints That Were Open for More Than 1 Year:

FY05	FY06
44	60

D. Number of Complaints Received Each Year by Occupation:

	AP	AT	PA	PY	RT	Other	MW	TM
FY 05	8	5	26	696	7	44	0	0
FY 06	6	0	22	694	7	39	0	4

E. Percentage of licensees who were the subject of complaints:

	AP	AT	PA	PT	PY	RT	MW	TM
FY 05	3.0	1.0	3.1	N/A	4.0	.5	0	0
FY 06	2.0	0	2.0	N/A	3.9	.4	0	2.3

F. Number of Open Complaints as of June 30 of Each Year:

FY05	FY06
465	507

G. SUMMARY OF COMPLAINTS BY SOURCE

<u>COMPLAINT SOURCE</u>	<u>#OF COMPLAINTS</u>		<u>% OF TOTAL</u>	
	<u>FY 05</u>	<u>FY 06</u>	<u>FY 05</u>	<u>FY 06</u>
BMP License Renewal Form	18	41	2.3	5.3
BMP Application Form	1	0	.13	0
BMP Staff; EX. Anonymous	34	54	4.4	7
BMP Non-Compliance with Order	2	1	.3	.1
Family Member	113	73	14.5	9.5
Patient	297	305	38.1	39.6
Third Party	35	26	4.5	3.4
Courts	0	1	0	.1
Professional Liability Settlements	103	106	13.2	13.8
Enforcement Agency	1	6	.1	.8
AGO	1	0	.1	.0
Peer Review Organization	0	0	0	0
Pharmacists	6	3	.8	.4
Federal DHHS	0	0	0	0
Medical Examiner/Coroner	0	1	0	.1
Department of Health	0	2	0	.3
HPSP	37	28	4.7	3.6
MN Health Related Boards	0	0	0	0
Police/Sheriff Dept.	0	1	0	.1
DHS	6	3	.8	.4
Drug Enforcement Agency	1	0	.1	0
OHFC	19	12	2.4	1.6
Medical Board Other-Federation-AMA	2	31	.3	4
Medical Societies	2	0	.3	0
Other Enforcement Agency	13	4	1.7	.5
Health Care Institution	25	28	3.2	3.6
Licensed Health Professional	72	41	9.2	5.3
PADS	0	0	0	0
Self-Report	<u>5</u>	13	.6	1.7
TOTAL	780	770		

H. <u>SUBJECTS OF COMPLAINTS</u>	<u>FY 05</u>	<u>FY 06</u>
D. Actions by another jurisdiction	15	53
G Incompetency/Unethical Conduct	579	638
K Unprofessional Conduct	685	606
L Illness	67	50
NJ Non-jurisdictional	26	18
O Medical Records	68	93
R Becoming Addicted	27	30
S Prescribing	194	182
T Sexual Misconduct	41	26
Miscellaneous	<u>276</u>	<u>167</u>
TOTAL	1,978	1,863

I. <u>CAUSES OF BOARD ORDER</u>	<u>FY 05</u>	<u>FY 06</u>
Illness	22	37
Chemical dependency	18	27
License disciplined (other state)	5	3
Billing practices	1	1
Unprofessional conduct	27	27
Sexual misconduct with a patient	9	9
Unethical conduct	26	28
Improper management of medical records	12	15
Convicted of felony related to practice of medicine	0	2
Prescribing	13	14
Aiding & abetting unlicensed person to practice medicine/failure to supervise	0	2
Violating a Board rule, Federal law, and/or state law related to the practice of medicine	3	4
Delinquent taxes/student loans	2	4
Reporting obligation/failure to cooperate	3	2
Reinstatement of unconditional Medical license failure to quality	23	23
Fee splitting	0	0
Adjudication as MI/CD	0	0
Revealed privileged communication	2	0
False advertising	<u>0</u>	<u>1</u>
TOTAL	143	199

J. TYPES OF BOARD ORDERS

	<u>FY 05</u>	<u>FY 06</u>
Amended order/civil penalty/restriction	31	26
Permanent/voluntary surrender	1	1
Reinstatement of unconditional license	23	23
Reprimand and civil penalty/restricted reprimand w/civil penalty/restricted reprimand/amended	6	14
Revoke license and revocation w/civil penalty	1	1
Stayed suspension/amended stayed	0	1
Suspended license including amended order	10	9
Temporary suspension	0	1
TOTAL ORDERS	72	76

K. COMPLAINT INVENTORY

Complaints on hand (6/30/06)	507
New complaints received (FY06)	770
Complaints dismissed/closed, including those resulting in Orders or Corrective Actions (06)	728
Complaints on hand (6/30/05)	465

L. EDUCATIONAL ACTIVITIES

	<u>FY 05</u>	<u>FY 06</u>
Corrective actions	5	12
Medical Coordinator Conferences	76	70
Complaint Review Committee Appearances which did not result in a Board Order	42	48