

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Nancy A. J. Kermath, M.D.
Year of Birth: 1950
License Number: 27,457

**STIPULATION AND ORDER
FOR INDEFINITE SUSPENSION**

IT IS HEREBY STIPULATED AND AGREED, by and between Nancy Ann Johnson 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.

2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of this right, Respondent knowingly waived her right to counsel. The Committee was represented by Kathleen M. Ghreichi, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101, (651) 757-1490.

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 January 8, 1983. Respondent is Board certified in psychiatry.

b. Respondent has a history of mental health and substance use disorders, which have led to numerous Board orders.

c. On July 30, 2018, the Board issued Findings of Fact, Conclusions, and Final Order ("2018 Order") after Respondent took a medication prescribed to a patient and was arrested for driving while impaired. The 2018 Order required Respondent to participate in the Health Professionals Services Program ("HPSP") and comply with all terms and conditions of her HPSP Participation Agreement.

d. Beginning in March 2019, the Board received reports that Respondent was non-compliant with the terms of her HPSP Participation Agreement.

e. The Board initiated an investigation which revealed that Respondent is facing health concerns that impact her ability to practice medicine and meet her obligations to maintain her Minnesota license to practice medicine and surgery.

f. On October 14, 2019, the Committee reviewed the matter and decided to offer Respondent this Stipulation and Order.

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 (l) (inability to practice medicine due to illness) (2018), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under this statute.

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

- a. Respondent's license is **INDEFINITELY SUSPENDED**.
 - b. During the period of suspension, Respondent shall not, in any manner, practice medicine and surgery in Minnesota.
 - c. Respondent may petition for reinstatement of her unconditional license upon submission of satisfactory evidence that she is fit and competent to resume practice with reasonable skill and safety to patients.
 - d. Upon petitioning for reinstatement, Respondent shall appear before the Complaint Review Committee to discuss her petition and fitness to resume practice. Upon hearing her petition, the Committee may recommend that the Board continue, modify, or remove the suspension or impose conditions or restrictions as deemed necessary.
 - e. Respondent shall sign all necessary releases allowing the Board access to all records, including medical, mental health, or substance use evaluation, therapy, or other treatment records from any provider or evaluator.
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. The information shall be sent to the Executive Director, 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 her 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, 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: 11/18/2019

Dated: 11-9-19


NANCY A. J. KERMAH, M.D.
Respondent


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 13~~th~~ day of November, 2019.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

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