

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINN
BOARD OF MEDICAL EXAMINERS

In the Matter of the
Medical License of
Nancy A. Kermath, MD
Date of Birth: 1-1-50
License Number: 27,457

STIPULATION
AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Nancy A. Kermath, MD (hereinafter "Respondent"), and the Minnesota Board of Medical Examiners (hereinafter "Board") by Cassius M.C. Ellis, III, MD, President, as follows:

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

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Respondent has used alcohol since the age of 15. She identified herself as having a possible alcohol abuse problem at age 28, although it was not confirmed at that time. During the past two years, Respondent's alcohol consumption increased, and she has engaged in binge drinking. Respondent's escalated alcohol use resulted in a diagnosis of chemical dependency;

b. Respondent had been hospitalized at ages 18 and 24 for depression. In 1980 Respondent began taking Ritalin prescribed for a minimal brain dysfunction and, in 1988, Temazepam was prescribed for a sleep disorder;

c. On April 24, 1978, Respondent voluntarily admitted herself to St. Mary's Hospital, Chemical Dependency Night Program, Minneapolis, Minnesota, because of her concern that she may have been chemically dependent;

d. On March 10, 1981, Respondent was admitted to St. Mary's Rehabilitation Center with a diagnosis of acute schizophrenia, minimal brain dysfunction, and agitated condition with probable adult adjustment. Respondent was discharged on April 17, 1981, with a prescription for Ritalin and a recommendation that she participate in family and women's support groups. At the time of discharge, Respondent's physician charted that she was in complete remission from the psychosis. As a result of Respondent's treatment, she took a leave of absence from her residency in New York;

e. In September 1981 Respondent was being treated for manic-depressive disorder with Lithium and Norpramin;

f. Between 1982 and 1984, Respondent was accepted into and completed a psychiatry residency program in Minnesota, married and had a child. During this time she continued to use alcohol;

g. On August 23, 1987, Respondent was admitted to St. Mary's Rehabilitation Center for recurrent major depression, precipitated by the birth of her second child. Her discharge diagnosis was major affective disorder and recurrent major depression without psychosis;

h. On July 27, 1988, Respondent was admitted to Riverside Medical Center for increased symptoms of depression with suicidal ideation and discharged on the medications Nardil and Clonopin;

i. On November 14, 1988, Respondent was admitted to Riverside Medical Center for acute confusion due to renal failure. Renal failure resulted in elevated blood levels of caffeine, Chlordiazepoxide and

Diphenhydramine (Benadryl). Respondent was discharged without medications;

j. On November 21, 1988, Respondent was admitted to Riverside Medical Center for major affective disorder and increasing depression. Respondent was discharged on November 28, 1988 on the medication Prozac;

k. On February 27, 1989, Respondent was admitted to Hazelden's Womens' Program, Minneapolis, Minnesota an outpatient chemical dependency treatment program, and was discharged a month later;

l. On March 20, 1989, Respondent was admitted to Riverside Medical Center for drinking and increased depression and was discharged on March 30, 1989;

m. On July 4, 1989, Respondent was admitted to Riverside Medical Center due to a relapse which she attributed to the stress of her divorce proceedings and a custody battle for her children. Respondent joined the Outpatient Relapse Program at St. Mary's and attended AA meetings regularly;

n. On July 17, 1989, Respondent was admitted to Riverside Medical Center for "quite severe depression with suicidal ideation and a recent slip in her drinking." On July 18, 1989, Respondent was discharged to St. Mary's Hospital Relapse Program, which she completed;

o. In September 1989, Respondent was admitted as an inpatient at Riverside Medical Center with a diagnosis of Bipolar Effective Disorder, manic type and a history of chemical dependency. She was placed on Lithium. This hospitalization was following a manic episode in which she went binge shopping and, while driving her car, hit a truck;

p. At the point Respondent appeared before the Complaint Review Committee she was not employed in medicine;

q. Respondent has maintained sobriety since September 16, 1989. She attends a doctor's AA group at St. Mary's on a weekly basis. She also attends a manic-depressive support group in St. Louis Park and sees a psychiatrist for weekly therapy and medication monitoring.

3. The Board views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(l) (1988) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action;

4. 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 and restricting Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed by a treating physician or dentist who has been informed of Respondent's drug use history;

b. Respondent shall attend Alcoholics Anonymous meetings on a weekly basis. Quarterly reports shall be submitted to the Board from Respondent's Alcoholics Anonymous sponsor(s) regarding her attendance and progress;

c. Respondent shall regularly attend meetings of Physicians Serving Physicians on a monthly basis. Quarterly reports shall be submitted to the Board from Respondent's Physicians Serving Physicians sponsor(s) regarding her attendance and progress;

d. Respondent shall attend a Manic-Depressive Association support group on a monthly basis. Quarterly reports shall be submitted to the Board from another member of the Manic-Depressive Association regarding her attendance and progress;

e. Respondent shall see a psychiatrist approved by the Board Complaint Review Committee as often as the psychiatrist deems necessary. Monthly reports shall be submitted to the Board from the psychiatrist regarding the stability of Respondent's mental health, her sobriety, and her progress under the terms of this Stipulation And Order;

f. Respondent shall make arrangements with a supervising physician, approved by the Board Complaint Review Committee to order, without notice, random blood and urine tests of Respondent, but no less frequently than three urine screens and one blood screen a month. The blood and urine screens shall be:

- 1) Observed in their drawing;
- 2) Handled through legal chain of custody

methods;

- 3) Paid for by Respondent.

The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415, and shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. If the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of Calvin Bandt, MD, at Hennepin County Medical Center;

g. The supervising physician shall meet with Respondent on a monthly basis to review her progress under the terms of this Stipulation And Order and report to the Board the results of those tests and quality of Respondent's medical practice on at least a quarterly basis and immediately upon becoming aware of any evidence from these tests or otherwise that Respondent has used opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol;

h. Respondent shall meet on a quarterly basis with a designated Board member. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings shall be to review Respondent's progress under the terms of this Stipulation And Order;

i. Respondent shall limit her practice to a practice setting approved in advance by the Board Complaint Review Committee.

5. Within ten days of the date of this order, Respondent shall provide the Board with a list of all hospitals at which Respondent currently has medical privileges. The information shall be sent to Richard L. Auld, Board of Medical Examiners, Suite 106, 2700 University Avenue West, St. Paul, Minnesota 55114;

6. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Respondent to practice medicine and surgery in the State of Minnesota shall be suspended immediately upon written notice by the Board to Respondent, such a suspension to remain in full force and effect until Respondent petitions the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Respondent's license to practice medicine and surgery in the State of Minnesota after any such hearing;

7. 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;

8. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of 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;

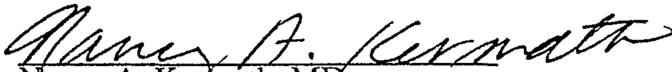
9. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter, and has been represented in these proceedings by legal counsel, Kuduk, Shoaps & Day, David G. Kuduk;

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;

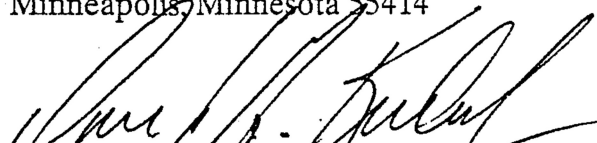
11. Respondent hereby acknowledges that she has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire

agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

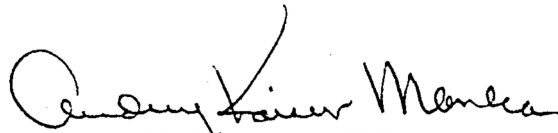
Dated: 6/27/90, 1990.


Nancy A. Kermath, MD
Respondent

810 Thornton Street, #1105
Minneapolis, Minnesota 55414


DAVID G. KUDUK
Attorney for Respondent

KUDUK, SHOAPS & DAY
2620 West 59th Street
Minneapolis, Minnesota 55410
Telephone: (612) 922-8363

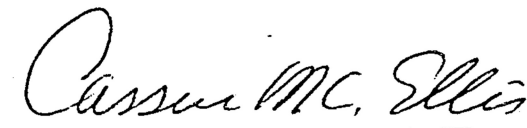

AUDREY KAISER MANKA
Attorney for Board

500 Capitol Office Building
525 Park Street
St. Paul, Minnesota 55103
Telephone: (612) 297-2040

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 7th day of July, 1990.

MINNESOTA BOARD OF
MEDICAL EXAMINERS

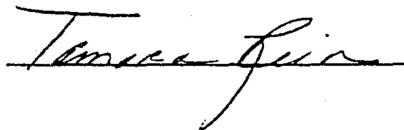

CASSIUS M. C. ELLIS, III, MD
President

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY

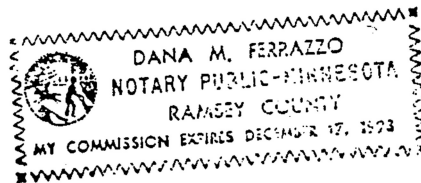
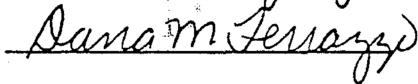
Tamara Rein, being first duly sworn upon oath, deposes and says:

That at the City of St. Paul, county and state aforementioned, on the 10th day of July, 1990, she served the attached STIPULATION AND ORDER by depositing in the United States mail at said city, two true and correct copies hereof, properly enveloped, with first class postage prepaid, and addressed to:

Mr. David Kuduk
2620 West 59th Street
Minneapolis, Minnesota 55410



Subscribed and sworn to before me
this 10th day of July, 1990.



Re: In the Matter of Nancy A. Kermath, MD
License No. 27,457