

**BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE**

**COMPLAINT REVIEW COMMITTEE**

In the Matter of the  
Medical License of  
Michael J. Feldman, M.D.  
Date of Birth: 04/14/1944  
License Number: 24,197

**AGREEMENT FOR  
CORRECTIVE ACTION**

This agreement is entered into by and between Michael J. Feldman, M.D. ("Respondent"), and the Complaint Review Committee of the Minnesota Board of Medical Practice ("Committee") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a) (2000). Respondent has been advised by Board representatives that Respondent may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Gregory P. Bulinski, Bassford, Lockhart, Truesdell & Briggs, P.A., 3550 Multifoods Tower, 33 South Sixth Street, Minneapolis, Minnesota 55402-3787, telephone (612) 333-3000. The Committee was represented by Ruth E. Flynn, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2131, telephone (651) 296-7575. Respondent and the Committee hereby agree as follows:

**FACTS**

1. This agreement is based upon the following facts:
  - a. On February 12, 2001, Respondent saw patient #1, aged 9 years, whose psychiatric care was being transferred from a provider in out-state Minnesota. Respondent's clinical nurse specialist ("CNS") conducted an intake interview and evaluation and documented patient #1 had a history of neglect, and physical and sexual abuse by adult males, and was currently prescribed Depakote, Zoloft, Adderall, and Trazodone. The CNS's final impression of patient #1 was attention deficit-hyperactivity disorder, reactive attachment disorder, and mood

disorder NOS. Following the CNS's evaluation, Respondent met with patient #1 and her foster mother, reviewed the available information, and adjusted patient #1's psychotropic medications.

b. On March 30, 2001, Respondent saw patient #1 for a second time. In the presence of patient #1's foster mother and with her permission, Respondent conducted a neurological and physical examination of patient #1 in his office, which was not an examination room. For part of the examination, Respondent requested patient #1 remove her clothing. Respondent did not have a drape or gown available to provide to patient #1 because he generally did not perform complete physical examinations.

c. On June 6, 2001, Respondent again saw patient #1 in the presence of her foster mother and performed another neurological and physical examination of patient #1 in his office. Patient #1 was unclothed for part of the examination.

d. During an interview with the Board's investigator, Respondent stated that because patient #1 was very small (44 pounds) and was being treated with multiple psychotropic medications, it was necessary to follow her more closely for signs of medication toxicity. Respondent stated Depakote and selective serotonin reuptake inhibitor medications, such as Zoloft, have been known to affect platelet formation, which can lead to clotting disorders. Respondent stated he examined patient #1 unclothed because he needed to examine all areas of her skin to check for petechiae, which would indicate a possible toxic side effect from Depakote. Respondent also stated he believed he could reduce the need for drawing frequent Depakote (VPA) blood levels by performing a thorough skin examination. Respondent acknowledged he was aware of patient #1's history of sexual abuse and stated he performed the physical examinations on patient #1 as an act of goodwill and as a favor to the foster mother. Because Respondent appeared unduly concerned about inconveniencing the foster mother, concern was raised that Respondent had failed to recognize the existence of transference.

e. Following Respondent's physical examinations, patient #1 reportedly exhibited increased oppositional behavior and anxiety.

### **STATUTES**

2. On January 11, 2002, Respondent appeared before the Committee to discuss the information set forth in paragraph 1, above. Based on the discussion, the Committee views Respondent's conduct as inappropriate under Minn. Stat. § 147.091, subd. 1(g) and (k) (2000), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify corrective action under these statutes.

### **CORRECTIVE ACTION**

3. Respondent agrees to address the concerns referred to in paragraph 1 by completing a professional boundaries training course, approved in advance by the Committee, within six months from the date of this agreement.

4. The agreement shall become effective upon execution by the Committee and shall remain in effect until Respondent successfully completes the terms of the agreement. Successful completion shall be determined by the Committee. Upon Respondent's signature and the Committee's execution of the Agreement for Corrective Action, the Committee agrees to close the complaint(s) resulting in the information referred to in paragraph 1. Respondent understands and further agrees that if, after the matter has been closed, the Committee receives additional complaints similar to the information in paragraph 1, the Committee may reopen the closed complaint(s).

5. If Respondent fails to complete the corrective action satisfactorily or if the Committee receives additional complaints similar to the allegations described in paragraph 1, the

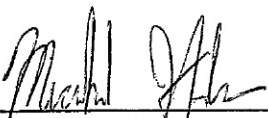
Committee may, in its discretion, reopen the investigation and proceed according to Minn. Stat. chs. 147, 214, and 14. Failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 147.131. In any subsequent proceeding, the Committee may use as proof of the allegations of paragraphs 1 and 2 Respondent's agreements herein.

6. Respondent understands that this agreement does not constitute disciplinary action. Respondent further understands and acknowledges that this agreement and any letter of satisfaction are classified as public data.

7. Respondent hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Respondent, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

Dated: 2/11/02, 2002

Dated: 3-8, 2002

  
\_\_\_\_\_  
MICHAEL J. FELDMAN, M.D.  
Respondent

  
\_\_\_\_\_  
FOR THE COMMITTEE

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of the Medical License of Michael J. Feldman, M.D.  
License No. 24,197

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

TAMMIE L. REEVES, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on March 12, 2002, s/he caused to be served the AGREEMENT FOR CORRECTIVE ACTION, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first-class postage, and addressed to:

GREGORY P BULINSKI  
BASSFORD LOCKHART TRUESDELL  
& BRIGGS PA  
3550 MULTIFOODS TOWER  
33 S SIXTH ST  
MINNEAPOLIS MN 55402-3787

Tammie L. Reeves  
TAMMIE L. REEVES

Subscribed and sworn to before me

this 12<sup>th</sup> day of March, 2002.

Sandra A. Bush

NOTARY PUBLIC  
AG: 556205, v. 01



SANDRA A. BUSH  
NOTARY PUBLIC - MINNESOTA  
MY COMMISSION EXPIRES  
JANUARY 31, 2005



# MINNESOTA BOARD OF MEDICAL PRACTICE

University Park Plaza 2829 University Avenue SE Suite 400 Minneapolis, MN 55414-3246

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MN Relay Service for Hearing Impaired (800) 627-3529

## PUBLIC DOCUMENT

August 14, 2002

Michael J. Feldman, M.D.  
3800 Park Nicollet Boulevard  
St. Louis Park, MN 55416

RE: Agreement for Corrective Action, Dated March 08, 2002

Dear Dr. Feldman:

The Complaint Review Committee of the Minnesota Board of Medical Practice has reviewed your Corrective Action Agreement and documentation in support of satisfaction of those terms. The Committee concluded that the Agreement has been satisfied.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Leach".

Robert A. Leach  
Executive Director

cc: Gregory P. Bulinski  
Bassford, Lockhart, Truesdell & Briggs  
33 South 6th Street, Suite 3550  
Minneapolis, MN 55402-3787

Ruth E. Flynn  
Assistant Attorney General