

**TRUE AND EXACT
COPY OF ORIGINAL**

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
James R. Eelkema, M.D.
Date of Birth: 2/7/1953
License No.: 26,056

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between James R. Eelkema, 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 James F. Dunn, 860 Blue Gentian Road, Suite 180, Eagan, Minnesota 55121, telephone (651) 365-5118. The Committee was represented by Daphne A. Lundstrom, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 296-7575.

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 April 3, 1981. Respondent is board-certified in family medicine.

b. Respondent began treating patient #1, who had a history of chronic low back pain, hepatitis C, depression, anxiety, and chemical dependency, in 1997. Between 1997 and 2007, Respondent treated patient #1 for a variety of ailments, including but not limited to neck pain, disk disease, and wrist fracture. Over this time, Respondent intermittently prescribed opiate pain medications.

c. On May 31, 2007, Respondent and patient #1 met at a location outside of Respondent's office setting and engaged in sexual conduct. On the same day, Respondent authorized a prescription for narcotics for the patient but failed to document the prescription in the clinic record.

d. On November 12, 2009, Respondent appeared before the Complaint Review Committee and acknowledged his misconduct with patient #1.

e. On May 4, 2010, after significant settlement negotiation, the Complaint Review Committee initiated a contested case at the Office of Administrative Hearings. On December 15, 2010, the Committee moved for partial summary disposition, which was granted on January 13, 2011. The parties now agree that this matter may be resolved by 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(g), (k), and (t), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

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 conditioning and restricting 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 successfully complete a professional boundaries course, approved in advance by the Committee or its designee. Successful completion shall be determined by the Board or its designee.
- c. Respondent shall not engage in conduct which is sexual or may reasonably be interpreted by the patient as sexual.
- d. Respondent shall not provide treatment for or meet with patients outside of a hospital or clinical setting.
- e. Respondent shall practice in a setting approved in advance by the Committee or its designee.
- f. Respondent shall meet on a quarterly basis with a designated Board member or other Board designee. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member or Board designee. It shall be Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings is to review Respondent's progress under the terms of this Stipulation and Order.

g. Respondent shall pay a civil penalty of \$5,577.80 within six months of the date of this Order.

h. This Stipulation and Order shall remain in effect for a minimum of one year. At the end of this period, Respondent may petition for reinstatement of an unconditional license. Upon hearing the petition, the Board may 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 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 and all 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 Robert A. Leach, 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 his 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, including timely submission of required reports, 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: 3/31/2011

Dated: 4/14/11


JAMES R. EELKEMA, M.D.
Respondent

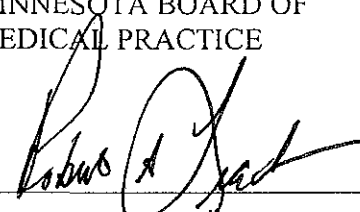

FOR THE COMMITTEE

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 14th day of May, 2011.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

AG: #2797060-v1

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)

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 May 16, 2011,
s/he caused to be served the STIPULATION AND ORDER 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:

JAMES F DUNN
ATTORNEY AT LAW
860 BLUE GENTIAN RD STE 180
EAGAN MN 55121

Tammie L. Reeves

TAMMIE L. REEVES

Subscribed and sworn to before me on
May 16, 2011.

Deborah A. Bastyr
NOTARY PUBLIC

AG: #2823567-v1

