

# SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Thursday, June 11, 2015  
9:00 A.M. (CT)  
Public Board Meeting  
Board Conference Room  
101 N. Main Ave., **Suite 215**  
Sioux Falls, SD

## **Board Members:**

Ste.215: Kevin Bjordahl, MD; Walter Carlson, MD; Mary Carpenter, MD; David Erickson, MD;  
Laurie Landeen, MD; Jeffrey Murray, MD

Via DDN<sup>1</sup>: Ms. Deborah Bowman; Brent Lindbloom, DO; Mr. David Lust

Absent: None

## **Board Staff:**

Ste. 215: Margaret Hansen, PA-C; Mr. Tyler Klatt; Ms. Jane Phalen, Misty Rallis

## **Counsel:**

Ste. 215: Steven Blair, Board counsel  
William Golden, Staff counsel

Via DDN: Ellie J. Bailey

1. Dr. Mary Carpenter, President of the Board, called the public meeting to order at 9:00 am. Ms. Bowman, Dr. Lindbloom and Mr. Lust participated by DDN. Roll was called, a quorum was established. A motion to approve the agenda was ratified by voice vote (Murray/unanimous).
2. A motion accept and approve the March 11, 2015 Board meeting minutes as amended was ratified by voice vote (Bjordahl/unanimous).
3. The executive director presented the financial report and executive summary. A motion to approve the financial report was ratified by voice vote (Landeen/unanimous).
4. A motion to approve the new licenses, permits certificates and registrations issued between March 1, 2015, through May 31, 2015 was ratified by voice vote (Erickson/unanimous).
5. Mr. Tyler Klatt presented reports from the meeting of the following Advisory Committees:
  - a. Nutrition and Dietetics continues work with draft continuing education rules to recommend to the Board,
  - b. Genetic Counselor continues work with draft statute clean-up and update due to national certification body name changes and an addition of a new professional degree;
  - c. Occupational Therapy is reviewing existing rules for clean-up and updating purposes;
  - d. Physical Therapy continues work with draft continuing education rules to recommend to the Board.

A motion to approve the re-appointment of Cathy Sulentic-Morcom, PT, to the Physical Therapy Advisory Committee was ratified by voice vote (Erickson/unanimous).

6. White Papers Discussions: continuing medical education (CME), board certification, and medical malpractice. The Board discussed the White papers prepared by staff for physician continuing medical education, maintenance of certification and maintenance of licensure. A motion to direct staff to research which American Board of Medical Specialty (ABMS) boards require CME and which do not was ratified by voice vote (Bowman/unanimous). A motion to add a question to the renewal application asking whether a physician has malpractice insurance was ratified by voice vote (Carlson/unanimous).

---

<sup>1</sup> Dakota Digital Network (DDN)

Discussion was held regarding administrative rules for prescribing opioids for the treatment of pain, and documenting opioid prescribing in the medical record. Dr. Landeen and Mr. Klatt attended a South Dakota Medical Association (SDSMA) meeting regarding prescribing opioids. An SDSMA draft of recommendations providing guidance to prescribers was presented to the Board for information. An SDSMA request for funds for educational purposes was discussed and the Board was advised by counsel that the Board did not have the legal authority to provide the funds. The Board has authority to write rules for physicians for licensure, fees, and inspections but not for education programs. Board members were asked to volunteer to participate in SDSMA opioid issue meetings. Dr. Landeen and Ms. Bowman agreed to volunteer and Dr. Carlson and Dr. Murray agreed to serve as back up volunteers. A motion was made to suspend the Board's hearing on opioid prescribing rules and to have staff explore additional research and outreach (Bjordahl/unanimous).

7. FSMB House of Delegates – adopted model policies were discussed. The staff was directed to conduct a review of the medical practices act in comparison to the FSMB policies, and then report at the September or December Board meeting
8. The executive director report was presented for information. The staff requests that the Board clarify whether the Locum Tenens Certificate can or cannot be renewed. Statute does not provide renewal language. A motion to direct staff to prepare a draft of a proposed administrative rule to clarify that the Locum Tenens Certificate would be renewable one time for up to a second 60 consecutive days only if the physician applicant has submitted an application for the full medical license was ratified by voice vote (Landeen/unanimous).
9. Staff presented a draft annual report.
10. Board member biographies were discussed.

Discussion was held regarding the process for a Board member to recommend a topic for a Board meeting agenda item. Board members may contact the Board president or the executive director to add items to the agenda. The agenda will be finalized three weeks in advance of the Board meeting. Staff was directed to work with the Board of Nursing to obtain more information and raw data so that the assigned Board member could conduct a more meaningful review in cases co-regulated by both boards.

11. Public Hearings: Board members assigned to a case do not deliberate or vote in that case (ARSD 27:78:05:05)
  - a. EMT Student Status applicant Colin J. Boone participated in an administrative hearing on February 6, 2105, and the resulting Findings of Fact, Conclusions of Law and hearing judge's recommendation were scheduled to be presented to the Board for a final decision. Mr. Boone stated he had new evidence in his case. A motion to refer Mr. Boone's case back to the administrative judge was ratified by voice vote (Carlson/unanimous). The assigned Board member, Dr. Landeen, did not participate in the discussion, deliberation or vote.
  - b. A motion to accept and approve Advanced EMT licensee Todd A. Thornton's Stipulation and Agreement was ratified by voice vote (Erickson/unanimous). The assigned Board member, Dr. Bjordahl, did not participate in the discussion, deliberation, or vote.
  - c. A motion to accept and approve EMT Paramedic licensee Brian Gilley's Voluntary Surrender of the Paramedic License was ratified by voice vote (Carlson/unanimous). The assigned Board member, Mr. Lust, did not participate in the discussion, deliberation or vote.

- d. A motion to accept and approve William P. Ford, Respiratory Care Practitioner applicant's Stipulation and Agreement was ratified by voice vote (Bjordahl/unanimous). The assigned Board member, Dr. Erickson, did not participate in the discussion, deliberation or vote.
  - e. Mr. William Griffin requested the withdrawal of his Physical Therapist license application while under investigation. A motion that the application be deemed Withdrawn under Investigation was ratified by the Board (Erickson/unanimous).
12. Confidential Physician Hearings (Closed Session pursuant to SDCL 36-4-31.5 unless privilege is waived by physician): Board members assigned to a case do not deliberate or vote in that case (ARSD 27:78:05:05). The public meeting resumed at 1:17 pm.
- a. A motion to accept and approve applicant Dr. Nielsen H. Burns' Consent Agreement with Reprimand and Conditions was ratified by voice vote (Erickson/unanimous). The assigned Board member, Ms. Bowman, and Dr. Lindbloom did not participate in the deliberation, discussion or vote.
  - b. A motion to approve licensee Dr. Toseef M. Khan's Consent Agreement with Reprimand was ratified by voice vote (Bjordahl/unanimous). The assigned Board member, Dr. Erickson, did not participate in the deliberation, discussion or vote.
13. The South Dakota Health Professionals Assistance Program (HPAP) consultant Midwest Health Management Services, LLC, presented their report to the Board. The Board reviewed the approved budget.
14. The annual election of officers was held after discussion that all members of the Board are eligible to serve as officers. A motion to accept and approve a slate of nominees as follows: President: Dr. Carlson; Vice President: Dr. Bjordahl; Secretary: Dr. Lindbloom. This motion was ratified by voice vote (Erickson/unanimous).
15. A motion to enter executive session at 1:30 pm pursuant to SDCL 1-25-2(3) to consult with legal counsel was ratified by voice vote (Landeem/unanimous). The public meeting resumed at 2:55 pm. A motion that the Board direct Dr. Carlson to contact a private attorney to represent the Board for a hearing was ratified by voice vote (Bowman/unanimous)
16. Future board meetings are as follows:
- a. 2015:
    - i. Thursday, September 10. Regular board meeting will follow the Joint Board Meeting which begins at 9:00 am
    - ii. December 3, 2015
  - b. 2016:
    - i. Wed. March 2 and Thurs. March 3
    - ii. FSMB Annual Meeting: April 28 – 30 – San Diego, CA
    - iii. Thurs. June 2;
    - iv. Thurs. September 8;
    - v. Thurs. December 1

A motion to adjourn the meeting at 3:00 pm was ratified by voice vote (Carlson/unanimous)