

**SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (BMOE)**  
**Draft Unapproved Minutes: September 12, 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; Jennifer May MD; Philip Meyer DO; Jeffrey Murray MD; Elmo Rosario MD; Ms. Nancy Turbak Berry

Board members absent: Mr. Richard Hainje; Laurie Landeen, MD

Board staff: Ms. Margaret Hansen, Mr. Tyler Klatt, Ms. Jane Phalen

Counsel: BMOE: Assistant AG Steven Blair, BMOE Staff: Assistant AG William Golden, Assistant AG Caroline Srstka

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

Dr. Jeffrey Murray, BMOE president, 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/Bjordahl/unanimous)<sup>2</sup> which included the September 12, 2019 agenda, the June 13, 2019 minutes, the list of new licenses, permits, certificates, and registrations issued June 8 through September 4, 2019, the financial report, and the public docket review.

A motion for approval of term reappointments for the slate of advisory committee members to the BMOE was ratified by roll call vote (Turbak Berry/Meyer/unanimous).

- Advanced Life Support Committee: Emergency Medical Technician Intermediate 99 Paul Schueth, Emergency Medical Technician Paramedic Tom Price
- Athletic Trainer Committee: Athletic Trainer Tryg Odney
- Respiratory Care Practitioner Committee: Respiratory Care Practitioner Mike Strubel

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

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

- Dr. Stanley Gallagher – A motion to approve the stipulation and reprimand based upon another state's discipline and to adopt the final order of the BMOE was ratified by roll call vote. (Carlson/Meyer/unanimous)
- Dr. Robert Neumayr - A motion to approve the stipulated agreement and reprimand and adopt the final order of the BMOE was ratified by roll call vote. (May/ Carlson/Yes: Carlson, May, Meyer, Rosario, Turbak Berry/No: Bjordahl, Murray abstained)
- Dr. Edward Picardi - A motion to adopt the findings of fact, conclusions of law and final order of the BMOE was ratified by roll call vote (Turbak Berry/Carlson/unanimous, Rosario abstained)
- Dr. Adam Smith- A motion that the South Dakota medical license of Dr. Smith be summarily suspended effective immediately, and that an administrative hearing be scheduled within a reasonable timeframe was approved by roll call vote (Carlson/Bjordahl/unanimous).

Public Hearings:

- Anthony Clewis - A motion to adopt the administrative law judge proposed recommendation that his South Dakota license be reported as "withdrawn under investigation" and to adopt a final order of the BMOE was ratified by roll call vote. (Carlson/Bjordahl/unanimous)
- Elizabeth Klotzke - A motion to adopt the administrative law judge proposed recommendation that her South Dakota registration be revoked and to adopt a final order of the BMOE was ratified by roll call vote. (Carlson/Bjordahl/unanimous)

The South Dakota State Medical Association (SDSMA) CEO Barb Smith and President Dr. Robert Summerer attended the meeting. The BMOE has received three letters from the SDSMA and the discussion primarily focused on physician wellness programs.

The BMOE accepted the executive director and the Medical Board Monitoring Program (MBMP) reports for information. The meeting was adjourned at 1:05 pm central.

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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 is either unanimous or Yes: and No: results and abstentions noted by name)