

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

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

**AMENDED
STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Nancy A. Kermath, 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 she holds a license to practice medicine and surgery in the State of Minnesota.

FACTS

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

a. Respondent has a history of manic-depressive disorder and chemical dependency to alcohol. On July 7, 1990, the Board issued a Stipulation and Order conditioning and restricting Respondent's license to practice medicine and surgery based on her mental illness and chemical dependency to alcohol. On November 14, 1992, Respondent was issued an Order for Unconditional License by the Board.

b. On June 3, 1994, the Board issued Respondent a Stipulation and Order conditioning and restricting her license to practice medicine and surgery based on her history of manic-depressive disorder and chemical dependency to alcohol. One of the terms of the order suspended Respondent's license for six months, stayed pending the outcome of a four to seven day, inpatient physical and mental evaluation with Richard Irons, M.D., Associate

Director, Talbott-Marsh Recovery Campus, Atlanta, Georgia. The nature, scope and duration of the evaluation were to be determined by the staff of Talbott-Marsh Recovery Campus, under the direction of Dr. Irons.

c. From June 19 to June 24, 1994, Respondent participated in the Professional Assessment Program at Anchor Hospital on the Talbott-Marsh Recovery Campus for the purpose of undergoing an inpatient physical and mental evaluation. Respondent was evaluated by an "Assessment Team" made up of an attending Psychiatrist, a psychologist and neuropsychologist, an addiction medicine consultant, a licensed social worker and Richard R. Irons, M.D. the Director of the Professional Assessment Program. In a report dated July 7, 1994, Dr. Irons provided the Board with the Assessment Team's conclusions and recommendations which resulted from the Assessment Team's evaluation of Respondent. The Team expressed concern about Respondent's past pattern of self-medication and her tendency to co-manage her care. The Team also questioned whether her AA attendance was at a level to be sufficiently beneficial. Finally, the Team expressed concern about Respondent's ability to address her recovery while working full-time as a psychiatrist. The Team recommended close observation of her medications and a reduction in her hours of work.

STATUTES

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(k), (l) (r) and (u) (1992) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action;

REMEDY

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 by amending

the Stipulation and Order approved June 3, 1994, which is hereby incorporated by reference, with the exception of paragraph 4, which is rescinded and replaced with the following:

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

b. Respondent shall limit her practice as a psychiatrist to a range of half-time to a maximum of three-quarter time for at least six months from the date the Board approves this Amended Stipulation and Order.

c. Respondent shall obtain a treating physician, approved in advance by the Complaint Review Committee or its designee, to monitor all medical or other care provided to Respondent by all health care professionals. Respondent shall provide all necessary records releases to enable Respondent's health care professionals to communicate with the treating physician pursuant to this paragraph. The treating physician shall provide quarterly reports to the Board summarizing medical or other care provided to Respondent and addressing Respondent's progress under any terms of this Stipulation and Order relating to Respondent's health status and recovery.

d. Respondent shall continue psychotherapy with a psychiatrist approved in advance by the Complaint Review Committee. Respondent shall meet with the therapist or psychiatrist a minimum of twice monthly for monitoring of her affective disorder and medications. The therapist or psychiatrist shall also manage and direct all aspects of Respondent's psychiatric treatment, including her medication regime. The therapist or psychiatrist shall provide quarterly reports to the Board and the treating physician addressing Respondent's progress under any terms of this Amended Stipulation and Order, including providing ongoing review of Respondent's workload, schedule, responsibilities and stress.

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

f. Respondent shall not prescribe or administer any prescription drug for Respondent's own use or for Respondent's family members' use.

g. Respondent shall be subject, without notice, to unannounced blood and urine tests at the request of Board staff or other Board designee at least twelve times per quarter. Blood and urine screens may be requested at any time. Respondent shall provide the requested sample within the time frame directed. The blood and urine screens shall be:

1) Collected and tested consistent with protocols established by a Board-designated laboratory;

2) Handled through legal chain of custody methods;

3) Paid for by Respondent.

h. The biological fluid collection and testing shall take place at a Board-designated laboratory as directed by the Board or its designee. Testing shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. The laboratory will provide test results directly to the Board and Respondent's treating physician. Ingestion of poppyseeds will not be accepted as a reason for a positive drug screen. At least one screen per quarter shall test to monitor Respondent's compliance with medication(s) prescribed for her bi-polar affective disorder.

i. Respondent shall attend meetings of a self-help program such as AA or NA in support of abstinence at least four times per week for six months from the date of this order. Respondent shall obtain at least one female sponsor. The sponsor(s) shall submit quarterly reports to the Board regarding Respondent's attendance and participation in the self-help meetings. At the end of six months, Respondent may petition the Committee to reduce the number of meetings attended. The Committee may reduce the number by its own Order.

j. Respondent shall attend monthly meetings of a professional support group such as PSP approved in advance by the Complaint Review Committee or its designee. Quarterly reports shall be submitted to the Board from Respondent's designated sponsor(s) regarding Respondent's attendance and participation in the professional support group.

k. Respondent shall attend meetings sponsored by the Minnesota Depressive and Manic-Depressive Association at least four times per month. Quarterly reports shall be submitted to the Board from Respondent's designated sponsor(s) regarding attendance and participation in these meetings.

l. Respondent shall provide to the Board and the treating physician a copy of any treatment or aftercare plan which is in effect at the time of execution of this Amended Stipulation and Order or which is modified or becomes effective during the time Respondent is subject to this Amended Stipulation and Order. The treatment or aftercare plan and any modifications to it shall be approved by the treating physician and shall include at least the following:

- 1) The treatment or aftercare plan activities;
- 2) The name, address, and telephone number for each provider of treatment or aftercare services.

m. The terms of any such treatment or aftercare plan or approved modification thereto, to the extent not superseded by this order, are herewith incorporated by reference. Failure to follow the plan or approved modification shall constitute violation of this order.

n. Upon request by the Board, Respondent shall sign releases authorizing the Board to obtain Respondent's medical, mental health or chemical abuse/dependency records from any treating professional or facility.

o. Respondent shall identify a work quality assessor who shall provide quarterly reports to the Board and to the treating physician regarding Respondent's overall work performance.

p. Respondent and a designated Board member or designee shall meet on a quarterly basis. It shall be Respondent's obligation to contact the designated Board member to arrange each of the meetings. The purpose of such meetings shall be to review Respondent's progress under the terms of this Amended Stipulation and Order.

q. After three years from the date of this Order, Respondent may petition the Complaint Review Committee to modify the terms of this paragraph 4, subparagraphs a-1. Respondent shall provide the Complaint Review Committee with documentation of compliance with the Order. The Complaint Review Committee, at its discretion and in consultation with the treating physician, may reduce the frequency of meetings, reports and biological fluid screens required by this Order.

r. This Amended Stipulation and Order will remain in effect for a minimum of five years from June 3, 1994. At the end of this period, Respondent may petition for reinstatement upon proof satisfactory to the Board of five years of documented, uninterrupted recovery. Upon hearing the petition, the Board may continue, modify or remove the conditions set out herein.

s. Upon Board approval of this Amended Stipulation and Order, Respondent shall provide the Board with the addresses and telephone numbers of Respondent's residence and all work sites. Within seven (7) days of any change, Respondent shall provide the Board with new address and telephone number information.

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 and a list of all states in which Respondent is licensed or has applied for licensure. The information shall be sent to the Board of Medical Practice, Suite 106, 2700 University Avenue West, St. Paul, Minnesota 55114.

6. It is Respondent's responsibility to ensure that all reports required to be filed with the Board pursuant to this Amended Stipulation and Order are timely filed by those preparing the reports. 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. The suspension shall remain in full force and effect until the Board terminates the suspension following a hearing on Respondent's petition to terminate. 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 chosen to be so represented.

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 amended stipulation and has voluntarily entered into the amended 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 amended stipulation.

Dated: _____, 1994

Nancy Kermath
NANCY A. KERMATH, M.D.
Respondent

Wm. C. Brooker, M.D.
FOR THE COMPLAINT REVIEW
COMMITTEE

Dated: September 7, 1994

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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 17th day of Sept, 1994.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: A. Ronald Roche

