

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Minutes: March 8, 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. **Telephone (Please use a land line): Call (605) 224-1125 - then enter the Access Code: 0606140#**
(Using a land line reduces your chances of echoes, a poor connection, or "dropping" the conference call)
3. **Pierre DDN site: CAP A, 500 E. Capitol, Pierre, SD**
4. **Rapid City DDN site: South Dakota School of Mines & Technology Public Room, 505 East Saint Joseph St., EEP Building Room 155, Rapid City, SD**
5. **Live Streaming (AUDIO) - Link: <http://www.sd.net/medex/>**

Thursday, March 8, 2018 – 9:00 am (CT)

Minutes

Boards Members:

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

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: Lindsay Stern, Licensed Nutritionist

Kristen Bunt, Director - South Dakota Association of Healthcare Organizations via phone

Patrick Hauer, PT, President - South Dakota Physical Therapy Association

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 (CT). Roll was called and a quorum was confirmed. New Board Member, Philip Meyer, DO, was introduced to the Board.

Consent Agenda:

- March 8, 2018 agenda
- December 14, 2017 Board meeting minutes
- December 2, 2017 through February 23, 2018 new licensure list
- Advisory Committee Business
- Financial report
- Docket review

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

9:00 am - Declaratory Rulings:

- Declaratory Ruling Regarding Delegating the Task of Writing Dietary Orders: A motion for approval was ratified by roll call vote (Landeen/unanimous)
- Declaratory Ruling Regarding Delegating the Task of Writing Occupational Therapy Orders: A motion for approval was ratified by roll call vote (Murray/unanimous)
- Declaratory Ruling Regarding Delegating the Task of Writing Physical Therapy Orders: A motion for approval was ratified by roll call vote (Murray/unanimous)

Declaratory Ruling Regarding Delegating the Task of Writing Physical Therapy Orders: A motion for approval was ratified by roll call vote (Rosario/unanimous)

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Minutes: March 8, 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. Telephone (Please use a land line): Call (605) 224-1125 - then enter the Access Code: 0606140#
(Using a land line reduces your chances of echoes, a poor connection, or "dropping" the conference call)
3. Pierre DDN site: CAP A, 500 E. Capitol, Pierre, SD
4. Rapid City DDN site: South Dakota School of Mines & Technology Public Room, 505 East Saint Joseph St., EEP Building Room 155, Rapid City, SD
5. Live Streaming (AUDIO) - Link: <http://www.sd.net/medex/>

Legislative Update for 2018 was presented for information.

Agency (Board) Bills:

- House Bill 1019 (HB 1019) revised provisions regarding background checks for physicians and was passed by the South Dakota Legislature with an emergency provision, and was made effective upon Governor Dugaard's February 5, 2018 signature. The bill requires an applicant for expedited licensure (through the Interstate Medical License Compact) to submit to a criminal background investigation.
- House Bill 1020 (HB 1020) revised provisions and regulations regarding medical assistants after 2017 legislation ended the joint regulation of the Board of Medical and Osteopathic Examiners and the Board of Nursing. This legislation removed references to the Board of Nursing and any mention of joint regulation in the medical assistant practice act, and is effective after July 1, 2018.

Professional Society and Association Bills:

- Senate Bill 71 (SB 71) was sponsored by the South Dakota Medical Association and is effective on July 1, 2018. This new law makes two changes to the South Dakota Medical Practice Act:
 1. Requires physicians to notify the Board, within 30 days, of any acts, *including but not limited to*:
 - a. Any changes in contact information, unprofessional conduct, malpractice or privilege to practice issues, hospital disciplinary actions, alcohol or substance abuse issues, and law enforcement issues.
 2. Medical licenses change from an annual renewal to a two (2) year renewal in the odd numbered years. This law will be in effect after July 1, 2018. The initial, reinstatement, and biennial renewal license fees for physicians were all increased to \$400.00 as required.
- House Bill 1079 (HB 1079) was sponsored by the South Dakota Physical Therapy Association to allow physical therapists with advanced training to perform dry needling. Physical therapist assistants are not included in this law and are not permitted to perform dry needling. The bill will go into effect after July 1, 2018; however, dry needling cannot take place until rules regarding dry needling have been established and passed by the SDBMOE. Every effort is being made to have the rules in place by July 1, and the SDBMOE will be informing all physical therapists of the process before the performance of dry needling can begin.

The Reporting Memo was presented for information.

- The reporting memo was prepared as the reply to the SDSMA letter which requested guidance about reporting to the Medical Board Monitoring Program (MBMP), confidentiality, and reporting information to the Board within 30 days.

The Medical Board Monitoring Program update was presented for information.

- There have been nine (9) 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.
- The Department of Health approved the contract for the BMOE to pay for testing through Affinity and Soberlink.
- The MBMP is currently the only program to pay the expenses for all enrollees' monitoring participation and testing.
- With 6 months of data:
 - a. The average cost per participant is projected to be \$1,373.35 per year.

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.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Minutes: March 8, 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. Telephone (Please use a land line): Call (605) 224-1125 - then enter the Access Code: 0606140#
(Using a land line reduces your chances of echoes, a poor connection, or "dropping" the conference call)
 3. Pierre DDN site: CAP A, 500 E. Capitol, Pierre, SD
 4. Rapid City DDN site: South Dakota School of Mines & Technology Public Room, 505 East Saint Joseph St., EEP Building Room 155, Rapid City, SD
 5. **Live Streaming (AUDIO) - Link: <http://www.sd.net/medex/>**
 - b. There are currently 14 participants.
 - c. If the number of participants remains at 14, the current projected cost for the year would be \$19,227.
 - 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 Interstate Medical Licensure Compact was presented for information.

A recess was called at 9:35 am. The meeting reconvened at 10:00 am. Roll was taken and a quorum was confirmed.

10:00 am - Public Hearing on Proposed Administrative Rule 20:66:03:01.

- There was one written comment from the South Dakota Legislative Research Council to amend the rule for style and form, and remove one sentence.
- Physical Therapist Patrick Hauer provided proponent testimony.
- There was no opponent testimony.

A motion for unanimous approval of the amended rule was ratified by roll call vote.

Dr. Carlson adjourned the meeting at 10:10 am.