

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

In the Matter of the
Medical License of
Dr. Axel F. K. Grothey
Year of Birth: 1962
License Number: 48,136

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Dr. Axel Franz Kurt Grothey ("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 John M. Degnan, Briggs and Morgan, 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, (612) 977-8660. At the conference, the Committee was represented by Karen D. Olson, Deputy Attorney General. The Committee is currently represented by Kathleen M. Ghreichi, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota, 55101, (651) 757-1490.

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 November 12, 2005.

b. In March and May 2018, the Board received complaints alleging that Respondent had multiple unethical sexual relationships with colleagues.

c. Based upon the complaints, the Board initiated an investigation into Respondent's conduct. The investigation revealed the following:

i. Respondent was a mentor to Colleague #1 while Colleague #1 was a fellow at the hospital. In the second year of Colleague #1's fellowship, the relationship between Respondent and Colleague #1 became sexual.

ii. Respondent was a mentor to Colleague #2 when they began a sexual relationship. Colleague #2 ended the relationship and asked Respondent to cease contact. Respondent continued and sent a gift to Colleague #2's home.

iii. The employer conducted an internal investigation which found Respondent's "pattern of conduct demonstrated a failure on his part to establish and maintain appropriate professional boundaries with people who viewed him as a mentor." The employer concluded that Respondent violated multiple policies and impacted the employment of the colleagues. Respondent resigned his employment after an employment committee recommended that he be terminated.

d. On June 10, 2019, Respondent met with the Committee to discuss his conduct. Respondent acknowledged that his sexual relationship with Colleague #1 was a "mistake" and that he enhanced Colleague #1's career through the work they did together. Respondent acknowledged having a sexual relationship with Colleague #2 and that he had sexual relationships with other coworkers. Respondent stated that he is serving as a mentor in his current employment.

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) (engaged in unethical or improper conduct), and 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, Respondent does hereby consent that the Board may make and enter an Order disciplining Respondent and 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 successfully complete the following pre-approved coursework:
 - i. Professional boundaries, and
 - ii. Professional ethics.
- c. Respondent shall pay a civil penalty in the amount of \$10,316.90 for the cost of the investigation.
- d. Upon submission of satisfactory evidence demonstrating completion of the coursework and civil penalty terms and conditions of this Order, Respondent may petition for reinstatement of an unconditional license.

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. The information shall be sent to the Executive Director, 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, 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: 02/07/20

A Grothey
DR. AXEL F. K. GROTHEY
Respondent

Dated: 3-14-20

[Signature]
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 March, 2019.
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MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

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