



MINNESOTA BOARD OF MEDICAL PRACTICE

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PUBLIC DOCUMENT

**TRUE AND EXACT
COPY OF ORIGINAL**

January 17, 2002

Thomas C. Winegarden, M.D.
18762 Erin Bay
Eden Prairie, MN 55347-2109

RE: Agreement for Corrective Action, Dated March 3, 2001

Dear Dr. Winegarden,

The Complaint Review Committee of the Minnesota Board of Medical Practice has reviewed your Corrective Action Agreement and documentation in support of satisfaction of those terms. The Committee concluded that the Agreement has been satisfied.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Leach".

Robert A. Leach
Executive Director

cc: James Tweedy
6526 Drew Avenue South
Edina, MN 55435

Peter J. Krieser
Assistant Attorney General

**TRUE AND EXACT
COPY OF ORIGINAL**

BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE

COMPLAINT REVIEW COMMITTEE

In the Matter of the Medical License of
Thomas C. Winegarden, M.D.
Birth Date: 12/30/55
License Number: 35,322

**AGREEMENT FOR
CORRECTIVE ACTION**

This agreement is entered into by and between Thomas C. Winegarden, M.D. ("Respondent"), and the Complaint Review Committee of the Minnesota Board of Medical Practice ("Committee") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a) (2000). Respondent has been advised by Board representatives that Respondent may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by James Tweedy, 6526 Drew Avenue South, Edina, Minnesota 55435, (612) 920-6748. The Board was represented by Assistant Attorney General, Peter J. Krieser, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575. Respondent and the Committee hereby agree as follows:

FACTS

1. This agreement is based upon the following facts:

a. Respondent has failed to maintain adequate patient records. Respondent's documentation is often illegible. Respondent has failed to document basic information in patient records including a treatment plan, medications and dosage prescribed, or rationale for the medication. Respondent's admission documentation is sketchy and non-specific. Respondent's discharge documentation is often missing, scant, or fails to include a discharge plan, a mental status examination or a description of the outpatient medications.

b. Respondent said he has attempted to improve his documentation, has reduced the number of patients he is treating, has recently contracted with a transcription service, and has recently obtained a voice activated dictation system.

2. On February 15, 2001, Respondent met with the Committee to discuss the information set forth in paragraph 1, above. Based on the discussion, the Committee views Respondent's conduct, as stated in paragraph 1a. as inappropriate under Minn. Stat. § 147.091, subd. 1(o) (2000), and Respondent agrees that the conduct cited in paragraph 1a. above constitutes a reasonable basis in law and fact to justify corrective action under these statutes.

CORRECTIVE ACTION

3. Respondent agrees to address the concerns referred to in paragraph 1 by taking the following corrective action:

a. Respondent shall successfully complete the following courses approved in advance by the Committee:

- 1) Medical records management, and
- 2) Penmanship.

The instructor of the medical records management course shall review Respondent's records to determine whether the voice activated dictation system Respondent utilizes is accurately transcribing his dictation. Successful completion shall be determined by the Committee or its designee and must be accomplished within one year from the date of this Agreement for Corrective Action.

4. The agreement shall become effective upon execution by the Committee and shall remain in effect until Respondent successfully completes the terms of the agreement. Successful completion shall be determined by the Committee. Upon Respondent's signature and the Committee's execution of the Agreement for Corrective Action, the Committee agrees to close the complaint(s) resulting in the information referred to in paragraph 1. Respondent understands and further agrees that if, after the matter has been closed, the Committee receives additional

complaints similar to the information in paragraph 1, the Committee may reopen the closed complaint(s).


5. If Respondent fails to complete the corrective action satisfactorily or if the Committee receives additional complaints similar to the allegations described in paragraph 1, the Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. chs. 147, 214, and 14. Failure to complete corrective action satisfactorily constitutes failure to cooperate under Minnesota Statutes section 147.131. In any subsequent proceeding, the Committee may use as proof of the allegations of paragraphs 1 and 2 Respondent's agreements herein.

6. Respondent understands that this agreement does not constitute disciplinary action. Respondent further understands and acknowledges that this agreement and any letter of satisfaction are classified as public data.

7. Respondent hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Respondent, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

Dated: 2/26/01

Dated: 3/3/01


THOMAS C. WINEGARDEN, M.D.
Respondent


FOR THE COMMITTEE

AFFIDAVIT OF SERVICE BY MAIL

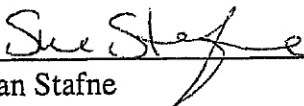
**RE: In the Matter of the License of Thomas C. Winegarden, M.D.
License No. 35,322**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Susan Stafne, being first duly sworn, deposes and says:

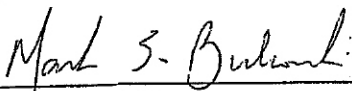
That at the City of St. Paul, County of Ramsey and State of Minnesota, on March 9, 2001, she served the attached **AGREEMENT FOR CORRECTIVE ACTION** by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first-class postage prepaid, and addressed to:

James Tweedy
6526 Drew Avenue South
Edina, MN 55435



Susan Stafne

Subscribed and sworn to before me
this 9th day of March, 2001.



Notary Public

