

**TRUE AND EXACT  
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA**

**BOARD OF MEDICAL PRACTICE**

In the Matter of the  
Medical License of  
Dexter D. Whittemore, M.D.  
Date of Birth: 4/21/1941  
License No.: 17,811

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Dexter D. Whittemore, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Gregory P. Bulinski, Bassford Remele, 33 South Sixth Street, Suite 3800, Minneapolis, Minnesota 55402-3707, telephone (612) 333-3000. The Committee was represented by Daphne A. Lundstrom, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 296-7575.

**FACTS**

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on July 3, 1967. Respondent is also licensed in California and Illinois. Respondent practices as a child, adolescent, and adult psychiatrist.

b. In September 2008, the Board received a complaint alleging that Respondent failed to maintain appropriate professional boundaries with an adult female patient. The Board initiated an investigation by the Minnesota Attorney General's Office which revealed that Respondent engaged in conduct with the patient that is sexual or reasonably interpreted by the patient as sexual.

c. During 2008, over a two month period of time, Respondent conducted three treatment sessions with the patient outside of a clinical setting. Respondent made physical advances toward the patient and engaged in verbal and electronic communications with the patient of a personal and sexual nature. When the patient did not return to Respondent for further treatment, Respondent did not: (1) formally sever his professional relationship with the patient, (2) generate a discharge summary for the patient's medical record, or (3) ensure that the patient's care was transferred to another provider.

d. On July 8, 2009, Respondent appeared before the Complaint Review Committee and admitted that he failed to maintain professional boundaries with the patient and expressed regret for his actions. Respondent stated he did not recognize and treat the patient's transference and did not recognize and manage his countertransference. Respondent also reported that, between October 2008 and January 2009, he had completed coursework in professional boundaries.

#### STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g), (k), and (t) (2008), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

## **REMEDY**

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further Order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an Order conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is **REPRIMANDED**.
- b. Respondent shall not engage in conduct which is sexual or may reasonably be interpreted by the patient as sexual.
- c. Respondent shall not provide treatment for patients or meet with patients outside of a hospital or clinical setting.
- d. Respondent shall practice in a group setting approved in advance by the Committee or its designee.
- e. Respondent shall obtain a supervising physician approved in advance by the Committee or its designee. Respondent shall meet at least monthly with the supervising physician to review his patient care. The supervising physician shall submit quarterly reports to the Board regarding Respondent's overall work performance. The supervising physician shall specifically note any questions or concerns and specifically indicate the nature of any concerns. Respondent is responsible for ensuring timely submission of all required reports.
- f. Respondent shall meet on a quarterly basis with a designated Board member or other Board designee. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member or Board designee. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings.

The purpose of such meetings is to review Respondent's progress under the terms of this Stipulation and Order.

g. Respondent shall pay a civil penalty of \$682.00 within six months of the date of this Order.

h. This Stipulation and Order shall remain in effect for a minimum of two years. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, including timely submission of required reports, the

Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.


10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: Oct 2, 2009

  
DEXTER D. WHITTEMORE, M.D.  
Respondent

Dated: 11-14-09

  
FOR THE COMMITTEE

**ORDER**

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 14th day of November, 2009.

MINNESOTA BOARD OF  
MEDICAL PRACTICE

By: 

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of the Medical License of Dexter D. Whittemore, M.D.  
License No. 17,811

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

TAMMIE L. REEVES, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 16, 2009, s/he caused to be served the STIPULATION AND ORDER, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first-class postage, and addressed to:

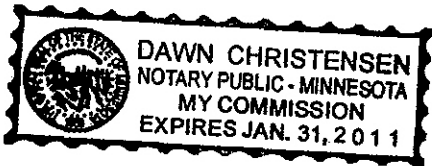
GREGORY P BULINSKI  
BASSFORD REMELE  
33 S SIXTH ST STE 3800  
MINNEAPOLIS MN 55402-3707

*Tammie L. Reeves*  
TAMMIE L. REEVES

Subscribed and sworn to before me on  
November 16, 2009.

*Dawn Christensen*  
NOTARY PUBLIC

AG: #2542518-v1



**BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE**

In the Matter of the  
Medical License of  
Dexter D. Whittemore, M.D.  
Year of Birth: 1941  
License Number: 17,811

**ORDER OF  
UNCONDITIONAL LICENSE**

The Minnesota Board of Medical Practice ("Board"), having convened on November 12, 2011, to review the petition of Dexter D. Whittemore, M.D. ("Respondent"), for reinstatement of an unconditional license to practice medicine and surgery, makes the following:

**FINDINGS OF FACT**

1. By Stipulation and Order dated November 14, 2009 ("Order"), Respondent's license to practice medicine and surgery in the State of Minnesota was conditioned based upon Respondent's unprofessional and unethical conduct, and conduct with a patient that was sexual or may reasonably be interpreted by the patient as sexual. In accordance with the Order, Respondent was reprimanded and required, in part, to refrain from engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual; refrain from providing treatment for patients or meeting patients outside of a hospital or clinical setting; practice in a pre-approved group setting; meet with a supervising physician on a monthly basis; meet with a designated Board member on a quarterly basis; and pay a civil penalty of \$682.00.

2. On September 27, 2011, the Board received a written petition from Respondent for consideration of an unconditional license.

3. On October 24, 2011, the Complaint Review Committee met to discuss Respondent's petition for reinstatement of an unconditional license. The Committee concluded



that Respondent had complied with the terms and conditions imposed on his license and recommended that the Board issue an unconditional license to practice medicine and surgery in the State of Minnesota.

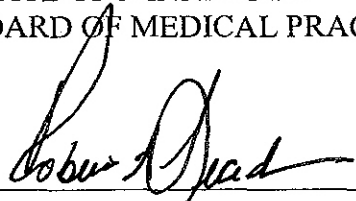
Based on the foregoing, the Board concludes that Respondent has complied with and fulfilled the Order issued by the Board on November 14, 2009, and hereby issues the following:

**ORDER**

IT IS HEREBY ORDERED that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon Respondent, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: November 12, 2011

STATE OF MINNESOTA  
BOARD OF MEDICAL PRACTICE

  
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AG: #2910325-v1

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of the Medical License of Dexter D. Whittemore, M.D.  
License No. 17,811

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

TAMMIE L. REEVES, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 14, 2011, s/he caused to be served the ORDER OF UNCONDITIONAL LICENSE, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first-class postage, and addressed to:

DEXTER D WHITTEMORE MD  
BEHAVIORAL HEALTH SERVICES LLC  
8085 WAYZATA BLVD STE 101  
GOLDEN VALLEY MN 55426

*Tammie L. Reeves*  
TAMMIE L. REEVES

Subscribed and sworn to before me on  
November 14, 2011.

*Deborah A. Bastyr*  
NOTARY PUBLIC

AG: #2914480-v1

