



# South Dakota Board Of Medical and Osteopathic Examiners

*Annual Report FY2016*

A summary of Board activities from July 1, 2015 to June 30, 2016.

# BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS FY2016 ANNUAL REPORT

## ABOUT THE BOARD



South Dakota Board of Medical and Osteopathic Examiners

101 N. Main Ave., Suite 301 and 215 Sioux Falls, SD 57104

Phone 605-367-7781

Fax 605-367-7786

[www.sdbmoe.gov](http://www.sdbmoe.gov)

[sdbmoe@state.sd.us](mailto:sdbmoe@state.sd.us)

The Board of Medical and Osteopathic Examiners (Board) protects the health and welfare of the state's citizens by ensuring that qualified medical health care professionals are licensed to practice in South Dakota.

The Board licenses and regulates over 9,000 licenses within fourteen different medical categories. The Board also co-regulates medical professions with the Board of Nursing.

The Board supports and promotes the Health Professionals Advocacy Program which administers a program to advocate for and monitor the recovery and/or rehabilitation of impaired healthcare providers.

The Board has significant authority over licensees and establishing regulations by proposing legislation or adopting administrative rules.

The Board meets quarterly or more often as needed and the meetings are open to the public. The meeting

agenda is posted to the Board website, [sdbmoe.gov](http://sdbmoe.gov), and on the front door of the Board office building.

The Board has nine volunteer members appointed by the Governor: six allopathic physicians or doctors of medicine (MD) and one osteopathic physician or doctor of osteopathic medicine (DO), and two non-physicians.

All final decisions are made by the full Board. The Board uses advisory committees, panels, and the board staff to assist with recommendations for final decisions. The advisory committees are approved by the full Board. The Board employs a professional staff comprised of an executive director and support staff to assist the Board in the regulation of its licensees.

The Board is administratively assigned to the South Dakota Department of Health. The Board does not receive a general fund appropriation. It is funded solely with the fees collected from licensing and other services provided by the Board.

**MEMBERS OF THE BOARD**



Kevin L. Bjordahl, MD  
Vice President



Deb K. Bowman



Walter O. Carlson, MD,  
MBA; President



Mary S. Carpenter, MD



Laurie B. Landeen, MD



Brent J. Lindbloom,  
DO; Secretary



David E. Lust, JD



Jeffrey A. Murray, MD



Elmo J. Rosario, MD

The Board has nine volunteer members: six allopathic physicians, or doctors of medicine (MD), and one osteopathic physician, or doctor of osteopathic medicine (DO), and two non-physician or lay person members (*defined in statute as "...users of the services regulated by the board. One lay member may be a non-physician health care professional licensed by the board"*). All of the Board members are appointed by the Governor. Term limits were enacted by statute in 2005. Members may serve on the board for a three year term with the possibility of two reappointments for a nine year total term limit. In the event of a resignation or death, a board member may be appointed to complete an unexpired term prior to being appointed to their first three year term. Members receive per diem and expenses that follow state reimbursement policies. Annual officer elections are held at a May or June board meeting. Board member biographies are available on the Board's website: [www.sdbmoe.gov](http://www.sdbmoe.gov)

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<u>BOARD MEMBER</u>	<u>APPOINTMENTS and REAPPOINTMENTS</u>	<u>CURRENT TERM EXPIRATION DATES</u>
Mary Carpenter, MD Winner, SD	2006**, 2013	October 30, 2016
Walter Carlson, MD Sioux Falls, SD	2011, 2014	October 30, 2017
Brent Lindbloom, DO Pierre, SD	2003, 2014	October 30, 2017
Kevin Bjordahl, MD Milbank, SD	2013, 2015	October 30, 2018
Deb Bowman Pierre, SD	2014	October 30, 2016
Elmo Rosario, MD Sioux Falls, SD	2015	October 30, 2018
Laurie Landeen, MD Sioux Falls, SD	2013	October 30, 2016
David Lust, JD Rapid City, SD	2015	October 30, 2018
Jeffrey Murray, MD Sioux Falls, SD	2012*, 2015	October 30, 2017

\*Appointed to complete term of  
John Vander Woude, MD

\*\*Appointed to complete term of Robert Raszkowski, MD

<u>JUNE 2015 -2016 OFFICERS</u>	<u>ELECTED – RE-ELECTED</u>	<u>EXPIRES</u>
Walter Carlson, MD, MBA, President	June 2016	June 2017
Kevin Bjordahl, MD, Vice President	June 2016	June 2017
Laurie Landeen, MD, Secretary	June 2016	June 2017

# BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS FY2016 ANNUAL REPORT

## EXECUTIVE DIRECTOR'S REPORT

The Board members and staff are committed to protecting the health and welfare of the state's citizens by assuring that only qualified medical professionals are licensed to practice in South Dakota. The regulatory responsibilities of the Board include enforcement of statutes, administrative rules, and practice standards.

Through effective and efficient licensure, the Board protects the public by ensuring that these practitioners have the education, training, and skill to practice safely. By adopting and enforcing regulations, the Board responds to complaints from patients, issues regarding competency, and reports from medical entities, facilities, and other sources. The Board will impose sanctions against licensees who practice below the standards of care or act unprofessionally.

The Board currently administers over 9,500 active licensees in 14 healthcare professions, corporations and limited liability companies within South Dakota. The Board co-regulates advanced practice nurses with the South Dakota Board of Nursing. The Board's administrative functions include the issuance, renewal, and maintenance of over thirty (30) different license types including: licenses, permits, registrations, and certificates. Additional functions include the inspection and investigation of complaints regarding licensees.

### From July 1, 2015 to June 30, 2016:

- A total of 1244 new licenses were issued.
- A total of 230 complaint files were opened. The Board places great emphasis on completing timely and fair investigations that result in appropriate action.
- Three (3) administrative rules were adopted to establish continuing education requirements for occupational therapists and occupational therapy assistants, to establish continuing education requirements for nutritionists and dietitians, and to allow first responders to possess opioid antagonists.
- The Board held the following public meetings: five (5) regular meetings, one (1) teleconference meeting, and two (2) administrative rule hearings.
- There were nine (9) administrative law hearings held during the year and the Board made final decisions on the recommendations during one of the public meetings mentioned above.
- OUTREACH EFFORTS: Make life easier for our customers.
  - Education: The executive director and staff continue to meet and provide outreach to medical schools, residency programs, healthcare recruiters, clinic managers, health system administrators, state regulatory boards, and associations as well as with the Board's licensees.
    - In-office assistance for applications: 1,281 requests for "renewal and general questions"
    - Phone and general email totals: 25,553
    - Training Meetings for Academic Program Directors & Coordinators, Healthcare Systems Recruiters, Board & Advisory Members: 1,668

Much has been accomplished in the past year. The Board and its staff continue to seek ways to improve, strengthen, and enhance services provided to the public and licensees. The Board and its staff remain committed to public protection and excellent customer service for South Dakota citizens.

More information about the Board's work is available in the agendas, minutes, reports and website documents.



Margaret B. Hansen, PA-C, MPAS, CMBE  
Executive Director

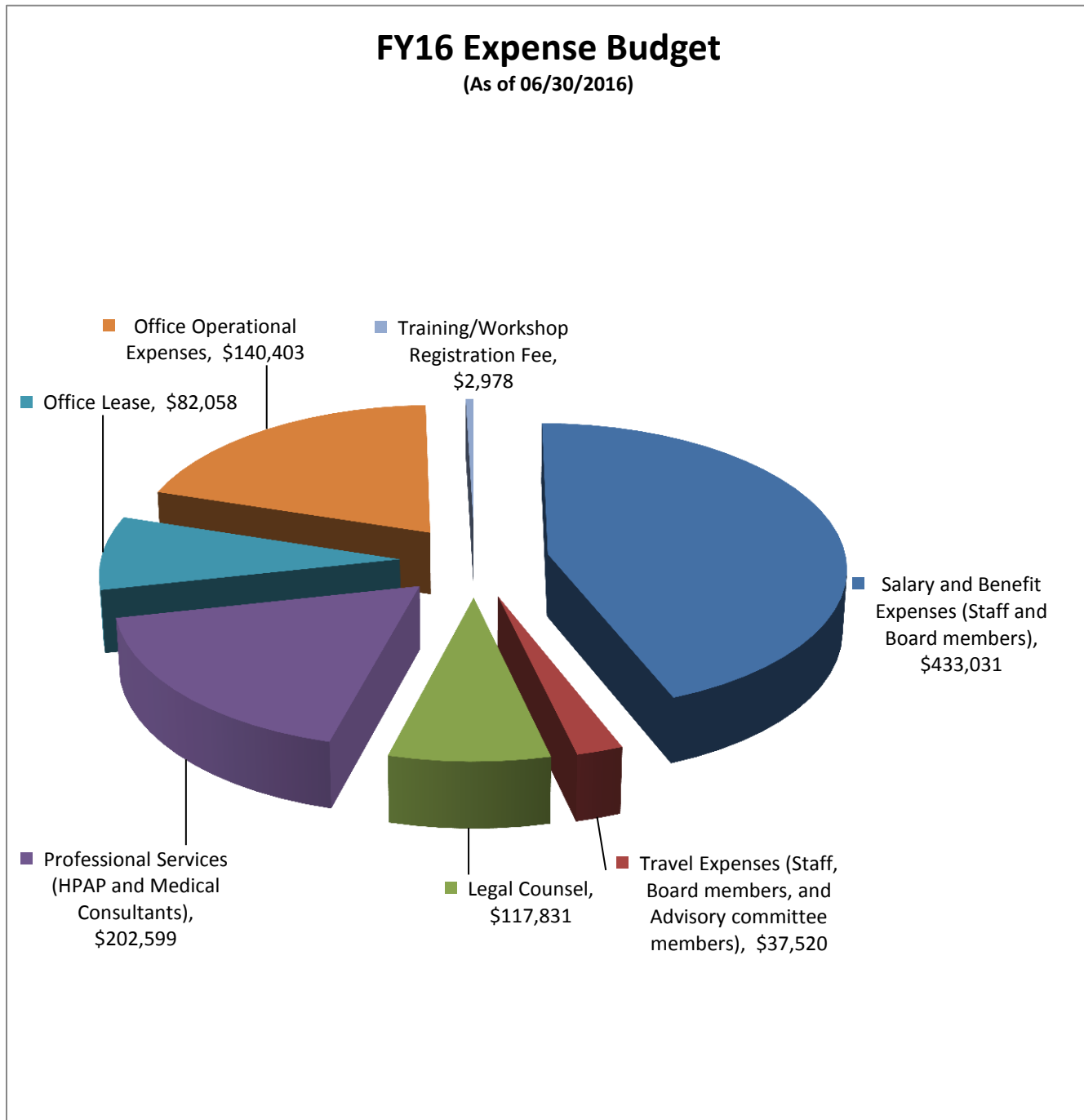
[www.sdbmoe.gov](http://www.sdbmoe.gov)

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Email: [Margaret.Hansen@state.sd.us](mailto:Margaret.Hansen@state.sd.us)

**FY2016 EXPENSE BUDGET**



The Board of Medicine’s expense budget for Fiscal year 2015 (July 1, 2014 through June 31, 2015) is \$1,011,493. The FY2015 anticipated revenue is \$1,185,750.



## FY2016 MEETING SCHEDULE

### MEETINGS

- July 21, 2015
- September 10, 2015
- September 24, 2015
- December 3, 2015
- March 3, 2016
- June 2, 2016

<div data-bbox="97 541 324 672"> <p><b>Quick Links</b></p> <ul style="list-style-type: none"> <li>o <a href="#">Home</a></li> <li>o <a href="#">Account Login</a></li> <li>o <a href="#">Licensee Look-Up</a></li> </ul> </div> <div data-bbox="97 682 324 766"> <p><b>Feedback</b></p> <p><a href="#">Provide Feedback</a></p> </div> <div data-bbox="97 777 324 934"> <p><b>Search</b></p> <input type="text"/> <p><a href="#">Search</a></p> </div> <div data-bbox="97 955 324 1071"> <p><b>CONTACT US</b></p> <p>questions? we've got answers</p> </div> <div data-bbox="97 1081 324 1354"> <p><b>Please note that an application fee only extends an initial license to the next renewal date. Initial licenses do vary in duration. It is the responsibility of all licensees to renew their license before expiration. Failure to renew shall result in automatic forfeiture or suspension of the license by statute. Licenses which have forfeited are not automatically entitled to renew.</b></p> </div>	<p><a href="#">Home</a></p> <p><b>Board Information</b></p> <p><a href="#">Board Members</a>   <a href="#">Board Staff</a>   <b><a href="#">Board Meeting Info</a></b>   <a href="#">Rulings &amp; Opinions</a></p> <p><b>Board Meeting Info</b></p> <p>State law (<a href="#">SDCL 36-4-4</a>) mandates that the board hold two regular meetings each year. The board may hold other meetings as necessary. Meetings will be posted at this site as they are scheduled.</p> <p>Any items requesting Board consideration must arrive well in advance; time is needed to prepare background information and to send materials to Board members prior to meetings. In order to make the best presentation possible, plan ahead.</p> <p>Deadline for submission of pre-meeting materials is no later than three weeks prior to Board meeting.</p> <p>For additional information, please visit the <a href="#">South Dakota Boards and Commissions Portal</a></p> <ul style="list-style-type: none"> <li>o <a href="#">Board Meeting: September 8, 2016</a> <ul style="list-style-type: none"> <li>o <a href="#">Agenda</a></li> </ul> </li> <li>o <a href="#">2016 Board Meeting Dates:</a> <ul style="list-style-type: none"> <li>o <a href="#">September 8, 2016</a></li> <li>o <a href="#">December 1, 2016</a></li> </ul> </li> <li>o <a href="#">2017 Board Meeting Dates:</a> <ul style="list-style-type: none"> <li>o <a href="#">March 9, 2017</a></li> <li>o <a href="#">June 8, 2017</a></li> <li>o <a href="#">September 14, 2017</a></li> <li>o <a href="#">December 14, 2017</a></li> </ul> </li> <li>o <a href="#">Meeting Minutes</a> <ul style="list-style-type: none"> <li>o <a href="#">June 2, 2016</a></li> <li>o <a href="#">March 3, 2016</a></li> <li>o <a href="#">December 3, 2015</a></li> <li>o <a href="#">September 24, 2015</a></li> <li>o <a href="#">September 10, 2015</a></li> <li>o <a href="#">July 21, 2015</a></li> <li>o <a href="#">June 11, 2015</a></li> <li>o <a href="#">March 11, 2015</a></li> <li>o <a href="#">December 4, 2014</a></li> <li>o <a href="#">September 11, 2014</a></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Board of Medicine Home</a></li> <li><a href="#">Forms and Helpful Links</a></li> <li><a href="#">Laws and Rules</a></li> <li><a href="#">Licensee Look-Up</a></li> <li><a href="#">Online Verifications</a></li> <li><a href="#">Disciplinary Actions</a></li> <li><b><a href="#">Board Information</a></b></li> <li><a href="#">Complaints</a></li> <li><a href="#">Interstate Medical License</a></li> <li><a href="#">FAQ</a></li> <li><a href="#">Advanced Life Support (ALS)</a></li> <li><a href="#">Athletic Training (AT)</a></li> <li><a href="#">Genetic Counselor (GC)</a></li> <li><a href="#">Licensed Nutritionist/Dietitian</a></li> <li><a href="#">Medical Assistant (MA)</a></li> <li><a href="#">Medical Corporations</a></li> <li><a href="#">Occupational Therapist (OT)</a></li> <li><a href="#">Occupational Therapy Assist.</a></li> <li><a href="#">PA Corporation</a></li> <li><a href="#">Physical Therapist (PT)</a></li> <li><a href="#">Physical Therapist Assistant</a></li> <li><a href="#">Physicians</a></li> <li><a href="#">Physician Assistant (PA)</a></li> <li><a href="#">Respiratory Care Practitioner</a></li> </ul>
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## CONTESTED CASE HEARINGS

Pursuant to South Dakota Administrative Rules, an applicant for a license, permit, registration, or certificate issued by the board may file a petition for hearing at any time during the processing of an application. The executive secretary may file a petition for hearing to initiate a disciplinary proceeding against a licensee. A petition for hearing shall be signed by the petitioner and contain the following information: the name and address of the applicant or licensee, the basis for the request for hearing, narration of the applicable statutes or regulations for which the petitioner is requesting board action, and the relief requested by the petitioner.

Upon receipt of a petition for hearing, the board president may appoint an examiner to conduct the contested case hearing, or may schedule the contested case hearing before the board, as authorized by applicable statutes. All petitions for hearing shall be filed with the executive secretary; who shall maintain the record of contested case proceedings held before the board.

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Contested case hearings shall be conducted in accordance with SDCL [1-26](#). The parties to a hearing are the executive secretary and the applicant or licensee. A board member who has participated in investigation of the matter before the board shall disqualify himself from all deliberations and decisions. If the board hears the proceeding, it shall issue a final decision and require the parties to submit proposed findings of fact and conclusions of law for consideration at the board's next meeting. If a hearing examiner hears the proceeding, the examiner shall issue a proposed decision including findings of fact and conclusions of law. The examiner shall serve the proposed decision upon the board and the parties. The board shall issue a final decision to accept, reject, or modify the findings, conclusions, and decisions of the examiner. The board shall issue a notice of decision, accompanied by the final board decision and findings of fact and conclusions of law, to the applicant or licensee and executive secretary. The applicant or licensee may appeal a final board action to circuit court, and ultimately to the supreme court of South Dakota.

	2016
Administrative Hearings	9
Hearings before the Board of Medicine	20

## ACTIONS OF THE BOARD OF MEDICINE

	FY 2016
Stipulation and Agreement to reinstate license with monitoring	1
Stipulation and Agreement for fitness to practice evaluation	1
Stipulation and Agreement with Reprimand	1
Consent Agreement- Voluntarily Surrender License	1
Consent Agreement with Reprimand	3
Consent Agreement with Reprimand and 90-day suspension	1
Findings of Fact, Conclusions of Law: Initial application withdrawn under investigation	2
Findings of Fact, Conclusions of Law: Issue license with reprimand	1
Findings of Fact, Conclusions of Law: Denial of application	2
Findings of Fact, Conclusions of Law: Revocation of license	1
Findings of Fact, Conclusions of Law: Accept voluntary surrender of license	1
Findings of Fact, Conclusions of Law: Fitness to practice evaluation or denial of application	1
License reinstated without restrictions	2
License withdrawn under investigation	2

## ADMINISTRATIVE RULES

The Board of Medical and Osteopathic Examiners administrative rules, which have the weight of law, are found in Articles 20:47, 20:52, 20:61, 20:63, 20:64, 20:66, 20:70, 20:78, 20:82, 20:83 of the South Dakota Administrative Code. Before the Board can adopt a new rule or amend an existing rule, the intended action item must be publicly noticed and reviewed at a public hearing. The proposed change is also subject to review by the Interim Rules Review Committee.

### These amendments were noticed and adopted by the Board in FY2016:

- **OCCUPATIONAL THERAPY AND OCCUPATIONAL THERAPY ASSISTANTS – ARTICLE 20:64.** The proposed rule will update outdated language and allow licensees to provide proof of national certification to fulfill continuing education requirements. **NOTICED 1/26/16 | ADOPTED 4/12/16 | EFFECTIVE 5/5/16**
- **BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS – SECTION 20:78:06 OPIOID OVERDOSE PREVENTION.** The proposed rules will provide the criteria for training a first responder in the use of opioid antagonists, requirements for physician's who issue standing orders authorizing a first responder to possess opioid antagonists, and the



# BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS FY2016 ANNUAL REPORT

requirements for protocols and procedures related to opioid antagonists. **NOTICED 10/30/15 | ADOPTED 12/14/15 | EFFECTIVE 1/7/16**

- **NUTRITION AND DIETETICS – CHAPTER 20:83:01.** The proposed rule will provide for the requirements, reporting method, and waiver option for nutrition and dietetics continuing education. **NOTICED 1/26/16 | ADOPTED 4/12/16 | EFFECTIVE 5/5/16**

## LEGISLATION

The Board of Medical and Osteopathic Examiners will request that the legislature amend existing laws or establish new laws that are relevant to the professions regulated by the board. The Board of Medical and Osteopathic Examiners will enact statutes and rules as established by the legislature.

**This legislation was approved in 2016:**

**HOUSE BILL 1069** – The purpose of this legislation was to revise certain provisions related to the genetic counselor license

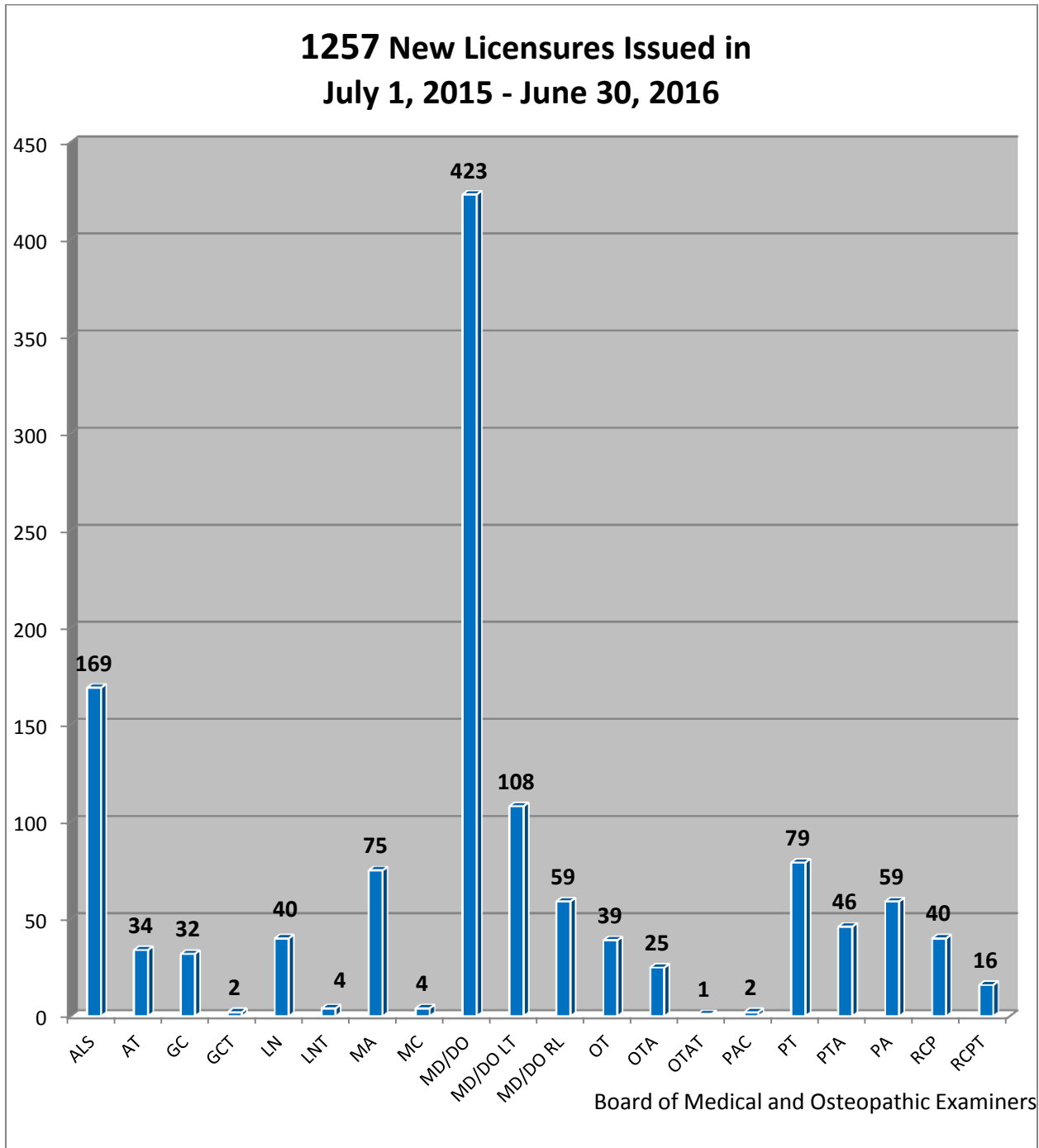
## Health Professionals Assistance Program

Since 1996, the South Dakota Health Professionals Assistance Program (HPAP) has assisted hundreds of healthcare providers with recovery and the ability to return to practice. HPAP believes that early intervention, and comprehensive accurate evaluations, combined with ongoing case management and support of treatment efforts, offers the best opportunity for successful outcomes. HPAP is a confidential program designed for regulated health professionals who hold, or are eligible to hold, licensure with the SD Board of Nursing, SD Board of Medical and Osteopathic Examiners, SD Board of Pharmacy and/or the SD Board of Dentistry. Services include general outreach, crisis intervention, informal assessment, treatment monitoring, and support for providers who need assistance.

For more information see: <http://www.mwhms.com/> for the South Dakota statutes see

[http://legis.sd.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Statute=36-2A&Type=Statute](http://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Statute=36-2A&Type=Statute)

Statistics



ALS – Advanced Life Support (EMT)

AT – Athletic Trainer

GC – Genetic Counselor

GCT – Genetic Counselor Temp

LN – Licensed Nutritionist

LNT – Licensed Nutritionist Temp

MA – Medical Assistant

MC – Medical Corporation

MD/DO – Medical License

MD/DO LT – Physician Locums Tenens

MD/DO RL – Resident License

OT – Occupational Therapist

OTA – Occupational Therapy Assistant

OTAT – Occupational Therapy Assistant Temp

PT – Physical Therapist

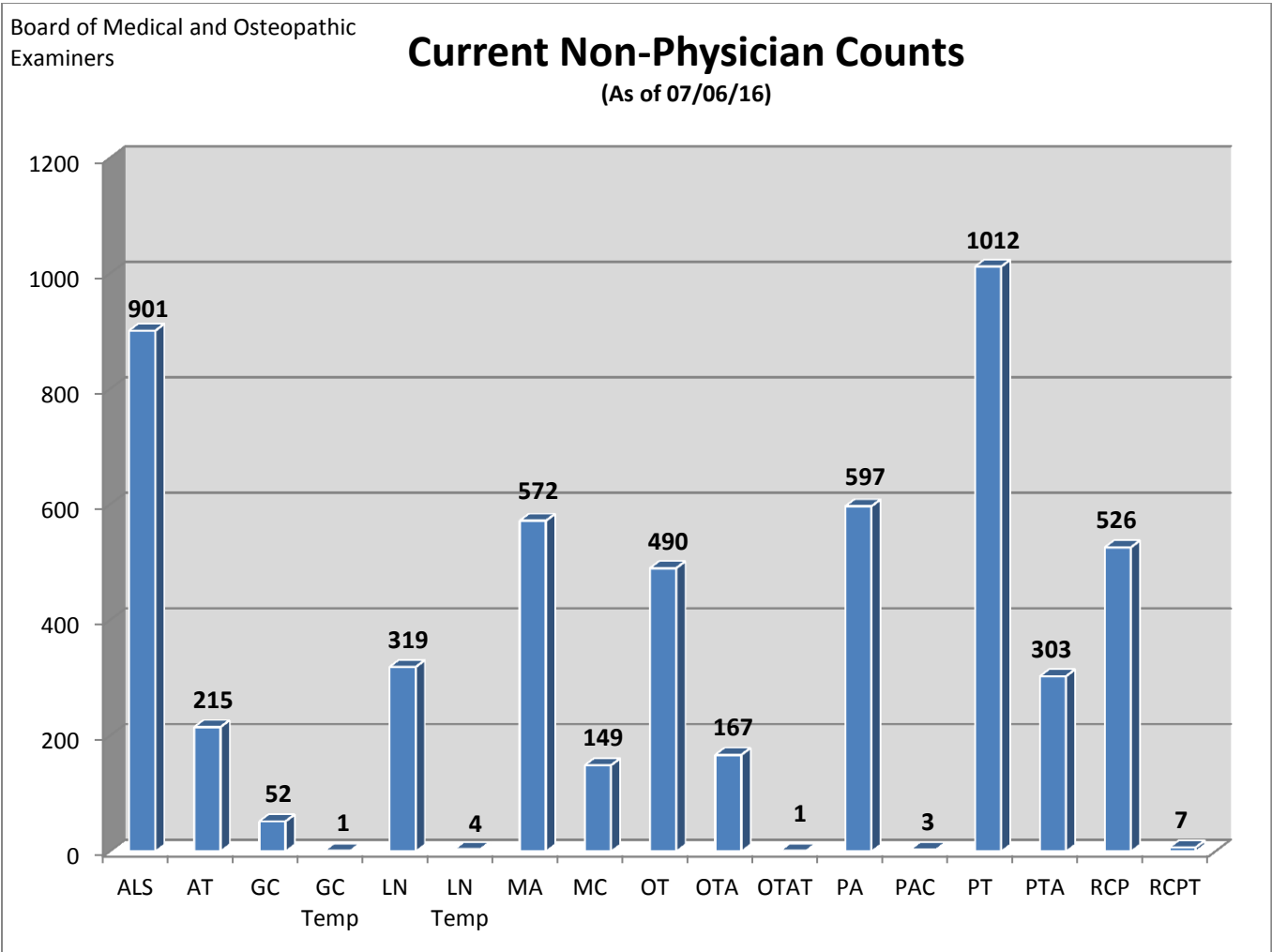
PTA – Physical Therapist Assistant

PA – Physician Assistant

PAC – Physician Assistant Corporation

RCP – Respiratory Therapy

RCPT – Respiratory Therapy Temp



ALS – Advanced Life Support (EMT)

AT – Athletic Trainer

GC – Genetic Counselor

GC Temp – Genetic Counselor Temporary License

LN – Licensed Nutritionist

LN Temp – Nutritionist Temporary Permit

MA – Medical Assistant

MC – Medical Corporation

OT – Occupational Therapist

OTA – Occupational Therapy Assistant

OTAT – OT Assistant Temporary Permit

PA – Physician Assistant

PAC – PA Corporation Registration

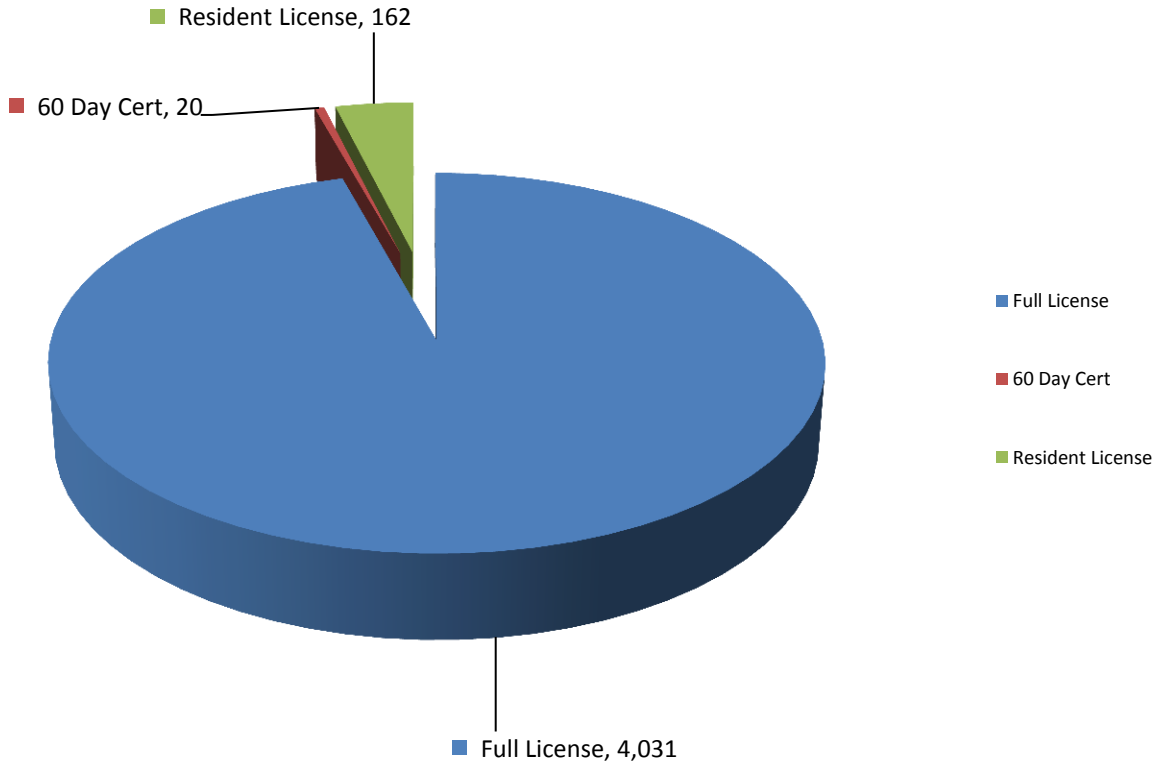
PT – Physical Therapist

PTA – Physical Therapist Assistant

RCP – Respirator Care Practitioner

RCPT – Respiratory Care Practitioner Temp Permit

### Current MD/DO Counts (As of 07/06/16)



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<b>License Type:</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>
Advanced Life Support	808	992	937	901
Athletic Trainer	179	218	234	215
Genetic Counselor	12	17	33	52
Genetic Counselor Temp	1	0	2	1
Licensed Nutritionist	290	316	320	319
Licensed Nutritionist Temp	5	3	6	4
Medical Assistant	607	575	651	572
Medical Corporation	174	165	164	149
Medical License	3,674	3,717	3,854	4031
Physician Locums Tenens	13	9	11	20
Resident License	127	162	220	162
Occupational Therapist	458	464	470	490
Occupational Therapy Temp	1	0	0	0
Occupational Therapy Assistant	147	148	160	167
Occupational Therapy Assistant Temp	0	0	1	1
Physical Therapist	885	906	966	1012
Physical Therapist Assistant	237	251	273	597
Physician Assistant	507	530	561	597
Physician Assistant Temp	0	0	0	0
Respiratory Therapy	480	511	485	526
Respiratory Therapy Temp	3	9	5	7
<b>Total</b>	<b>8,608</b>	<b>8,993</b>	<b>9,353</b>	<b>9,532</b>

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The Board of Medicine is fortunate to have dedicated, competent personnel who take their jobs – and the Board’s mission – seriously. Every day, these men and women perform licensure and regulatory enforcement duties that enable the Board to protect the health of South Dakotans.

## **SOUTH DAKOTA BOARD OF MEDICAL & OSTEOPATHIC EXAMINERS**

101 N Main Avenue, Suite 301  
Sioux Falls, SD 57104

**Hours:** 8:00 a.m. to 5:00 p.m., Monday – Friday

**Phone:** 605-367-7781

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**Email:** [sdbmoe@state.sd.us](mailto:sdbmoe@state.sd.us)

**Website:** [www.sdbmoe.gov](http://www.sdbmoe.gov)

## **ADMINISTRATION**

Margaret B. Hansen, PA-C, MPAS, CMBE  
Executive Director

Lisa Andersen  
Secretary

Tyler Klatt, MPA  
Management Analyst

Jane Phalen  
Board Coordinator

## **ENFORCEMENT**

Misty Rallis, RN  
Board Investigator

## **LICENSURE**

Elise Ellenz  
Licensing Specialist

Jessica Gulbrandson  
Licensing Specialist

Randi Sterling  
Head Licensing and Business Specialist

## **SOUTH DAKOTA HEALTH PROFESSIONAL ASSISTANCE PROGRAM**

Maria Eining  
Program Coordinator

## **SOUTH DAKOTA ATTORNEY GENERAL’S OFFICE**

William Golden, JD  
Board staff attorney

Ellie Bailey, JD  
Board staff attorney

Steven Blair, JD  
Board attorney

**COVER ARTWORK:** The medical team representing the Board’s regulated professions. *Shutterstock*