

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Jeffrey A. Bucci, M.D.
Year of Birth: 1970
License No. 50,385

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Medical Practice (“Board”) on March 10, 2018, convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The following members of the Board were present: Christopher Burkle, M.D., J.D., FCLM; Irshad H. Jafri, M.B., B.S., FACP; Kelli Johnson, Ph.D.; Patricia J. Lindholm, M.D., FAAFP; Allen G. Rasmussen, M.A.; Kimberly W. Spaulding, M.D., M.P.H.; Maria K. Statton, M.D., Ph.D.; Jon V. Thomas, M.D., M.B.A.; Patrick R. Townley, M.D., J.D.; and Joseph R. Willett, D.O., FACOI. Noah Lewellen, Assistant Attorney General, appeared on behalf of the Board’s Complaint Review Committee. Jeffrey A. Bucci, M.D. (“Respondent”), did not appear. Gregory J. Schaefer, Assistant Attorney General, was present as legal advisor to the Board. Kelli Johnson, Ph.D.; Jon V. Thomas, M.D., M.B.A.; and Joseph R. Willett, D.O., FACOI, were members of the Complaint Review Committee (“Committee”) that initially reviewed this matter and therefore did not participate in deliberations or vote in the matter.

On October 18, 2017, the Committee served Respondent with a Notice and Order for Prehearing Conference and Hearing (“Notice of Hearing”). The Notice of Hearing informed Respondent that a prehearing conference was scheduled for December 8, 2017, and that he was

required to file a Notice of Appearance with the Court within 20 days of the date of the Notice of Hearing. The Notice of Hearing further notified Respondent that failure to appear at the prehearing conference could result in default findings being entered against Respondent and the allegations in the Notice of Hearing to be deemed true and proven.

The above-entitled matter came on for a prehearing conference on December 8, 2017, before Administrative Law Judge (“ALJ”) LauraSue Schlatter. Noah Lewellen, Assistant Attorney General, represented the Committee. Respondent made no appearance. The Committee requested entry of default pursuant to Minn. R. 1400.6000.

On December 22, 2017, the ALJ issued Findings of Fact, Conclusions of Law, and Recommendation Upon Default (“ALJ’s Report”), recommending the Board take disciplinary action against Respondent’s license. (A true and accurate copy of the ALJ’s Report, dated December 19, 2017, is attached hereto and incorporated herein as Exhibit A.)

Based on the testimony, records, and arguments in this matter, the Board makes the following:

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby accepts the ALJ’s Report and accordingly adopts and incorporates by reference the Findings of Fact therein.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following conclusions of law:

1. The Administrative Law Judge and the Board have the authority to conduct this contested case proceeding, to consider whether Respondent has violated provisions of Minnesota Statutes chapter 147, and to make findings, conclusions, and orders on that subject.

2. The Committee gave Respondent proper and timely notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of Minnesota law and rules.

3. The Board has reviewed the record of this proceeding and hereby accepts the ALJ's Report and accordingly adopts and incorporates by reference the Conclusions of Law therein.

4. Respondent failed to appear at the December 8, 2017, prehearing conference. Accordingly, the allegations in the Notice of Hearing are therefore taken as true and deemed proven that Respondent violated Minn. Stat. § 147.091, subd. 1(b) (renewing his license through fraud by providing a false answer on his renewal application), 147.091, subd. 1(d) (failing to report charges regarding his medical license brought in another state), 147.091, subd. 1(g) (engaging in unethical or improper conduct), 147.091, subd. 1(k) (engaging in conduct that departed from or failed to conform to the minimal standards of acceptable and prevailing medical practice), and 147.091, subd. 1(u) (failing to make a report to the Board or cooperate with an investigation of the Board).

5. As a result of the statutory violations set forth above, the Board has the power to take disciplinary action against Respondent's license as set forth in Minn. Stat. § 147.091.

6. Disciplinary action against Respondent's license is in the public interest.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

NOW, THEREFORE, IT IS HEREBY ORDERED that the license of Respondent to practice medicine in the State of Minnesota is disciplined as follows:

1. Respondent's license is INDEFINITELY SUSPENDED.
2. During the period of suspension, Respondent shall not in any manner practice medicine or surgery in Minnesota.
3. Respondent may petition for reinstatement of his license in Minnesota upon submission of satisfactory evidence that he is fit and competent to resume practice with reasonable skill and safety. Satisfactory evidence shall include, but is not limited to, written statements from all treating healthcare professionals, including but not limited to, chemical dependency counselors and primary care and mental health practitioners, that Respondent is fit and competent to resume practice with reasonable skill and safety to patients.
4. Respondent shall sign all necessary releases allowing the Board access to all medical, mental health, evaluation, therapy, chemical dependency, or other records from any treating health professional or evaluator. Respondent shall allow the Board or its designee to communicate with all treating health professionals.
5. Upon petitioning for reinstatement, Respondent shall appear before the Committee to discuss his petition and progress. Upon hearing Respondent's petition, the Committee may deny the petition or may recommend that the Board continue, modify, or remove the suspension or impose conditions or restrictions as deemed necessary.
6. Within ten days of receipt of this Findings of Fact, Conclusions, and Final 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. The information shall be sent to Ruth M. Martinez, Minnesota

Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500,
Minneapolis, Minnesota 55414-3246.

7. Respondent's violation of any part of this Order shall constitute grounds for further Board action under Minnesota Statutes section 147.091, subdivision 1(f) (2017 supp.).

Dated: 3-19-18

MINNESOTA BOARD OF
MEDICAL PRACTICE


PATRICIA J. LINDHOLM, M.D., FAAFP
President

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF MEDICAL PRACTICE

In the Matter of the Medical License of
J.B., M.D.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION
UPON DEFAULT**

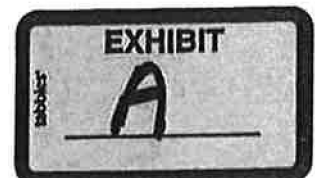
This matter came on for a prehearing conference before Administrative Law Judge LauraSue Schlatter on December 8, 2017.

Noah Lewellen, Assistant Attorney General, appeared on behalf of the Minnesota Board of Medical Practice (Board). There was no appearance by, or on behalf of, Respondent Jeffrey A. Bucci (Respondent).

During the December 8, 2017, prehearing conference, the Panel moved that a default recommendation be issued pursuant to Minn. R. 1400.6000 (2017) because there was no appearance by Respondent at the Prehearing Conference. Respondent did not file a response to the Panel's motion. The record in this matter closed on December 18, 2017.

STATEMENT OF THE ISSUES

1. Did the Licensee engage in conduct that falls within one or more of the following grounds for disciplinary action:
 - a. Renewal of his license through fraud by providing a false answer on his renewal application, in violation of Minn. Stat. § 147.091, subd. 1(b) (2016);
 - b. Failure to report any charges regarding his medical license brought in another state or jurisdiction, in violation of Minn. Stat. § 147.091, subd. 1(d) (2016);
 - c. Engaging in any unethical or improper conduct, in violation of Minn. Stat. § 147.091, subd. 1(g) (2016);
 - d. Engaging in conduct that departed from or failed to conform to the minimal standards of acceptable and prevailing medical practice, such that proof of actual injury need not be established, in violation of Minn. Stat. § 147.091, subd. 1(k) (2016);



e. Failure to make a report to the Board, as required by Minn. Stat. §147.111, subd. 4, or to cooperate with an investigation of the Board as required by Minn. Stat. § 147.131, in violation of Minn. Stat. § 147.091, subd. 1(u) (2016).

2. Is the imposition of discipline against the Licensee's license in the public interest?

SUMMARY OF RECOMMENDATION

The Administrative Law Judge concludes that Respondent is in default and recommends that the allegations in the Notice and Order for Prehearing Conference and Hearing (Notice and Order for Hearing) be accepted as true and deemed proven.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On October 18, 2017, a Notice and Order for Hearing in this matter was mailed to Respondent at his last known address.¹

2. The Notice and Order for Hearing indicated that a prehearing telephone conference would be held in this matter on December 8, 2017, at 9:30 a.m.

3. In conformity with Minn. R. 1400.5700 (2017), the Notice and Order for Hearing requires that any party intending to "appear at the prehearing conference and hearing must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service" of the Notice and Order for Hearing.²

4. In conformity with Minn. R. 1400.6000, the Notice and Order for Hearing in this matter also includes the following statement:

Your failure to appear at the prehearing conference, settlement conference, or hearing may result in a finding that you are in default. A default means that the allegations contained in this Notice of Hearing may be taken as true or deemed proved without further evidence needing to be presented. If the allegations are taken as true or deemed proved, the Committee may recommend disciplinary action, which may be imposed by the full Board.³

5. Respondent did not file a Notice of Appearance with the undersigned.

¹ Attachment A at Affidavit of Service.

² *Id.* at 6.

³ *Id.*

6. No one appeared at the December 8, 2017, prehearing telephone conference on behalf of Respondent. No request was made for a continuance, nor was any communication received by the undersigned from Respondent prior to the December 8, 2017, prehearing telephone conference.

7. Respondent's failure to appear at the prehearing conference was without consent of the Administrative Law Judge.

8. Because Respondent failed to appear at the prehearing conference, Respondent is in default.

9. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice and Order for Hearing, appended hereto as Attachment A, are taken as true, deemed proven without further evidence, and incorporated by reference into these Findings of Fact.

Based on the Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Minnesota Board of Medical Practice and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50 and 214.10 (2016).

2. The Respondent received timely and proper notice of the prehearing conference in this matter when the Board sent the Notice and Order for Hearing to his last known address.

3. The Board has complied with all relevant procedural requirements of statute and rule.

4. Under Minn. R. 1400.6000, the Respondent is in default as a result of his failure to appear at the scheduled prehearing conference.

5. Under Minn. R. 1400.6000, when a party defaults by failing to appear at a prehearing conference without the prior consent of the judge, the allegations and the issues set out in the Notice and Order for Prehearing Conference and Hearing may be taken as true and deemed proven. The Administrative Law Judge therefore deems the allegations to be true.

6. Minn. Stat. § 147.141 (2016) provides that the Minnesota Board of Medical Practice may discipline a licensee who engages in conduct that violates the rules or law applicable to a licensee.

7. Based upon the allegations contained in the Notice and Order for Hearing, the Board has grounds to take disciplinary action against the Respondent's license.

8. An order by the Board taking disciplinary action against the Respondent's license is in the public interest.

Based upon the foregoing Conclusions of Law, the Administrative Law Judge makes the following:

RECOMMENDATION

The Administrative Law Judge recommends that the Minnesota Board of Medical Practice take disciplinary action against the license of Jeffrey A. Bucci.

Dated: December 19, 2017



LAURASUE SCHLATTER
Administrative Law Judge

Reported: Default

NOTICE

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. The Board may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61 (2016), the Board shall not make a final decision until this Report has been made available to the parties to the proceeding for at least ten calendar days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact Ruth Martinez, Executive Director of the Minnesota Board of Medical Practice, Suite 400, 2829 University Avenue SE, Minneapolis, Minnesota 55414, (612) 548-2149, to ascertain the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and the Administrative Law Judge of the date the record closes. If the Board fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2016). In order to comply with this statute, the Board must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline imposed.

Under Minn. Stat. § 14.62, subd. 1 (2016), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first-class mail or as otherwise provided by law.

ATTACHMENT A

~~17 OCT 19 11 07 AM~~
THIS DOCUMENT IS NOT PUBLIC

OAH Docket No. 80-0903-34776

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF MEDICAL PRACTICE

In the Matter of the
Medical License of
Jeffrey A. Bucci, M.D.
Year of Birth: 1970
License No. 50,385

**NOTICE AND ORDER FOR
PREHEARING CONFERENCE
AND HEARING**

TO: Jeffrey A. Bucci, M.D. ("Respondent"), 26 Partridge Lane, Boxford, Massachusetts 01921; North Shore Psychiatry Center, LLC, 100 Conifer Hill Drive, Suite 501, Danvers, Massachusetts 01923

NOTICE

1. **A CONTESTED CASE HEARING REGARDING YOUR LICENSE WILL BE HELD AT A DATE AND TIME TO BE DETERMINED AT THE PREHEARING CONFERENCE SCHEDULED BELOW.** The Minnesota Board of Medical Practice ("Board") Complaint Review Committee ("Committee") has initiated this contested case proceeding to determine whether it should impose discipline against your license. A contested case hearing is a trial-like proceeding that is held before an administrative law judge. The Committee's allegations against you are listed below. Do not throw these papers away. They are official papers that affect your rights. You have the right to contest the allegations and to provide evidence, testimony, and argument at the Hearing.

2. **YOU MUST APPEAR FOR THE PREHEARING CONFERENCE AND THE HEARING TO PROTECT YOUR RIGHTS.** The Prehearing Conference is an opportunity for you to ask any questions you may have and to schedule deadlines. The Hearing is your opportunity to tell your side of the story and to challenge the Committee's allegations. A Notice of Appearance form is enclosed with this Notice. You must sign and send the Notice of Appearance to the Office of Administrative Hearings within 20 days of the date of this Notice. You must also send the Notice of Appearance to the Committee's attorney.

3. **YOU MAY LOSE YOUR CASE IF YOU DO NOT APPEAR FOR THE PREHEARING CONFERENCE OR THE HEARING.** You are required to appear for the Prehearing Conference and the Hearing. If you do not appear, the Committee will ask the judge to find you in default. A default means that the judge could deem the allegations contained in this Notice to be true and proven, which would allow the Board to take disciplinary action against your license.

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4. **YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER.** You may wish to get legal help from a lawyer. A lawyer may be able to advise you of your rights and to represent you at the Hearing. If you do not have a lawyer, the Office of Administrative Hearings may have information about places where you can get legal assistance. Helpful information is available on the Office of Administrative Hearings' website at <http://mn.gov/oah/administrative-law/contestedcases>. The website helps describe the "contested case hearing" process and provides sample forms for your reference. **Even if you cannot get legal help, you must still appear for the Hearing or you may lose your case.**

ORDER

IT IS HEREBY ORDERED that a prehearing telephone conference will be held on **December 8, 2017 at 9:30 a.m.** To participate in the prehearing telephone conference, dial 1-888-742-5095, and enter conference code **8055960270#**. The Office of Administrative Hearings is located at 600 North Robert Street, St. Paul, MN 55101, telephone (651) 361-7900.

The Chief Administrative Law Judge of the Office of Administrative Hearings has assigned this matter to LauraSue Schlatter, Administrative Law Judge. **The Administrative Law Judge may be contacted by mail at P.O. Box 64620, St. Paul, Minnesota 55164-0620, or through the Administrative Law Judge's assistant Lisa Armstrong at (651) 361-7888 or lisa.armstrong@state.mn.us.**

The purpose of the hearing is to determine whether the facts in this matter, if proven by a preponderance of the evidence, constitute a violation of the Minnesota Medical Practice Act, entitling the Board to impose disciplinary action against Licensee's license.

The date, time, and location of the hearing will be decided by the Administrative Law Judge at the prehearing conference. The hearing will follow the contested case procedures stated in Minnesota Statutes sections 14.57 to 14.62 and in Minnesota Rules 1400.5010 to 1400.8400. Minnesota Statutes sections 148.171 to 148.285, 214.10, and 214.103 may also apply to this proceeding. These laws are available on the internet at www.revisor.mn.gov. A copy of these materials may also be purchased from the Minnesota Book Store, telephone (651) 297-3000.

The attorney for the Committee, Noah Lewellen, Assistant Attorney General, may be contacted if you have any questions regarding the process or to discuss settlement options as follows:

Noah Lewellen
Assistant Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131
(651) 757-1420

BACKGROUND

1. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on January 12, 2008. Respondent is board-certified in family medicine and psychiatry. Respondent is also licensed to practice medicine in the State of Massachusetts under Registration and License Number 238671.

ALLEGATIONS

2. On May 20, 2015, the Massachusetts Board of Registration of Medicine ("Massachusetts Board") received a complaint alleging that Respondent impermissibly altered a patient's medical record. Respondent was made aware of the complaint by certified mail on July 2, 2015. The complaint was dismissed by the Massachusetts Board on December 22, 2015.

3. On September 13, 2015, Respondent submitted his annual Application for Physician License Renewal to the Board. On his renewal application, Respondent answered "No" to the following question: "Since your last renewal, have you been notified of any investigations by any state medical board, medical society, or any hospital of any complaints against you relative to the practice of medicine, or have you been reprimanded or censured by any medical society or licensing board?"

4. On October 25, 2016, Respondent signed a Voluntary Agreement Not To Practice Medicine with the Massachusetts Board, with an effective date of November 3, 2016 ("Massachusetts Agreement"). The Board received notification of the Massachusetts Agreement in January 2017.

5. Under the terms of the Massachusetts Agreement, Respondent agreed to cease his practice of medicine in the Commonwealth of Massachusetts until such time that the Massachusetts Board determines that the Massachusetts Agreement should be modified or terminated; or until the Massachusetts Board takes other action against Respondent's license to practice medicine; or until the Massachusetts Board takes final action. A copy of the Massachusetts Agreement is incorporated by reference herein and is attached hereto as Exhibit A.

6. On October 13, 2016, Respondent submitted his annual Application for Physician License Renewal to the Board. On his renewal application, Respondent again answered "No" to the question, "Since your last renewal, have you been notified of any investigations by any state medical board, medical society, or any hospital of any complaints against you relative to the practice of medicine or have you been reprimanded or censured by any medical society or licensing board?"

7. In January and February 2017, the Board sent several requests to Respondent, by U.S. Mail and electronic mail, asking for additional information regarding the Massachusetts Agreement. Respondent did not respond to any of the Board's inquiries.

8. In September 2017, the Board received information from the Massachusetts Board regarding an ongoing investigation into Respondent's practice at the North Shore Psychiatric Center ("NSPC") in Massachusetts. While employed at NSPC, the following occurred:

a. Respondent invited a social worker to join his practice at NSPC in early 2012 or 2013. Some of the social worker's clients were also patients of Respondent's. In March 2016, Respondent removed personal items belonging to the social worker from the social workers' office. Respondent refused to return the social worker's personal items until the social worker called Respondent personally. As a result of Respondent's actions, at least one client meeting with the social worker was canceled. The social worker left NSPC shortly thereafter.

b. In early 2016, Respondent hired his girlfriend, a nurse practitioner, to work at NSPC. Another physician at NSPC fired the nurse practitioner from the clinic after discovering Respondent's relationship with the nurse practitioner and identifying questionable billing practices by the nurse practitioner.

c. In July 2016, another physician at NSPC ("Physician 1") confronted Respondent about clinic staffing and Respondent's alcohol use. Respondent yelled at Physician 1, and a staff member heard what sounded like people pushing one another. When Respondent emerged from the room, he had a scratch on his lip. NSPC canceled Respondent's remaining patients that day.

d. In August 2016, NSPC received a phone call from a patient stating that Physician 1's profile on NSPC's website had been hacked. Physician 1's profile had been edited to state that Physician 1 suffered from PTSD and instead of going for treatment Physician 1 takes it out on Physician 1's patients. Respondent was responsible for editing the content of NSPC's website.

e. In July and August 2016, Respondent purchased a motorcycle vacation trip, women's clothing, and a home entertainment system on NSPC's office credit card.

f. Patients were routinely required to book appointments with Respondent at least three months in advance. Throughout 2016, Respondent canceled patients' appointments with little or no notice to the patient. For example:

i. In the spring of 2016, Respondent canceled a patient's appointment and then walked by the patient in the parking lot of the clinic without speaking to the patient. Also in the spring of 2016, Respondent canceled a patient's appointment as the patient was walking into the clinic.

ii. In August 2016, Respondent sent a text message to the clinic and instructed that his appointments for the next week be canceled because he was checking himself into the hospital.

iii. On October 20, 2016, Respondent sent a text message to NSPC's receptionist to cancel his appointments stating he was checking himself into the hospital for the next month.

g. In the summer of 2016, Respondent failed to appear at work as scheduled. Respondent's mother and sister found Respondent distraught with syringes on a nearby table. Respondent stated the syringes were for vitamin B12 shots for himself and for treatments for his pet Chihuahua.

h. On September 9, 2016, the police were called to conduct a welfare check on Respondent after he sent a text message to a coworker/family member, and mentioned a knife to the throat. The police reported Respondent appeared fine and told the police he was going to work. Respondent did not present to work on September 9, 2016.

i. On October 16, 2016, Respondent instructed a staff member at NSPC to direct patients who were providing payment by check to write checks made out to Respondent, rather than to NSPC. Respondent also directed patients to use a credit card machine in his office, rather than the credit card machine used generally by NSPC.

ISSUES

Whether the foregoing conduct constitutes one or more of the following grounds for disciplinary action:

1. Respondent's renewal of his license through fraud by providing a false answer on his renewal application, in violation of Minnesota Statutes section 147.091, subdivision 1(b).
2. Respondent's medical license being revoked, suspended, restricted, limited, or subject to other disciplinary action in another state or jurisdiction, and failure to report any charges regarding his medical license brought in another state or jurisdiction, in violation of Minnesota Statutes section 147.091, subdivision 1(d).
3. Respondent's engaging in any unethical or improper conduct, in violation of Minnesota Statutes section 147.091 subdivision 1(g).
4. Respondent's engaging in conduct that departed from or failed to conform to the minimal standards of acceptable and prevailing medical practice in which case proof of actual injury need not be established, in violation of Minnesota Statutes section 147.091, subdivision 1(k).
5. Respondent's failure to make a report to the Board, as required by Minnesota Statutes section 147.111, subdivision 4, or to cooperate with an investigation of the Board as required by Minnesota Statutes section 147.131, in violation of Minnesota Statutes section 147.091, subdivision 1(u).

ADDITIONAL NOTICE

1. Your failure to appear at the prehearing conference, settlement conference, or hearing may result in a finding that you are in default. A default means that the allegations contained in this Notice of Hearing may be taken as true or deemed proved without further evidence needing to be presented. If the allegations are taken as true or deemed proved, the Committee may recommend disciplinary action, which may be imposed by the full Board.

2. If you have good cause for requesting a delay of the prehearing conference or hearing, your request must be made in writing to the Administrative Law Judge at least five days prior to the prehearing conference or hearing. A copy of the request must be served on the Committee.

3. If you attend to appear at the prehearing conference and hearing, you must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice. A copy must be served on the Board's Committee attorney. A Notice of Appearance form is enclosed.

4. At the hearing, all parties have the right to be represented by a lawyer, by themselves, or by a person of their choice (if not prohibited as the unauthorized practice of law). The parties are entitled to ask the Administrative Law Judge to issue subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense.

5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. If data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2. The Board's disciplinary hearings shall be closed to the public in accordance with Minn. Stat. § 148.181, subd. 3.

6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (651) 361-7900.

7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge assign a mediator so that mediation can be scheduled promptly.

8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (651) 361-7900.

9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at P.O. Box 64620, St. Paul, MN 55164-0620, or call (651) 361-7900 (voice) or (651) 361-7878 (TTY).

10. You may review the laws that apply to this process on the internet by going to www.revisor.mn.gov. The laws that govern the Contested Case Proceeding are contained in Minnesota Statutes sections 14.57 to 14.62 and in Minnesota Rules 1400.5010 to 1400.8400. The laws regulating the profession of medicine are contained in Minnesota Statutes chapter 147. You may also find helpful information by going to the Office of Administrative Hearings' website at <http://mn.gov/oah/administrative-law/contestedcases>. If you have any other questions, you may contact the Committee's attorney.

Dated this 17th day of October, 2017.

COMPLAINT REVIEW COMMITTEE OF
THE BOARD OF MEDICAL PRACTICE

By: Rudolph Martin

