

**TRUE AND EXACT  
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE  
COMPLAINT REVIEW COMMITTEE**

In the Matter of the  
Medical License of  
James R. Eelkema, M.D.  
Year of Birth: 1953  
License Number: 26,056

**AGREEMENT FOR  
CORRECTIVE ACTION**

This agreement is entered into by and between James R. Eelkema, 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) (2012). 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 James F. Dunn, 180 Grand Oak Conference Center I, 860 Blue Gentian Road, Eagan, Minnesota 55121, (651) 365-5118. The Board was represented by Kermit N. Fruechte, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575. Respondent and the Committee hereby agree as follows:

**FACTS**

1. This Agreement is based upon the following facts:
  - a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on April 3, 1981. Respondent is board-certified in family medicine.
  - b. In August 2012, the Board received a complaint alleging that Respondent inappropriately prescribed narcotics for his patients, failed to adequately monitor his patients' medication regimens, and failed to recognize drug seeking behaviors in his patients. The Board initiated an investigation by the Attorney General's Office, including an audit of Respondent's

practice, which revealed concerns regarding Respondent's patient care, documentation, and prescribing practices and procedures.

2. On July 9, 2013, Respondent met with the Complaint Review 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(k) (unprofessional conduct), (o) (failure to maintain adequate medical records), and (s) (inappropriate prescribing practices) (2012), 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 taking the following corrective action:

a. Respondent shall successfully complete the following coursework, approved in advance by the Complaint Review Committee or its designee, within one year of the date of this Agreement:

- 1) Chemical dependency awareness.
- 2) Chronic pain management.
- 3) Medical records management.
- 4) Boundaries related to prescribing.

Successful completion shall be determined by the Board or its designee.

b. Following successful completion of the coursework referenced above, and within one year of the date of this Agreement, Respondent shall write and submit a paper, for review and approval by the Complaint Review Committee or its designee, discussing what he

has learned from the required coursework and how he has implemented the knowledge into his practice.

c. Within one year of the date of this Agreement, Respondent shall develop, and submit for Committee approval, a written protocol for the management and tracking of controlled substance prescriptions.

d. Within one year of the date of this Agreement, Respondent shall develop, and submit for Committee approval, a controlled substance agreement to be used with all chronic pain patients.

4. This 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.

5. Upon Respondent's satisfactory completion of the Agreement for Corrective Action, the Committee agrees to issue a letter of satisfaction to Respondent and dismiss the complaint(s) referred to in paragraph 1. Respondent agrees that the Committee shall determine satisfactory completion. Respondent understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to the information in paragraph 1, the Committee may reopen the dismissed complaint(s).

6. 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 Minnesota Statutes section 147.131. In any subsequent proceeding, the

Committee may use as proof of the allegations of paragraphs 1 and 2 Respondent's agreements herein.

7. 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.

8. 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: 10/31/13

  
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JAMES R. EELKEMA, M.D.

Respondent

Dated: 10-18-13

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

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of the Medical License of James R. Eelkema, M.D.  
License No. 26,056

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

KATHLEEN DAVIS, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on November 19, 2013, 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:

The Law Office of James F. Dunn, P.A.  
180 Grand Oak Office Center 1  
860 Blue Gentian Road  
Eagan, MN 55121

  
KATHLEEN DAVIS

Subscribed and sworn to before me on  
November 19, 2013.

  
NOTARY PUBLIC

