

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (BMOE)

March 12, 2026

Approved Minutes

9:00 AM (Central Time)

Public Regular Board Meeting

101 N. Main Ave., Suite 306

Sioux Falls, SD 57104

Unapproved Draft Minutes¹. Board votes by voice call²

Board members present: Brittany Azure Bearstail MD, Scott Blachard DO; Maurice Chessmore MD, Cartney Gilkerson GC, Natalie Holt MD, Julie Kalahar OTR/L, Kathryn Kassin PA-C, Tryg Odney ATC, Clay Pavlis MD, Lisa Stark RD/LN; Rachel Sunne MD, Jennifer Tegethoff MD

Board members absent: Christopher Dietrich MD, Richard Hainje, Gary Langerock NRP, Heather Spies MD, Marissa Trosen RRT

Board staff present: Executive Director Ms. Margaret Hansen, Ms. Randi Sterling, Ms. Karli LaBrie

Counsel present: General Counsel to the Board: Assistant AG David McVey, Counsel to the Staff and Prosecutor: Assistant AG Alexis Tracy

Other parties may have been in attendance for this public meeting.

President Tegethoff called the meeting to order at 9:02 AM (Central time). Roll was called, and a quorum was confirmed. A motion to approve the draft agenda was ratified by voice vote (Kassin/Bearstail/unanimous). A call for public comment pursuant to SDCL 1-25-1 was made and there was no public comment. President Tegethoff called attention to 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 voice vote (Pavlis/Sunne/unanimous).

A public Declaratory Ruling Hearing concerning SDCL 36-29-1.1 and the ability of athletic trainers to perform dry needling was held beginning at 9:08 am. The petition was filed pursuant to SDCL §§ 1-26-15, 36-1C-14, and ARSD § 20:78:02 by sponsor South Dakota Athletic Trainers Association President Mary Beth Zwart. The Board considered seven (7) written comments received prior to the hearing. Proponent oral testimony was heard from the Petition sponsor, and one interested person Dr. Samuel Schimelpfenig. There was no opponent oral testimony. Public testimony concluded and Board discussion and deliberation began at 9:30 am. A motion to adopt the petition as filed, the statute scope of practice is sufficient to authorize athletic trainers to perform dry needling as education and training allows was ratified by voice vote (Kassin/Chessmore/unanimous). Board general counsel McVey will draft findings of fact and conclusions of law for President Tegethoff to sign. The Declaratory Ruling Hearing ended at 9:33 am.

Executive Director Hansen gave a report for information. The current legislative session had several bills related to the BMOE that once signed by the Governor will be South Dakota law as of July 1, 2026. Ambulance operator certification will be removed (HB 1024) and interstate compacts were adopted for three (3) BMOE regulated professions: Physician Assistants (HB 1146), Respiratory Care (HB 1148), Athletic Trainers (HB 1149). The Monitoring Program assessment contract is under vendor review and Paige Cooper joined the BMOE staff as a licensing specialist.

Management Analyst LaBrie presented Advisory Council business and a Slate of Advisory Council Nominations for initial appointment of Dustin Geber to the Athletic Trainer Advisory Council and a second term reappointment of Nancy Trimble to the Physician Assistant Advisory Council. A motion to approve the Slate of Advisory Council Nominations was ratified by voice vote (Kassin/Odney/unanimous).

Investigator Sterling presented an advanced life support scope petition request from the Rapid City Fire Department (RCFD) for the Advanced EMT's employed within their agency be able to petition for the ability to administer epinephrine 1:10,000. The RCFD has incorporated this into its AEMT education program in anticipation of Board

¹ 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.

² Format for motions, second and vote results: BMOE member Name (Making the motion/Second/Vote result is either unanimous or noted by name for abstentions. Roll call votes AYE or NAY noted by name)

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approval. The EMS Advisory Council has reviewed and is in support of this request. A motion to accept the request from the Rapid City Fire Department (RCFD) for the Advanced EMT's employed within their agency be able to petition for the ability to administer epinephrine 1:10,000 was ratified by voice vote (Blanchard/Odney/unanimous).

The Board conducted a public non-physician contested case hearing. A motion to accept the stipulated agreement with reprimand for Mr. James Ferrell was ratified by voice vote (Sunne/Gilkerson/Stark abstained/11 Ayes, 0 Nays).

The Board conducted a confidential physician contested case hearing which was closed pursuant to SDCL 36-4-31.5. Members of the public, visitors, and anyone not involved in the confidential physician hearing were excluded from the hearing. A quorum for physician matters of at least six members was established with seven members present. At the conclusion of the physician hearing, the Board exited the closed physician session, and the public meeting resumed for final Board action on the confidential hearing. A motion to accept the stipulated agreement with reprimand for Dr. Nielsen Burns was ratified by voice vote (Pavlis/Bearstail/Blanchard abstained/6 Ayes, 0 Nays).

President Tegethoff mentioned that future board meeting dates are available on the Board's website under Board Info. The June 2026 meeting will be an in-person meeting.

With no further business, President Tegethoff called the public meeting ended and adjourned at 10:09 am Central time.