



South Dakota Board Of Medical and Osteopathic Examiners

Annual Report FY2017

A summary of Board activities from July 1, 2016 to June 30, 2017.

BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS FY2017 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

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, 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



Corey Brown



Walter O. Carlson, MD,
MBA; President



Jennifer K. May, MD



Laurie B. Landeen, MD
Secretary



Brent J. Lindbloom,
DO



Richard G. Hainje



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

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<u>BOARD MEMBER</u>	<u>APPOINTMENTS and REAPPOINTMENTS</u>	<u>CURRENT TERM EXPIRATION DATES</u>
Jennifer May, MD Rapid City, SD	2016	October 30, 2019
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
Corey Brown Gettysburg, SD	2017**	October 30, 2019
Elmo Rosario, MD Sioux Falls, SD	2015	October 30, 2018
Laurie Landeen, MD Sioux Falls, SD	2013, 2016	October 30, 2019
Richard Hainje Hill City, SD	2016***	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 Deb Bowman

***Appointed to complete term of David Lust

<u>JUNE 2016 -2017 OFFICERS</u>	<u>ELECTED – RE-ELECTED</u>	<u>EXPIRES</u>
Walter Carlson, MD, MBA, President	June 2017	June 2018
Kevin Bjordahl, MD, Vice President	June 2017	June 2018
Laurie Landeen, MD, Secretary	June 2017	June 2018

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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, 2016 to June 30, 2017:

- A total of 1,219 new licenses were issued.
- A total of 192 complaint files were opened. The Board places great emphasis on completing timely and fair investigations that result in appropriate action.
- Four(4) administrative rules were adopted concerning medical record documentation, physician assistant supervision, genetic counselor continuing education, and athletic trainer continuing education
- The Board held the following public meetings: four (4) regular meetings 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:1,218 requests for "renewal and general questions"
 - Phone and general email totals: 37,180
 - Training Meetings for Academic Program Directors & Coordinators, Healthcare Systems Recruiters, Board & Advisory Members: 1,458

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

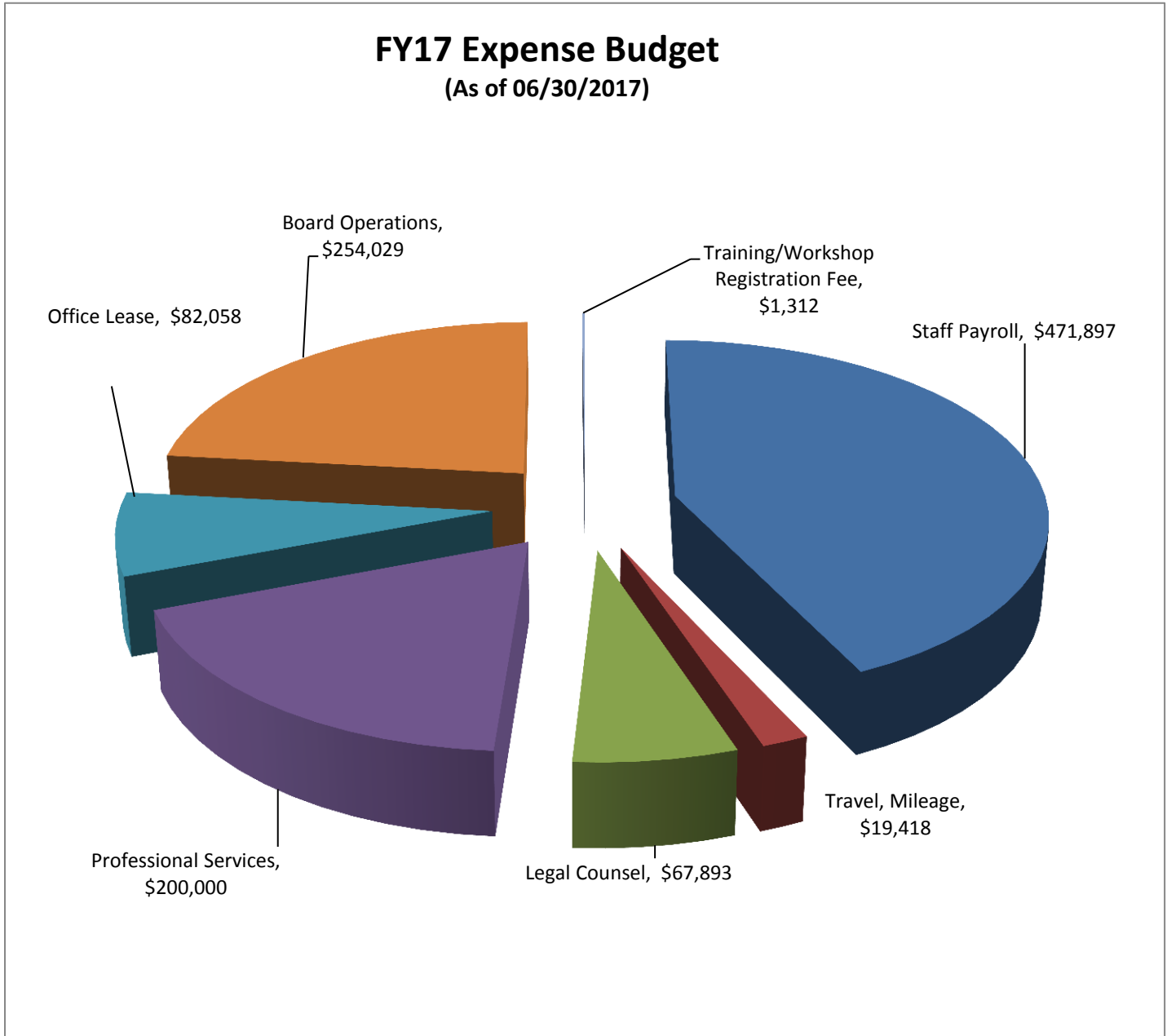
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FY2017EXPENSE BUDGET



The Board of Medicine’s expense budget for Fiscal year 2017 (July 1, 2016 through June 30, 2017) is \$1,025,703. The FY2017 revenue is \$1,400,162.83.

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FY2017 MEETING SCHEDULE

MEETINGS

September 8, 2016

December 1, 2016

March 9, 2017

June 8, 2017

The screenshot displays the website for the Board of Medicine. On the left, there are sections for 'Quick Links' (Home, Account Login, Licensee Look-Up), a search bar, and a 'CONTACT US' box with the text 'questions? we've got answers'. Below the contact box is a note: '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.' The main content area is titled 'Board Information' and includes a navigation menu with 'Board Meeting Info' selected. The 'Board Meeting Info' section contains text about state law (SDCL 36-4-4) mandating two regular meetings per year, and lists meeting dates for 2017 and 2018, along with meeting minutes. On the right, a vertical navigation menu lists various professional categories such as 'Medical License Compact', 'FAQ', 'Advanced Life Support (ALS)', 'Athletic Training (AT)', 'Genetic Counselor (GC)', 'Licensed Nutritionist/Dietitian', 'Medical Assistant (MA)', 'Medical Corporations', 'Occupational Therapist (OT)', 'Occupational Therapy Assist.', 'PA Corporation', 'Physical Therapist (PT)', 'Physical Therapist Assistant', 'Physicians', 'Physician Assistant (PA)', and 'Respiratory Care Practitioner'.

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.

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

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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.

	2017
Administrative Hearings	3
Hearings before the Board of Medicine	16

ACTIONS OF THE BOARD OF MEDICINE

	FY 2017
Consent Agreement with Reprimand	4
Consent Agreement Refrain from Practice of Medicine and Prescribing	1
Consent Agreement with monitoring required	2
Consent Agreement for Reprimand with Stipulations	1
Stipulation and Agreement	2
Amended Stipulation and Agreement	3
Denial	1
Action From Another State	9
License Reinstated Without Restrictions	1
Discharge from HPAP/ Return to Unrestricted Status	1

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, and 20:84 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 FY2017:

- **PHYSICIANS AND SURGEONS – CHAPTER 20:47.** The proposed rule requires medical documentation of prescribed controlled substances. **NOTICED 8/11/16 | ADOPTED 9/26/16 | EFFECTIVE 10/20/2016**
- **PHYSICIAN ASSISTANTS – CHAPTER 20:52.** The proposed rules remove restrictions related to the supervision of physician assistants. **NOTICED 8/11/16 | ADOPTED 9/26/16 | EFFECTIVE 10/20/2016**

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- **GENETIC COUNSELORS – 20:82** The proposed rules clarify continuing education requirements for genetic counselors. **NOTICED 8/11/16 | ADOPTED 9/26/16 | EFFECTIVE 10/20/2016**
- **ATHLETIC TRAINERS – 20:63** The proposed rules updated outdated language related to examinations, licensing, and continuing education. **NOTICED 2/16/17 | ADOPTED 3/28/17 | EFFECTIVE 4/20/2017**

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.

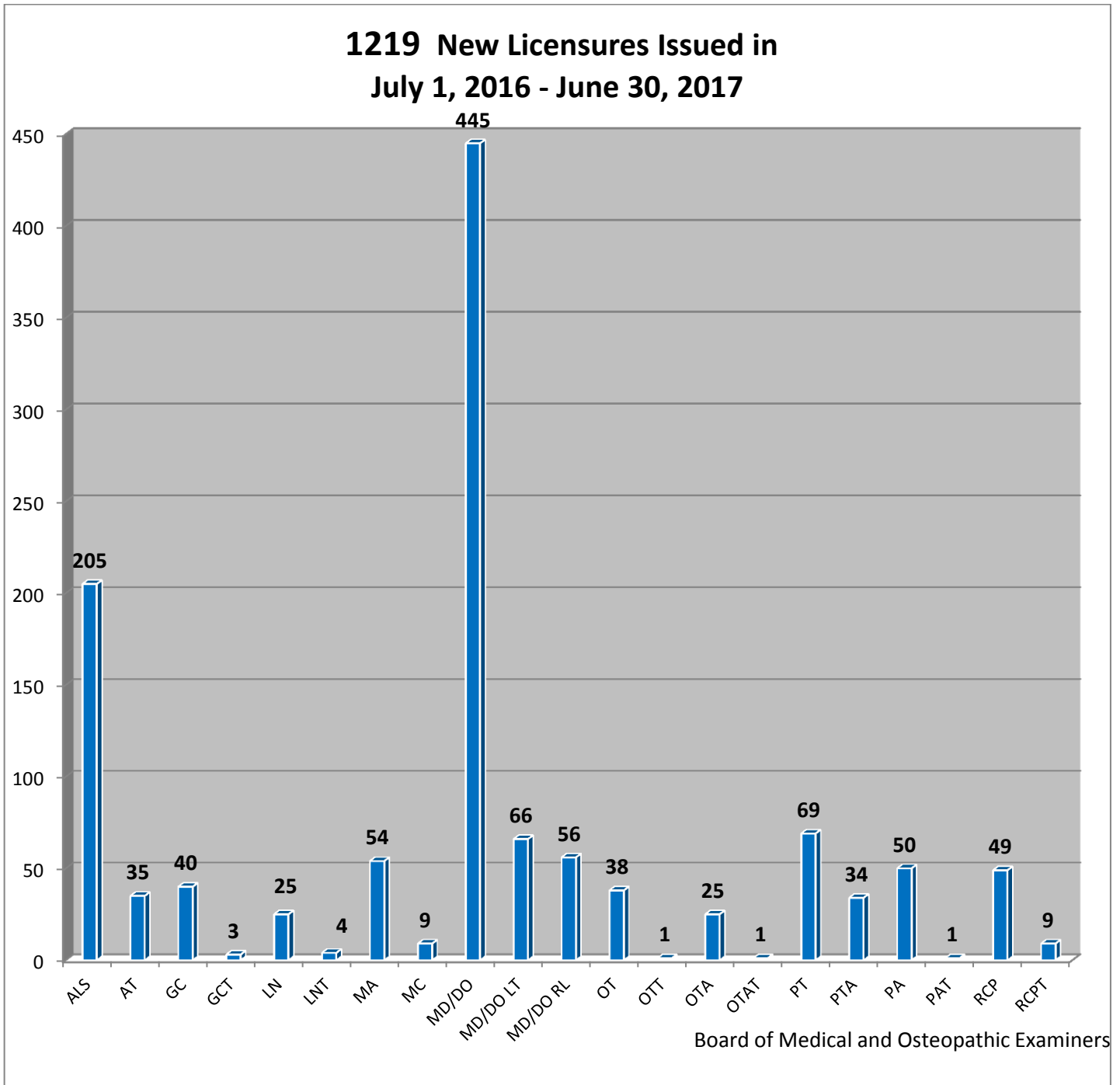
This legislation was approved in 2017:

HOUSE BILL 1070 – The purpose of this legislation was to revise certain provisions related to physical therapy licensure, especially concerning continuing education.

DECLARATORY RULINGS

The Board of Medical and Osteopathic Examiners adopted a declaratory ruling on microblading on June 8, 2017. The declaratory ruling concerned the question “does microblading attempted through the use of a scalpel fall within the practice of medicine?” The Board ruled that microblading done with a scalpel does fall within the practice of medicine.

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

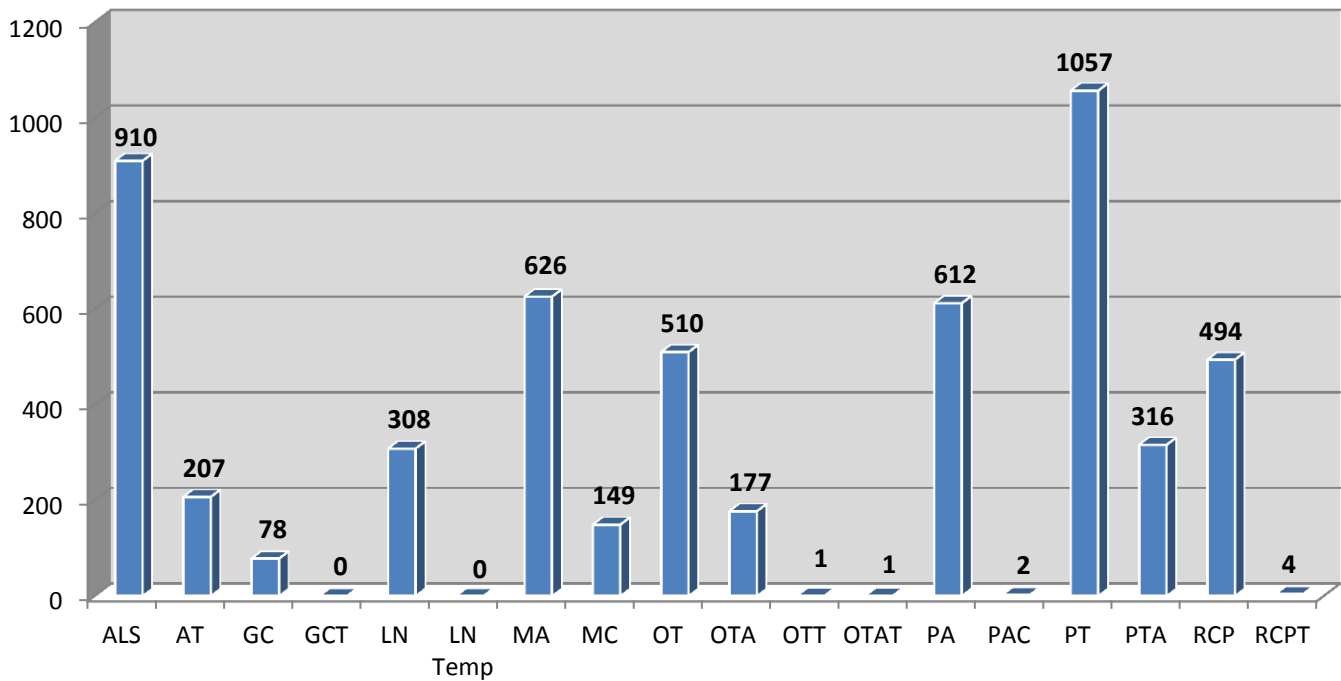
OT – Occupational Therapist
 OTA – Occupational Therapy Assistant
 OTAT – Occupational Therapy Assistant Temp
 PT – Physical Therapist
 PTA – Physical Therapist Assistant
 PA – Physician Assistant
 PAC – Physician Assistant Corporation
 RCP – Respiratory Therapy
 RCPT – Respiratory Therapy Temp

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Board of Medical and Osteopathic
Examiners

Current Non-Physician Counts

(As of 7/5/2017)



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

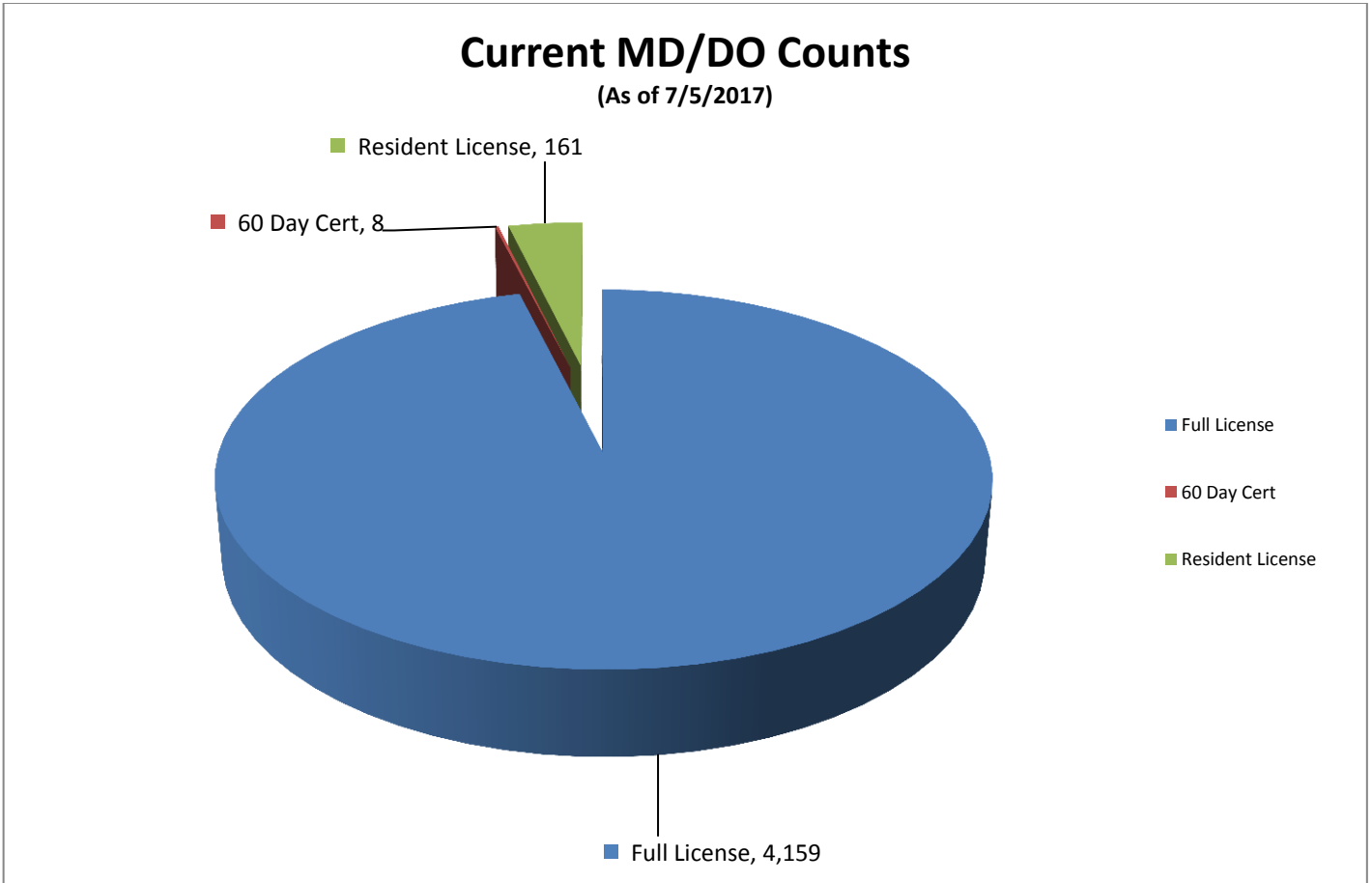
PAC – PA Corporation Registration

PT – Physical Therapist

PTA – Physical Therapist Assistant

RCP – Respirator Care Practitioner

RCPT – Respiratory Care Practitioner Temp Permit



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License Type:	FY14	FY15	FY16	FY17
Advanced Life Support	992	937	901	910
Athletic Trainer	218	234	215	207
Genetic Counselor	17	33	52	78
Genetic Counselor Temp	0	2	1	0
Licensed Nutritionist	316	320	319	308
Licensed Nutritionist Temp	3	6	4	0
Medical Assistant	575	651	572	626
Medical Corporation	165	164	149	149
Medical License	3,717	3,854	4,031	4,159
Physician Locums Tenens	9	11	20	8
Resident License	162	220	162	161
Occupational Therapist	464	470	490	510
Occupational Therapy Temp	0	0	0	1
Occupational Therapy Assistant	148	160	167	177
Occupational Therapy Assistant Temp	0	1	1	1
Physical Therapist	906	966	1012	1057
Physical Therapist Assistant	251	273	597	316
Physician Assistant	530	561	597	612
Physician Assistant Temp	0	0	0	0
Respiratory Therapy	511	485	526	494
Respiratory Therapy Temp	9	5	7	4
Total	8,993	9,353	9,532	9,778

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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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Website: 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 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*