

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of
the Medical License of
Stephen R. Setterberg, M.D.
Year of Birth: 1957
License Number: 36051

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Stephen Roger Setterberg, 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 he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Anthony J. Novak, Larson · King, LLP, 2800 Wells Fargo Place, 30 East Seventh Street, Suite 2800, Saint Paul, Minnesota 55101. The Committee was represented by Daniel S. Schueppert, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101.

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 9, 1993. Respondent is board certified in psychiatry and child and adolescent psychiatry.

b. In July 2023, the Board received a complaint that alleged Respondent convinced Patient #1 to relocate to Minnesota for treatment with promises of improved diagnostics, general care, supervised gender affirming hormone therapy (“GAHT”) and transcranial magnetic stimulation therapy (“TMS”). Specifically, it was alleged:

i. Respondent met Patient #1 for psychoanalytic sessions.

ii. In March 2022, Patient #1 began receiving care in Minnesota. Patient #1’s TMS treatment was inappropriately delayed for 11 weeks.

iii. Respondent failed to competently provide Patient #1 with the promised level of care. Patient 1’s GAHT was incorrectly administered, not subject to proper medical supervision, and was not documented in Patient #1’s medical record.

iv. Respondent failed to fill Patient #1’s prescriptions and prescribed the wrong dosage.

c. In his written response to the allegations, Respondent indicated the following:

i. Respondent initially provided counseling to Patient #1 via an international online counseling platform to Patient #1 while Patient #1 was located outside of Minnesota. Respondent maintained handwritten notes for Patient #1’s counseling sessions.

ii. Respondent began prescribing Patient #1 medications in April 2020.

iii. Respondent arranged for Patient #1 to come to the United States. Respondent also arranged, through his clinic, to provide lodging and TMS therapy to Patient #1, with the understanding that Respondent could publish an anonymized case study of the results of a course of Patient #1's TMS therapy.

iv. Respondent discussed gender dysphoria with Patient #1 on and off for more than a year. Respondent agreed to initiate Patient #1's GAHT treatment after Patient #1 had already relocated to Minnesota.

d. On January 5, 2024, the Committee met with Respondent to discuss the allegations. Respondent stated he provided information to Patient #1 about how to contact providers in the location where Patient #1 was residing for treatment, prior to Respondent assuming care of Patient #1 in 2020. Respondent recognized he failed to properly manage records related to his medical care to Patient #1, including Respondent's failure to create an acceptable medical record for what services and treatments Respondent provided to Patient #1. Respondent reflected on his errors related to his care of, and professional boundaries with, Patient #1, and discussed strategies Respondent intends to use in the future to help prevent similar issues in his practice. Respondent realizes he was overzealous in his involvement with Patient #1. The Committee discussed 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 Minnesota Statutes section 147.091, subdivision 1(g) (engaged in unethical or improper conduct), (k) (engaged in conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing medical practice), (o) (improper management of medical records), and (s) (inappropriate prescribing). 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, the Board may make and enter a disciplinary order conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is **REPRIMANDED**.
- b. Within six months of the date of this Order, Respondent shall complete the

following pre-approved courses:

- i. Professional Boundaries;
- ii. Medical Ethics;
- iii. Prescribing and Pharmacology for gender dysphoria; and
- iv. Medical Records Management.

c. Within nine months of completion of the above-reference coursework, Respondent shall write and submit a paper, for review and approval by the Committee, discussing what he has learned from the coursework and how he has implemented the knowledge into his practice;

d. Respondent may petition for reinstatement of an unconditional license upon submission of satisfactory evidence demonstrating completion of the terms and conditions of this Order. Upon reviewing his petition, the Committee, at its sole discretion, may recommend the Board continue, modify, or remove the conditions set out herein.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all of Respondent's residences and work sites. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Executive Director, Minnesota Board of Medical Practice, 335 Randolph Avenue, Suite 140, St. Paul, Minnesota 55102.

7. 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.

8. 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.

9. 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.

10. 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: 3.25.2024

Dated: May 17, 2024



STEPHEN R. SETTERBERG, 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 11th day of May, 2024.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 