

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Minutes: June 14, 2018

Public Board Teleconference 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 215, 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) - Link: <http://www.sd.net/medex/>**

Thursday, June 14, 2018 – 9:00 am (CDT)

Minutes

Boards Members:

Present: Kevin Bjordahl, MD; Walter Carlson, MD, MBA; Richard Hainje; Laurie Landeen, MD; Jennifer May, MD; Jeffrey Murray, MD; Philip Meyer, DO; Elmo Rosario, MD; Nancy Turbak Berry

Board Staff:

Present: Margaret Hansen, PA-C; Mr. Tyler Klatt; Ms. Jane Phalen; Ms. Misty Rallis; Ms. Randi Sterling

Counsel:

Present: Assistant AG Steven Blair (Board), Assistant AG William Golden (Staff)

Guests:

Present: Mark East, South Dakota Medical Association, Patrick Hauer, PT, President - South Dakota Physical Therapy Association
Jason Tjeerdsma, PT, Adam Halseth, PT, Chris Hermes, EMT I/85, Toni Lias, PT, Ryan Sittig, EMT Paramedic
Jeff Steinberger, PT, Jacob Tesch, PT, Jason Tjeerdsma, PT

This was a public meeting and other individuals may have been present.

Dr. Walter Carlson, president of the Board, called the meeting to order at 9:00 am (CDT). Roll was called and a quorum was confirmed. New Board Members, Nancy Turbak Berry and Philip Meyer, DO, were welcomed and introduced to the Board.

Consent Agenda:

- June 14, 2018 draft agenda
- March 8, 2018 draft minutes
- February 24, 2018 through June 5, 2018 list of new licenses permits, certificates and registrations issued
- Advisory committee business
- Financial report
- Docket review

A motion for unanimous approval of the consent agenda was ratified by roll call vote. (Landeen/Murray/unanimous)¹

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

- Brenda M. DeJong, MD: A motion to accept the voluntary surrender of Dr. DeJong's medical license was ratified by roll call vote. (Hainje/Landeen/unanimous)
- David E. Mazour, MD: A motion to adopt the *Findings of Fact, Conclusions of Law and Recommendation for Denial* of Dr. Mazour's application for a South Dakota medical license was ratified by roll call vote. (Landeen/Hainje/unanimous)

Advisory Committee: Appointment and Reappointment

- A motion to appoint Ms. Chris Hermes, EMT I/85, to the Advanced Life Support Advisory Committee was ratified by roll call vote. (Landeen/Murray/unanimous)
- A motion to reappoint Ms. Cathy Sulentic-Morcom, PT, to the Physical Therapy Advisory Committee was ratified by roll call vote. (Bjordahl/Murray/unanimous)

10:00 am – Public Hearings on Proposed Administrative Rules

Physical Therapist and Physical Therapist Assistant: Article 20:66; Chapter 20:66:04; Sections 20:66:04:01, 02, 03, 04–Dry Needling.

- The public hearing was called to order at 10:00 am (CDT).

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- Written comments from proponents were submitted by the following physical therapists: Nicolle Samuels, Julie Wingen, Michael Rykaczewski, Alyssa Besch, Aubree Blake, Sarah Sitzmann, Matthew Oehlerts, Erin Mandzen, Tessa Goehring, Jordan Chohon, Julie Ecklund, Samantha Hoebelheinrich, Taylor Sterling, Julie Smith, Chelsey Streich, Jacob Tesch, Stephanie Senne, Wade Fligge, Carey Daunt, and Kim Pearson.
 - Proponent testimony was presented in person by physical therapists Jason Tjeerdsma, Jacob Tesch, and Patrick Hauer.
 - Written comments from opponents were submitted by Barbara Smith, CEO of the SDMA, and Dr. Christopher Dietrich, President of the SDMA.
 - Telephonic opponent comments were presented by Dr. Benjamin Aaker.
 - DDN opponent comments were presented by attorney Tim Engel.
 - A motion to amend the rule with the Legislative Research Council (LRC) style and form changes was ratified by roll call vote. (Turbak Berry/Landeen/unanimous)
 - A motion to amend ARSD 20:66:04:01 to add "licensed" to the rule which will then state "...a skilled technique performed by a licensed physical therapist..." was ratified by roll call vote. (Landeen/Turbak Berry/unanimous)
 - A motion to amend ARSD 20:66:04:02(2) to state that "The majority of the course of study shall be in-person..." was ratified by roll call vote. (Landeen/Turbak Berry/unanimous)
 - A motion to amend ARSD 20:66:04:02(2), subsection (k) to "Indications, contraindications, and precautions related to dry needling" was ratified by roll call vote. (Turbak Berry/Landeen/unanimous)
 - A motion to amend ARSD 20:66:04:03 to include the requirement to pass both a written and practical examination was ratified by roll call vote. (Landeen/May/unanimous)
 - A motion to approve the rule as amended was ratified by roll call vote. (Turbak Berry/Landeen/unanimous)

Medical Assistant: Article 20:84, Chapter 20:84:03; Section 20:84:03:01—Qualifications of Applicants.

- The public hearing was called to order at 10:20 am (CDT).
- There were no written comments submitted by the public.
- There was no proponent testimony.
- There was no opponent testimony.
- There were no style and form changes from the Legislative Research Council (LRC).
- A motion to approve Article 20:84, Chapter 20:84:03; Section 20:84:03:01—Qualifications of Applicants was ratified by roll call vote. (Landeen/Rosario/unanimous)

Medical Assistant: Article 20:84; Chapter 20:84:04; Section 20:84:04:01—Approval of Educational Programs.

- The public hearing was called to order at 10:25 am (CDT).
- There were no written comments submitted by the public.
- There was no proponent testimony.
- There was no opponent testimony.
- There were no style and form changes from the Legislative Research Council (LRC).
- A motion to approve Article 20:84; Chapter 20:84:04; Section 20:84:04:01—Approval of Educational Programs was ratified by roll call vote. (Landeen/Rosario/unanimous).

Public Hearings:

- Robin L. Reynolds, Respiratory Care Practitioner (RCP). A motion to adopt the *Findings of Fact, Conclusions of Law and Recommendation for Revocation* was ratified by roll call vote. (Bjordahl/Landeen/unanimous)
- Nancy Delker-Myers, EMT Paramedic. A motion to approve the petition by Ms. Delker-Myers to return her paramedic license to a full and unrestricted status was ratified by roll call vote. (Landeen/Rosario/unanimous)

The executive director report was presented. Ms. Hansen received the 2018 "Distinguished Service Award" at the annual meeting of the Administrators in Medicine (AIM). The monthly reports were presented, and the disclosure questions for applications and renewals were reviewed. The report was accepted for information.

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Dr. Rosario presented information about the Federation of State Medical Boards' annual meeting, and discussion topics presented at the meeting including physician burn-out, digital health, stem cell regulations, boundary issues, disclosure questions, etc. This report was accepted for information.

The Medical Board Monitoring Program (MBMP) update was presented for information.

- There have been eleven (11) self-referrals since July 1, 2017.
- The staff time involved to enroll a participant is approximately 5 to 7 hours.
- The estimated staff time used is approximately 312 hours per year.
- DOH approved the contracts for the BMOE to begin paying for testing through Affinity and Soberlink in September 2017.
- The MBMP is currently the only program to pay the expenses for all participants' testing.
- With 9 months of data:
 - a. The average cost per participant is projected to be \$1,630.95 per year.
 - b. There are currently 15 participants.
 - c. If the number of participants remains at 15, the current projected cost would be \$19,571.36 annually.
 - d. The cost of the previous monitoring program was \$200,000 annually.
- The BMOE will continue to educate licensees about the MBMP.
- The staff will gather information through a survey of the participants, and make adjustments if needed.
- The staff will invite parties from the Iowa Physician Health Program to visit the MBMP for evaluation and feedback.
- Dr. Landeen volunteered to co-author an article with facts about the MBMP program including education and information efforts, statistics, the testing expenses which are paid by the BMOE, the success of the MBMP, and the annual savings in operating the program. The article will then be printed in SD Medicine.

Ms. Hansen presented information about the Advanced Life Support Scope of Practice Guidelines. A motion to approve the Advanced Life Support Scope of Practice Guidelines was ratified by roll call vote. (Rosario/Bjordahl/unanimous)

Mr. Blair presented the Code of Conduct for Board members. This was accepted for information.

Dr. Carlson called for the election of officers.

- A motion to elect Dr. Jeffrey Murray as President of the Board was ratified by roll call vote. (Bjordahl/Rosario/unanimous)
- A motion to re-elect Dr. Kevin Bjordahl as Vice president of the Board was ratified by roll call vote. (Landeen/Turbak Berry/unanimous)
- A motion to re-elect Dr. Laurie Landeen as secretary of the Board was ratified by roll call vote. (Turbak Berry/May/unanimous)

A motion to adjourn the public meeting at 12:30 and to enter into executive session to consult with legal counsel was ratified by roll call vote. (Bjordahl/Turbak Berry/unanimous)