



February 14, 2022

Dear Representative Liebling,

On behalf of the Minnesota Medical Association (MMA) and its more than 11,000 member physicians, residents, and medical students, I am writing to share our concerns with the Minnesota Board of Medical Practice's (BMP)'s proposal to expand their authority to impose a civil penalty to "discourage similar violations."

This is an unreasonable expansion of the BMP's authority and allows for ultimate discretion in determining the penalty amount. Currently the BMP can only impose a civil penalty to recoup ill gotten gains or to recoup the cost that the BMP has incurred in investigating the licensee. These two penalty authorities are limited by their nature and do not allow for the BMP to exhibit any discretion in their determination of a penalty amount. By contrast, this proposal has no stated constraints on the BMP, other than a large cap of \$10,000.

The BMP has not articulated what the problem is that this additional authority is attempting to solve, nor has the BMP provided a compelling reason for the need for this authority. The fact that most other health licensing boards in the state have this authority is not a compelling reason to impose this change on the licensees of the BMP. The MMA is unconvinced that patient safety is advanced in any meaningful way as a result of this penalty authority expansion and our opposition is limited to this portion of the BMP's proposal.

Thank you for your consideration of our concerns.

Sincerely,

Randy Rice, MD
President
Minnesota Medical Association