

# **SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (BMOE)**

## **Draft Unapproved Minutes: June 13, 2019**

### **Public Board Meeting**

*(all votes will be by roll call)*

The members of the public may listen to the meeting using one of the following options

1. **Appear in person in the Board Conference Room: 101 N. Main Ave., Suite 306, Sioux Falls, SD 57104**
2. **Pierre DDN site: CAP A, 500 E. Capitol, Pierre, SD**
3. **Rapid City DDN site: South Dakota School of Mines & Technology Public Room, 505 East Saint Joseph St., EEP Building Room 155, Rapid City, SD**
4. **Live Streaming Audio: <http://www.sd.net/medex/>**

#### Unapproved Draft Minutes<sup>1</sup>

Board members present: Kevin Bjordahl MD; Walter Carlson MD, MBA; Mr. Richard Hainje; Jennifer May MD; Philip Meyer DO; Jeffrey Murray MD; Elmo Rosario MD; Ms. Nancy Turbak Berry

Board members absent: Laurie Landeen MD

Board staff: Ms. Margaret Hansen, Mr. Tyler Klatt, Ms. Jane Phalen, Ms. Misty Rallis, and Ms. Randi Sterling

Counsel: Assistant AG Steven Blair (BMOE), Assistant AG William Golden (BMOE Staff), Lisa Prostrullo (Hearing Examiner)

This was a public meeting and other individuals not listed may have been present.

Dr. Jeffrey Murray, president of the BMOE, called the meeting to order at 9:00 am (CDT). Roll was called, and a quorum was confirmed. President Murray called for public comment pursuant to SDCL 1-25-1. There was no public comment. President Murray referenced the following documents: The Code of Conduct and Conflict of Interest Policy for Use by State Authority, Board, Commission, and Committee Members, and the BMOE member specific administrative rules: 20:78:05:09 Conflict of Interest and 20:78:05:10 Potential Conflict of Interest.

A motion for unanimous approval of the consent agenda was ratified by roll call vote. (Carlson/Meyer/unanimous)<sup>2</sup> and included the June 13, 2019 agenda, the December 13, 2018 minutes, the list of new licenses, permits, certificates, and registrations issued between December 6, 2018 to June 7, 2019; the financial report, and the public docket review.

A motion for approval of the BMOE Advisory Committee member reappointment was ratified by roll call vote (Meyer/Turbak Berry/ unanimous).

- Nutrition and Dietetics Committee: Mariah Weber, LN, second term
- Genetic Counselors Committee: Dr. Cara Hamilton, second term
  - Dr. Laura Davis Keppen, Dr. Maria Palmquist, Kali Swift GC, and Quinn Stein GC, third terms
- Occupational Therapy Committee: Megan Johnke, OT, second term
- Physician Assistant Committee: Clint Perman, PA, second term.

9:10 am: Public Hearing to Adopt Administrative Rules: the proposed rule was presented by Tyler Klatt. There was no opposing or supporting testimony and no written comments received. A motion to incorporate the Legislative Research Council style and form change and adopt ARSD 20:47:03:03.01 was ratified by roll call vote. (Bjordahl/Meyer/unanimous)

#### Confidential physician hearings (closed session pursuant to SDCL 36-4-31.5)

- Dr. Edward Picardi - A motion to enter executive session pursuant to SDCL 1-25-2 (3) to consult with legal counsel was ratified by roll call vote. (Carlson/May/unanimous, Rosario abstained). A motion to deny the administrative law judge recommendation, to require Dr. Picardi to complete the application process as well as a competency assessment then the executive secretary may issue the license, to write findings of fact and conclusions of law, and to adopt the final order was ratified by roll call vote. (Carlson/May/unanimous, Rosario abstained). Rosario did not participate.
- Dr. Annette Bosworth - A motion to enter Executive Session pursuant to SDCL 1-25-3(2) to consult with legal counsel was ratified by roll call vote. (Carlson/May/unanimous). A motion to adopt the administrative law judge recommendation that no adverse action be taken with respect to Dr. Bosworth's license and to adopt a final order was ratified by roll call vote. (Turbak Berry/Carlson/unanimous). The hearing examiner denied the Motion to Compel and declined the Stipulation and Agreement.

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<sup>1</sup> 1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

<sup>2</sup> Format for motions, second and vote results: BMOE member Name (Making the motion/Second/Vote result with abstentions noted by name)

- Dr. Erin Kastl - A motion to approve the Reprimand and adopt the final order of the Board was ratified by roll call vote. (Carlson/Meyer/unanimous, Hainje abstained).
- Dr. Robert Maiocco - A motion to approve the Board's Findings of Fact, Conclusions of Law and adopt a final order to deny a South Dakota medical license to Dr. Maiocco was ratified by roll call vote. (Bjordahl/Rosario/unanimous, May and Turbak Berry abstained). May did not participate.
- Dr. Sudhir Finch – A motion to discharge Dr. Finch from the Medical Board Monitoring Program (MBMP), and to return his South Dakota medical license to a full and unrestricted status was ratified by roll call vote. (Carlson/Hainje/unanimous).

Public Hearings:

- Nicholas Knotek-Wangberg - A motion to approve the Stipulation and Agreement to mandate him into the Medical Board Monitoring Program (MBMP) and to adopt the Final Order was ratified by roll call vote. (Carlson/Bjordahl/unanimous).

EMT Paramedic Petitions (advanced life support): A motion for unanimous approval of petitions submitted by EMT Paramedics for additional skills and to authorize staff to approve future advanced life support petitions for skills that have been previously approved by the Board was ratified by roll call vote. (Turbak Berry/Carlson/unanimous).

- Paul Imhof (Black Hills Life Flight)
- Micah Kremer (LifeNet Air Medical Services)
- Ashley Brown, Brian Sanfilippo, Ryan Sittig, Catherine Winterfeld, and Rachel Wintle (Paramedics Plus)

The executive director report was accepted for information.

The Medical Board Monitoring Program (MBMP) report was accepted for information.

Annual election of officers: A motion to approve the current slate of officers was ratified by roll call vote. (Carlson/Rosario/unanimous).

A motion to enter Executive Session pursuant to SDCL 1-25-2 (3) to consult with legal counsel was ratified by roll call vote (Meyer/Hainje/unanimous).

A motion to adjourn the public meeting was ratified by roll call vote (Meyer/Hainje/unanimous).