TRUE AND EXACT BEFORE THE MINNESOTA COPY OF ORIGINAL

## BOARD OF MEDICAL PRACTICE

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/65 License Number: 37,358 STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Savina Ghelfi, 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 she holds a license to practice medicine and surgery in the State of Minnesota.
- 2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Respondent has knowingly and expressly waived that right. The Committee was represented by Peter J. Krieser, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

### **FACTS**

- 3. For the purpose of this Stipulation, the Board may consider the following facts as true:
- a. Respondent has been licensed by the Board since September 17, 1994, and practices in the field of child and adolescent psychiatry.

- b. Respondent's alcohol problems began in June 1990, when she was "medicating" her depression with alcohol and would binge drink on hard liquor. Respondent received therapy for one year, was prescribed an antidepressant, attended a substance abuse group for professionals, and had an individual substance abuse counselor from February through December 1991. As of early December 1999, Respondent had not attended AA or abstained from alcohol since December 1991.
- c. On November 30, 1999, Respondent was arrested and charged with Driving While Intoxicated ("DWI") after an implied consent test showed a 0.10 blood alcohol level.
- d. On December 10, 1999, Respondent self-reported to the Health Services Professionals Program ("HPSP"). The HPSP intake assessment concluded that Respondent's diagnosis was consistent with alcohol abuse and major depressive disorder, in remission. On January 26, 2000, Respondent entered into a Participation Agreement and Monitoring Plan with HPSP for monitoring of her chemical dependency recovery. The terms included abstinence from alcohol.
- e. On February 28, 2000, Respondent underwent a mental health/chemical dependency evaluation, which diagnosed Respondent with Adjustment Disorder with depression and a history of alcohol abuse.
- f. On May 22, 2000, Respondent was again arrested and charged with a DWI. Respondent's implied consent test showed a blood alcohol level of 0.23.
- g. On June 26, 2000, HPSP amended Respondent's Monitoring Plan to require that she refrain from practice until she begins chemical dependency treatment. Respondent began treatment on July 31, 2000.

- h. On November 13, 2000, HPSP was notified that Respondent had completed her primary outpatient chemical dependency treatment and was participating in an aftercare program.
- i. On November 29, 2000, Respondent saw a patient for medication management and stumbled when escorting the patient to her office. During the session, Respondent slumped in her chair, failed to take notes, repeatedly seemed to lose her focus, and laughed inappropriately. Respondent then failed to see another a client scheduled at 4:00 p.m. At 5:00 p.m., Respondent was found, unresponsive, on the floor of her office. An empty liquor bottle was found in Respondent's desk drawer. Respondent was placed on an administrative leave of absence from work.
- j. On November 30, 2000, HPSP amended Respondent's Monitoring Plan to require that she refrain from practice until approved to return to work by her treating psychiatrist.
- k. In December 2000, Respondent denied to her psychiatrist that she had been drinking alcohol when she was found unconscious on her office floor with an empty liquor bottle in the office.
- l. During the dinner hour on December 19, 2000, Respondent accepted a telephone call from a patient's parent and discussed the patient's care, in violation of the HPSP requirement that she not practice. Respondent fell asleep twice during the telephone call.
  - m. Respondent self-reported that she drank alcohol on January 7, 2001.
- n. Respondent met with the Complaint Review Committee on January 25, 2001. Respondent admitted having consumed the liquor from the liquor bottle found in her desk drawer on November 29, 2000, and acknowledged that she is chemically dependent.

### **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(1) and (r) (1998), 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 shall obtain a treating physician, approved in advance by the Committee or its designee, to monitor and/or manage all medical or other care provided to Respondent by all health care professionals. Respondent shall undergo a comprehensive physical examination by the treating physician. The treating physician shall provide a summary of the physical examination findings to the Board. Respondent shall provide all necessary records releases to enable Respondent's health care professionals to communicate with the treating physician pursuant to this paragraph. The treating physician shall provide quarterly reports to the Board or its designee summarizing medical or other care provided to Respondent and addressing Respondent's progress under any terms of this Stipulation and Order relating to Respondent's health status and recovery.

- b. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed and/or approved by a physician or dentist who has first been informed of Respondent's drug use history.
- c. Respondent shall not prescribe or administer any prescription drug or drug sample for Respondent's own use or for Respondent's family members' use.
- d. Respondent shall be subject, without notice, to unannounced blood and urine tests at the request of Board staff, or other Board designee, at least 12 times per quarter. Blood and urine screens may be requested at any time and shall include weekends. Respondent shall provide the requested sample within the timeframe directed. The blood and urine screens shall be:
- 1) Collected and tested consistent with protocols established by a Board-designated laboratory;
  - 2) Handled through legal chain of custody methods; and
  - 3) Paid for by Respondent.

The biological fluid collection shall take place as directed by Board staff or other designee. Testing shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. The laboratory will provide test results directly to the Board or its designee and Respondent's treating physician. Ingestion of poppyseeds will not be accepted as a reason for a positive drug screen.

e. Respondent shall attend meetings of a self-help program such as AA or NA in support of abstinence at least three times per week. Quarterly reports shall be submitted to the Board or its designee from Respondent's designated sponsor(s) regarding attendance and participation.

- f. Respondent shall attend monthly meetings of a professional support network such as PSP approved in advance by the Committee or its designee. Quarterly reports shall be submitted to the Board or its designee from Respondent's designated sponsor(s) regarding Respondent's attendance and participation.
- g Respondent shall provide to the Board and to the treating physician a copy of any treatment or aftercare plan which is in effect at the time of execution of this Stipulation and Order, or which is modified or becomes effective during the time Respondent is subject to this Stipulation and Order. The treatment or aftercare plan and any modifications to it, shall be approved by the treating physician and shall include at least the following:
  - 1) The treatment or aftercare plan activities;
- 2) The name, address, and telephone number for each provider of treatment or aftercare services.

The terms of any such treatment or aftercare plan or approved modification thereto, to the extent not superseded by this Order, are herewith incorporated by reference. Failure to follow the plan shall constitute violation of this Order.

- h. Upon request by the Board, Respondent shall sign releases authorizing the Board or its designee to obtain Respondent's medical, mental health, or chemical abuse/dependency records from any treating professional or facility.
- i. Respondent shall identify a work quality assessor who shall provide quarterly reports to the Board or its designee and to the treating physician regarding Respondent's overall work performance.
- j. Respondent shall receive therapy from a psychiatrist or therapist approved in advance by the Committee or its designee. The therapist or psychiatrist shall submit quarterly

reports to the Board or its designee regarding Respondent's diagnosis and progress in therapy.

Termination of therapy shall be at the recommendation of the approved therapist, with the approval of the treating physician and the Committee.

- k. Respondent shall meet on a quarterly basis with a designated Board member or other Board designee. It shall be Respondent's obligation to contact the designated Board member to arrange each of the meetings. The purpose of such meetings shall be to review Respondent's progress under the terms and conditions of this Stipulation and Order.
- l. No sooner than one year from the date of this Order, Respondent may petition, in writing, for reduced monitoring. Upon petition, the Committee, at its discretion and in consultation with the treating physician, may reduce the frequency of required meetings, reports and/or biological fluid screens required by this Order.
- m. This Stipulation and Order will remain in effect for a minimum of three years from the date of this Order. At the end of this period, Respondent may petition for reinstatement of an unrestricted license upon proof, satisfactory to the Board, of a minimum of four years of documented, uninterrupted recovery. Upon hearing the petition, the Board may continue, modify or remove the conditions set out herein.
- 6. Within ten (10) days of the date of this Stipulation and 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 (7) days of any change, Respondent shall provide the Board with new address and telephone number information. The information shall be sent to Robert A.

Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 400, 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 her 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 she 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: 2/28/01 12001

Dated: 3/10, 2001

SAVINA GHELFI, M.I

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 10th day of 1 www, 2001.

MINNESOTA BOARD OF

MEDICAN PRACTICE

By:

AG: 453122,v. 01

### AFFIDAVIT OF SERVICE BY MAIL

Re: In the Matter of the Medical License of Savina Ghelfi, M.D. License No. 37,358

STATE OF MINNESOTA	) ) ss
COUNTY OF RAMSEY	)

Susan Stafne, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on March 13, 2001, she served the attached STIPULATION AND ORDER by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first-class postage prepaid, and addressed to:

PERSONAL AND CONFIDENTIAL Savina Ghelfi, M.D. 5332 Halifax Avenue South

5332 Halifax Avenue South Edina, Minnesota 55424

Susan Stafne

Subscribed and sworn to before me this 13th day of March, 2001.

Notary Public

MARK S. BUKOWSKI
NOTARY PUBLIC - MINNESOTA
NOT COMMISSION EXPIRES
JANUARY 31, 2005

TRUE AND EXACT
COPY OF ORIGINAL

### BEFORE THE MINNESOTA

### BOARD OF MEDICAL PRACTICE

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/65 License Number: 37,358

AMENDED STIPULATION AND ORDER FOR INDEFINITE SUSPENSION

IT IS HEREBY STIPULATED AND AGREED, by and between Savina Ghelfi, 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 she holds a license to practice medicine and surgery in the State of Minnesota.
- 2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Respondent has chosen Gregory Bulinski, Esq., 3550 Multifoods Tower, Minneapolis, Minnesota 55402, (612) 333-3000, as her attorney. The Committee was represented by Peter J. Krieser, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

### **FACTS**

- 3. For the purpose of this Stipulation, the Board may consider the following facts as true:
- a. Respondent has been licensed by the Board since September 17, 1994, and practices in the field of child and adolescent psychiatry.

- b. Respondent has a history of chemical dependency. On March 10, 2001, the Board approved a Stipulation and Order, attached hereto as Exhibit 1. The Order includes terms and conditions for monitoring Respondent's chemical dependency recovery and requires, in part, that Respondent abstain completely from alcohol and all mood altering chemicals. Monitoring of Respondent's recovery is conducted by Health Professional Services Program ("HPSP"), as the Board's designee.
- c. On March 21, 2001, the Board received the following information concerning Respondent's recent relapse with alcohol:
- 1) On February 7, 2001, Respondent was discharged from an inpatient chemical dependency treatment program. On or about February 12, 2001, Respondent resumed drinking alcohol, which she consumed approximately every five to six days until March 18, 2001.
- 2) On February 14, 2001, two members of Respondent's PSP group detected alcohol on her breath during a group meeting.
- 3) On February 22, 2001, Respondent informed an in-take person at the facility, where she had received treatment, that she had consumed alcohol and was feeling disappointed in herself and dysphoric. Respondent admitted she had relapsed with alcohol a few days after completing chemical dependency treatment and consumed alcohol every five to six days since treatment.
- 4) On March 21, 2001, Respondent admitted to her HPSP case manager that she had relapsed.

5) On March 22, 2001, Respondent admitted to the Board's investigator that she had relapsed, and that her last consumption of alcohol occurred on March 18, 2001. Respondent stated she "can't turn it off," and "needs help."

### **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(f), (l) and (r) (2000), 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 amending Respondent's March 10, 2001, Stipulation and Order suspending Respondent's license to practice medicine and surgery in the State of Minnesota. The March 10, 2001, Stipulation and Order is incorporated by reference in its entirety, with the exception of paragraph 5, which is rescinded and replaced with the following language:
  - a. Respondent's license is **INDEFINITELY SUSPENDED**.
- b. During the period of suspension, Respondent shall not in any manner practice medicine and surgery in Minnesota.
- c. Respondent may petition for reinstatement upon submission of satisfactory evidence of the following:

- 1) Respondent's treating physician shall provide a report satisfactory to the Committee that Respondent is fit and competent to resume the practice of medicine with reasonable skill and safety to patients;
- 2) Upon acceptance by the Committee of the treating physician's report, Respondent shall undergo a comprehensive evaluation through an evaluator designated by the Board or its designee. Respondent shall pay all costs associated with the evaluation.
- d. Respondent shall sign all necessary releases allowing the Board access to all medical, mental health, evaluation, therapy, chemical dependency, or other records from any treating or evaluating health professional or facility. Respondent shall allow the Board or its designee to communicate with all treating or evaluating health professionals and facilities.
- e. Following receipt by the Board of the evaluation report, Respondent shall appear before the Complaint Review Committee to discuss her petition, progress in recovery, and the evaluation report. Upon hearing Respondent's petition, the Committee may recommend that the Board continue, modify or remove the suspension, or impose conditions or restrictions as deemed necessary.
- 6. Within ten days of the date of 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. Within seven (7) 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 400, 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 her residence. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended license in Minnesota.
- 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 she 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: <u>5/4/</u> , 2001	Dated: 5-12, 2001
Saine True	Joseph R. Willettno Forcas
SAVINA GHELFI, 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  $12\pi$  day of  $12\pi$ , 2001.

MINNESOTA BOARD OF

MEDICAL PRACTICE

By:

### AFFIDAVIT OF SERVICE BY MAIL

Re: In the Matter of the Medical License of Savina Ghelfi, M.D. License No. 37,358

STATE OF MINNESOTA ) ss. COUNTY OF RAMSEY )

Susan Stafne, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on May 14, 2001, she served the attached AMENDED STIPULATION AND ORDER FOR INDEFINITE SUSPENSION by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first-class postage prepaid, and addressed to:

Gregory Bulinski, Esq. 3550 Multifoods Tower Minneapolis, MN 55402

Susan Stafne

Subscribed and sworn to before me this 14th day of May, 2001.

Notary Public

MARK S. BUKOWSKI NOTARY PUBLIC - MINNESOTA MY COMMISSION EXPIRES JANUARY 31, 2005 TRUE AND EXACT BEFORE THE MINNESOTA COPY OF ORIGINAL BOARD OF MEDICAL PRACTORY OF ORIGINAL

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/65

License Number: 37,358

SECOND AMENDED STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Savina Ghelfi, M.D. ("Respondent"), and 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 she holds a license to practice medicine and surgery in the State of Minnesota.
- 2. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Respondent has chosen Gregory Bulinski, Esq., 3550 Multifoods Tower, Minneapolis, Minnesota 55402, (612) 333-3000, as her attorney. The Committee was represented by Peter J. Krieser, Assistant Attorney General, 1400 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, (651) 296-7575.

### **FACTS**

- 3. For the purpose of this Stipulation, the Board may consider the following facts as true:
- a. Respondent has been licensed by the Board since September 17, 1994, and practices in the field of child and adolescent psychiatry.

- b. Respondent has a history of chemical dependency. On March 10, 2001, the Board approved a Stipulation and Order, attached hereto as Exhibit 1. The Order included terms and conditions for monitoring Respondent's chemical dependency recovery and required, in part, that Respondent abstain completely from alcohol and all mood-altering chemicals. Respondent's recovery was monitored by the Health Professionals Services Program ("HPSP"), as the Board's designee.
- c. On February 7, 2001, Respondent was discharged from an inpatient chemical dependency treatment program. On or about February 12, 2001, Respondent relapsed to alcohol use.
- d. On March 22, 2001, Respondent admitted to the Board's investigator that she had relapsed, and that her last consumption of alcohol occurred on March 18, 2001.
- e. On May 12, 2001, the Board approved an Amended Stipulation and Order, attached hereto as Exhibit 2, that indefinitely suspended Respondent's license until such time as she could satisfactorily demonstrate that she was fit and competent to resume practice and had completed a comprehensive evaluation through a Board-designated evaluator.
- f. On October 4, 2001, the Board received a letter from Respondent's treating psychiatrist stating her opinion that Respondent was capable of resuming practice, with continued monitoring of her chemical dependency recovery.
- g. Beginning on November 5, 2001, Respondent underwent a comprehensive evaluation at Rush Behavioral Health Center in Illinois. Evaluators documented the following diagnoses:

Axis I Alcohol Dependency in partial sustained remission

History of Adjustment Disorder with depressed mood

Axis II Eating Disorder NOS, in remission

Recommendations made by the evaluators included the following:

- 1) Respondent's chemical dependency recovery should continue to be monitored.
- 2) Respondent should continue in AA, caduceus, and aftercare (as deemed necessary by her aftercare providers).
- 3) Respondent should be allowed to return to practice in 2002 on a part-time basis, no more than 20 hours per week for at least six months.
- 4) Respondent's employer(s) should be made aware of her history and be willing to provide monitoring reports.
- 5) Respondent should be placed on Antabuse or Naltrexone by her treating psychiatrist.
- 6) Respondent should continue psychotherapy and medication management with her treating psychiatrist.
- h. On December 20, 2001, Respondent appeared before the Committee to discuss the evaluation reports and other progress in recovery.

### STATUTES

4. The Board views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(i) and (r) (2000) and Respondent agrees that the conduct described in the Stipulation and Order incorporated herein constitutes a reasonable basis in law and fact to justify the disciplinary action.

### 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 amending the Stipulation and

Order issued May 12, 2001. The May 12, 2001 Stipulation and Order is incorporated by reference in its entirety, with the exception of paragraph 5, which is rescinded and replaced with the following language:

Respondent's license is reinstated under the following terms and conditions:

- a. Respondent shall obtain a treating primary care physician, approved in advance by the Complaint Review Committee or its designee, to monitor and/or manage all medical or other care provided to Respondent by all health care professionals. Respondent shall provide all necessary records releases to enable Respondent's health care professionals to communicate with the treating physician pursuant to this paragraph. The treating physician shall provide quarterly reports to the Board summarizing medical or other care provided to Respondent, as well as addressing Respondent's progress under any terms of this Stipulation and Order relating to Respondent's health status;
- b. Respondent shall abstain from alcohol and all mood-altering chemicals unless they are prescribed and/or approved by a physician or dentist who has first been informed of Respondent's drug use history;
- c. Respondent shall not prescribe or administer any prescription drug or drug sample for Respondent's own use or for Respondent's family members' use;
- d. Respondent shall be subject, without notice, to unannounced blood and/or urine tests at the request of Board staff, or other Board designee, at least 12 times per quarter, including weekends. Blood and urine screens may be requested at any time. Respondent shall provide the requested sample within the timeframe directed. The blood and urine screens shall be:

- 1) Collected and tested consistent with protocols established by a Board-designated laboratory;
  - 2) Handled through legal chain-of-custody methods;
  - 3) Paid for by Respondent.

The biological fluid collection shall take place as directed by Board staff or other Board designee. Testing shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. The laboratory will provide test results directly to the Board and to Respondent's treating physician. Ingestion of poppyseeds will not be accepted as a reason for a positive screen;

- e. Respondent shall attend meetings of a self-help program (e.g. AA/NA) at least three times per week. Quarterly reports shall be submitted to the Board from Respondent's designated sponsor(s) regarding attendance and participation;
- f. Respondent shall attend monthly meetings of a professional support network (e.g. PSP) approved by the Complaint Review Committee or its designee. Quarterly reports shall be submitted to the Board from Respondent's designated sponsor(s) regarding attendance and participation;
- g. Respondent shall obtain a treating psychiatrist, approved in advance by the Complaint Review Committee or its designee, to provide medication management, as necessary, and to oversee Respondent's overall mental health status. The treating psychiatrist shall provide quarterly reports to the Board or its designee, and to the treating physician regarding Respondent's compliance with treatment recommendations, as well as any changes in medication management;

- h. Respondent shall engage in psychotherapy, as recommended by the preapproved treating psychiatrist or by Respondent's chemical dependency treatment or aftercare providers, with a psychiatrist or therapist approved in advance by the Complaint Review Committee or its designee. The psychiatrist or therapist shall provide quarterly reports to the Board or its designee, and to the treating physician, regarding Respondent's goals and progress in therapy;
- i. Respondent shall provide to the Board and to the treating physician a copy of any treatment and/or aftercare plan which is in effect at the time of execution of this Stipulation and Order, or which is modified or becomes effective during the time Respondent is subject to this Stipulation and Order. The treatment/aftercare plan, and any modifications to it, shall be approved by the treating physician and shall include at least the following:
  - 1.) The treatment/aftercare plan activities;
- 2.) The name, address, and telephone number for each provider of treatment/aftercare services.

The terms of any such treatment/aftercare plan, or approved modifications thereto, to the extent not superseded by this Order, are herewith incorporated by reference. Failure to follow the plan shall constitute violation of this Order.

- j. Upon request by the Board, Respondent shall sign releases authorizing the Board to obtain Respondent's medical, mental health, or chemical abuse/dependency records from any treating professional or facility;
- k. Respondent's practice shall be limited to no more than 20 hours per week in a group setting approved in advance by the Committee or its designee. No sooner than six months from resuming practice, Respondent may petition the Committee, in writing, for

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, which shall be completed within six months from the date of this agreement. Respondent shall submit to the Committee for review and approval, a written policy addressing the following:
- a. The appropriate response by a physician to a patient requesting that his/her prescription be issued under a pseudonym or a name other than the patient's current legal name; and
- b. The appropriate response by a physician to patients and other health care professionals regarding prescriptions issued under a pseudonym or a name other than the patient's current legal name.
- 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

applied for licensure, and the addresses and telephone numbers of Respondent's residences and all work sites. Within seven (7) days of any change, Respondent shall provide the Board with new address and telephone number information. The information shall be sent to Robert A. Leach, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 400, 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 her 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 revocation of Respondent's license.

- 9. In the event the Board in its discretion does not approve this settlement, this amended 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 the amended stipulation, Respondent will assert no claim that the Board was prejudiced by its review and discussion of the amended stipulation or 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 amended stipulation shall be the final order herein.
- 11. Respondent hereby acknowledges that she has read and understands this amended stipulation and has voluntarily entered into the amended stipulation without threat or promise by the Board or any of its members, employees, or agents. This amended 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 amended stipulation.

Dated: 14 2002 Dated: 1-12- , 2002

Savina Ghelfi, M.D.

Respondent

Respondent

## ORDER

Upon consideration of this amended stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this amended stipulation are adopted and implemented by the Board this 12th day of 2002.

MINNESOTA BOARD OF MEDICAL PRACTICE

By:

AG: 535407,v. 01

### AFFIDAVIT OF SERVICE BY U.S. MAIL

Re:	In the Matter of the Medical License of Savina Ghelfi, M.D.
	License No. 37,358

STATE OF MINNESOTA ) ss. COUNTY OF RAMSEY )

Sarah Glasow, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on January 16, 2002, she caused to be served the COMMITTEE'S ORDER AMENDING THE BOARD'S 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:

Gregory Bulinsky, Esq. 3550 Multifoods Tower 33 South Sixth Street Minneapolis, MN 55402-3787

SARAH GLASOW

Subscribed and sworn to before me this \_\_\_\_\_\_day of January, 2002.

NOTARY PUBLIC

MARY T. IVY
NOTARY PUBLIC - MINNESOTA
My Comm. Expires Jan. 31, 2005

## TRUE AND EXACT BEFORE THE MINNE OF ORIGINAL BOARD OF MEDICAL PRACTICE OF ORIGINAL

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/65 License Number: 37,358

COMMITTEE'S ORDER AMENDING THE BOARD'S STIPULATION AND ORDER

### **FACTS**

- 1. During all times herein, Savina Ghelfi, M.D. ("Respondent"), has been and now is subject to the jurisdiction of the Minnesota Board of Medical Practice ("Board") from which she holds a license to practice medicine and surgery in the State of Minnesota.
- 2. On January 12, 2002, the Board issued to Respondent a Second Amended Stipulation and Order conditioning and restricting Respondent's license to practice medicine and surgery. The Second Amended Stipulation and Order limited Respondent's practice to no more than 20 hours per week in a group setting approved in advance by the Committee or its designee. No sooner than six months from resuming practice, Respondent may petition the Committee for modification of this requirement.
- 3. By letter dated October 25, 2002, Respondent petitioned the Committee to modify the requirement of paragraph 5.k. to allow an increase in the hours per week that she may practice medicine and surgery.
- 4. The Committee, having convened on November 19, 2002, to review and consider the above-referenced matter, issues the following:

### **ORDER**

5. IT IS HEREBY ORDERED that effective January 1, 2003 the Second Amended Stipulation and Order dated January 12, 2002, is amended as follows:

Paragraph 5.k. is amended to remove the limitation on Respondent's practice hours. Respondent shall continue to be required to practice in a group setting approved in advance by the Committee or its designee.

- 6. IT IS FURTHER ORDERED that the remainder of the conditions and restrictions placed on Respondent's license, pursuant to the January 12, 2002, Stipulation and Order shall remain in full force and effect.
- 7. IT IS FURTHER ORDERED that this Order of the Committee Amending the Board's Second Amended Stipulation and Order dated January 12, 2002, is hereby adopted and implemented this // day of Dlclmper 2002.

MINNESOTA BOARD OF MEDICAL PRACTICE COMPLAINT REVIEW COMMITTEE

Rebecca Namer on 1)

Bv:

AG: #775053-v1

### AFFIDAVIT OF SERVICE BY U.S. MAIL

Re:	In the Matter of the M	edical License	of Savina	Ghelfi,	M.D.
	License No. 37,358				

STATE OF MINNESOTA ) ss. COUNTY OF RAMSEY )

Patricia L. Brunelle, being first duly sworn, deposes and says:

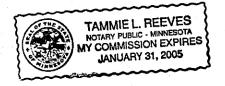
That at the City of St. Paul, County of Ramsey and State of Minnesota, on December 23, 2002, she caused to be served the COMMITTEE'S ORDER AMENDING THE BOARD'S STIPULATION AND ORDER, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

Mr. Gregory Bulinski Bassford, Lockhart, Truesdell & Briggs 33 South Sixth Street, Suite 3550 Minneapolis, MN 55402-3787

PATRICIA L. BRUNELLE

Subscribed and sworn to before me this 23rd day of December, 2002.

Jammie d. Reeves



## TRUE AND EXACT BEFORE THE MINNESOTA COPY OF ORIGINAL BOARD OF MEDICAL PRACATE PROPERTY OF ORIGINAL

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/65 License Number: 37,358

COMMITTEE'S SECOND ORDER AMENDING THE BOARD'S STIPULATION AND ORDER

### **FACTS**

- 1. During all times herein, Savina Ghelfi, M.D. ("Respondent"), has been and now is subject to the jurisdiction of the Minnesota Board of Medical Practice ("Board") from which she holds a license to practice medicine and surgery in the State of Minnesota.
- 2. On January 12, 2002, the Board issued to Respondent a Second Amended Stipulation and Order conditioning and restricting Respondent's license to practice medicine and surgery. The Second Amended Stipulation and Order required, in part, that Respondent submit to at least 12 unannounced blood and/or urine tests per quarter, attend at least three self-help and AA/NA meetings per week, and limit her practice be limited to no more than 20 hours per week. The Order further allowed Respondent, no sooner than six months from the date of the Order, to petition the Committee for modification of these requirements.
- 3. The hourly practice limitation was removed by the Complaint Review Committee Order of December 17, 2002.
- 4. By letter dated February 27, 2003, Respondent petitioned the Committee to modify the requirement of paragraph 5.d. of the Second Amended Stipulation and Order to allow a decrease in the number of required blood and urine tests per quarter.

5. The Committee, having convened on March 18 and April 15, 2003, to review and consider the above-referenced matter, issues the following:

### ORDER

- 6. IT IS HEREBY ORDERED that the Second Amended Stipulation and Order dated January 12, 2002, as amended by the Committee Order dated December 17, 2002, is amended as follows:
- a. Paragraph 5.d. is amended to reduce the minimum number of required unannounced blood and/or urine tests from 12 to 9 per quarter.
- 7. IT IS FURTHER ORDERED that the remainder of the conditions and restrictions placed on Respondent's license, pursuant to the January 12, 2002, Stipulation and Order and the December 17, 2002, Committee Order shall remain in full force and effect.
- 8. IT IS FURTHER ORDERED that this Order of the Committee Amending the Board's Second Amended Stipulation and Order dated January 12, 2002, is hereby adopted and implemented this 31 day of July, 2003.

MINNESOTA BOARD OF MEDICAL PRACTICE COMPLAINT REVIEW COMMITTEE

le beccafatier

Bv:

AG: #861954-v1

### AFFIDAVIT OF SERVICE BY U.S. MAIL

Re:	In the Matter of the Medical License of Savina Ghelfi, M.D.
	License No. 37,358

STATE OF MINNESOTA ) ) ss. COUNTY OF RAMSEY )

Patricia L. Brunelle, being first duly sworn, deposes and says:

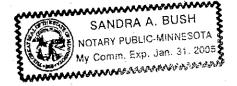
That at the City of St. Paul, County of Ramsey and State of Minnesota, on August 5, 2003, she caused to be served the COMMITTEE'S SECOND ORDER AMENDING THE BOARD'S STIPULATION AND ORDER, by depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first class postage, and addressed to:

Mr. Gregory Bulinski Bassford, Lockhart, Truesdell & Briggs 33 South Sixth Street, Suite 3550 Minneapolis, MN 55402-3787

PATRICIA L. BRUNELLE

Subscribed and sworn to before me this 5th day of August, 2003.

NOTARY PUBLIC



# BEFORE THE MINNESQTA BOARD OF MEDICAL PRACTICE

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/65 License Number: 37,358

COMMITTEE'S THIRD ORDER AMENDING THE BOARD'S STIPULATION AND ORDER

### FACTS -

- 1. During all times herein, Savina Ghelfi, M.D. ("Respondent"), has been and now is subject to the jurisdiction of the Minnesota Board of Medical Practice ("Board") from which she holds a license to practice medicine and surgery in the State of Minnesota.
- 2. By Second Amended Stipulation and Order dated January 12, 2002 ("2002 Order"), the Board conditioned and restricted Respondent's license to practice medicine and surgery in the State of Minnesota, limited Respondent's practice to no more than 20 hours per week and required, in part, that Respondent submit to at least 12 unannounced blood and/or urine tests per quarter and attend at least three self-help and AA/NA meetings per week. The 2002 Order provided that, no sooner than one year from the date of the Order, Respondent may petition the Complaint Review Committee ("Committee") for modification of these requirements.
- 3. By Committee's Order Amending the Board's Stipulation and Order dated December 17, 2002 ("Committee Order"), the requirement that Respondent limit her practice to no more than twenty hours per week was removed.
- 4. By Committee's Second Order Amending the Board's Stipulation and Order dated July 31, 2003 ("Second Committee Order"), the minimum number of unannounced blood and/or urine tests required was decreased from 12 to 9 per quarter.

- 5. By letter dated October 2, 2003, Respondent petitioned the Committee to decrease the number of blood and urine tests required per quarter and to decrease the number of recovery support group meetings required per week.
- 6. The Committee, having convened on October 21, 2003, to review and consider the above-referenced matter, issues the following:

### **ORDER**

- 7. IT IS HEREBY ORDERED that the Second Amended Stipulation and Order dated January 12, 2002, as amended by the Committee Order dated December 17, 2002, and the Second Committee Order dated July 31, 2003, is amended as follows:
- a. Paragraph 5.d. is amended to decrease the minimum number of unannounced blood and/or urine tests required from 9 to 6 per quarter.
- b. Paragraph 5.e. is amended to decrease the minimum number of self-help program meetings required from three to one per week.
- 8. IT IS FURTHER ORDERED that the remainder of the conditions and restrictions placed on Respondent's license, pursuant to the Second Amended Stipulation and Order dated January 12, 2002, as amended by the Committee Order dated December 17, 2002, and the Second Committee Order dated July 31, 2003, shall remain in full force and effect.
- 9. IT IS FURTHER ORDERED that this Committee's Third Order Amending the Board's Stipulation and Order dated January 12, 2002, is hereby adopted and implemented this day of November, 2003.

MINNESOTA BOARD OF MEDICAL PRACTICE COMPLAINT REVIEW COMMITTEE

By: Thistonn

AG: #937395-v1

- s. Respondent may petition, in writing, for reduced monitoring, no sooner than one year from the date of this Order. Upon reviewing Respondent's petition, the Committee, at its discretion and by its own order, may reduce the frequency of required meetings, reports, and/or biological fluid screens required by the terms and conditions of this Order.
- t. Respondent may petition for reinstatement of an unconditional license no sooner than three years from the date of this Order and upon proof, satisfactory to the Board, of at least four years of documented, uninterrupted recovery. Upon petitioning for reinstatement, Respondent shall appear before the Committee to discuss his petition and his progress in recovery. Upon hearing Respondent's petition, the Committee may recommend that the Board continue, modify, or remove the suspension or impose conditions and restrictions as deemed necessary.
- 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

BEFORE THE MINNESOTA E AND EXACT BOARD OF MEDICAL PRACTICE OF ORIGINAL

In the Matter of the Medical License of Savina Ghelfi, M.D. Date of Birth: 1/14/1965 License Number: 37,358

ORDER OF UNCONDITIONAL LICENSE

The Minnesota Board of Medical Practice ("Board") having convened on May 15, 2004, to review the petition of Savina Ghelfi, M.D. ("Respondent"), for reinstatement of an unconditional license to practice medicine and surgery makes the following:

### FINDINGS OF FACT

- 1. By Amended Stipulation and Order dated May 12, 2001 ("2001 Order"), the Board indefinitely suspended Respondent's license to practice medicine and surgery in the State of Minnesota, based on a history of chemical dependency. The 2001 Order provided that Respondent's license was suspended until such time as she could satisfactorily demonstrate that she was fit and competent to resume practice and had completed a comprehensive evaluation through a Board-designated evaluator.
- 2. By Second Amended Stipulation and Order dated January 12, 2002 ("2002 Order"), the Board reinstated Respondent's license under conditions and restrictions for a minimum of two years. The 2002 Order provides that at the end of this period, Respondent may petition for reinstatement of an unconditional license upon proof, satisfactory to the Board, of three years of documented, uninterrupted recovery.
- 4. On December 17, 2002, the Board's Complaint Review Committee ("Committee") issued a Committee's Order Amending the Board's Stipulation and Order

("Committee Order"). The Committee Order removed the limitation on the number of Respondent's practice hours contained in paragraph 5.k. of the 2002 Order.

- 5. On July 31, 2003, the Committee issued a Committee's Second Order Amending the Board's Stipulation and Order ("Second Committee Order"). The Second Committee Order reduced the frequency of unannounced blood and/or urine tests from 12 times to at nine times per quarter, as required by paragraph 5.d. of the 2002 Order.
- 6. On November 4, 2003, the Committee issued a Committee's Third Order Amending the Board's Stipulation and Order ("Third Committee Order"). The Third Committee Order reduced the frequency of unannounced blood and/or urine tests required by paragraph 5.d. of the 2002 Order from nine times to six times per quarter, and reduced the minimum frequency of self-help program meetings required by paragraph 5.e. of the 2002 Order from three to one per week.
- 3. By letter dated February 12, 2004, Respondent petitioned the Board for an unconditional license.
- 4. The Board received monitoring reports and documentation verifying Respondent's compliance with the terms and conditions of the 2002 Order.

Based on the foregoing, the Board concludes that Respondent has complied with and fulfilled the Order issued by the Board on January 12, 2002, as amended by the committee's orders dated December 17, 2002, July 31, 2003, and November 4, 2003, and hereby issues the following:

### **ORDER**

IT IS HEREBY ORDERED that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon Respondent, such license to carry all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: May 15, 2004

STATE OF MINNESOTA

BOARDOF MEDICAL PRACTICE

AG: #1217792-v1

### AFFIDAVIT OF SERVICE BY U.S. MAIL

Re:	In the Matter of the Med License No. 37,358	lical License	e of Savina	Ghelfi, M.D.

STATE OF MINNESOTA ) ) ss. COUNTY OF RAMSEY )

Patricia L. Brunelle, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on May 17, 2004, she caused to be served the ORDER OF UNCONDITIONAL LICENSE, 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:

Mr. Gregory Bulinski Bassford, Lockhart, Truesdell & Briggs 33 South Sixth Street, Suite 3550 Minneapolis, MN 55402-3787

PATRICIA L. BRUNELLE

Subscribed and sworn to before me this 17th day of May, 2004.

TAMARA REIN
NOTARY PUBLIC - MINNESCOM
My Comm. Expires Jan. 31, 2000