

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (BMOE)

December 8, 2022

[Unapproved Draft Minutes](#)

9:00 am (Central Time)

Public Board Meeting

NOTE: This meeting was held in a physically accessible place.

Unapproved Draft Minutes¹. Votes are roll call voice vote.

Board members present in the Board Conference Room: 101 N. Main Ave., Suite 306 Sioux Falls: Philip Meyer DO, Aaron Shives MD, Gary Timmerman MD

Board member via DDN: Christopher Dietrich MD, Jennifer Tegethoff MD,

Board members absent: Mr. Richard Hainje, Jeffrey Murray MD, Mrs. Suzanne Veenis

Board staff present: Ms. Margaret Hansen, Ms. Randi Sterling, Mr. Justin Reinfeld

Counsel present: General Counsel to the Board: Assistant AG Steven Blair, Counsel to the Staff and Prosecutor: Assistant AG Caroline Srstka

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

President Meyer then called the meeting to order at 9:33 AM (Central time). Roll was called, and a quorum was confirmed. A motion for approval of the draft agenda was ratified by roll call vote (Timmerman/Shives/unanimous). A call for public comment pursuant to SDCL 1-25-1 was made and there was no public comment. President Meyer 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 roll call vote (Shives/Timmerman/unanimous)²

Physician Hearings (closed confidential session pursuant to SDCL 36-4-31.5) and the following board action was taken in the public meeting:

- Dr. Akers-White– Motion to reject the Stipulation and Agreement and Temporary Order and to re-engage for a new agreement was ratified by roll call vote (Timmerman/Shives/ unanimous).
- Dr. Larson – Motion to accept Stipulation and Agreement and Temporary Order was ratified by roll call vote (Shives/Timmerman/ four Ayes /abstained: Meyer).
- Dr. Lisner – Motion to accept Administrative Law Judge Recommendation, Findings of Fact and Conclusion of Law was ratified by roll call vote (Timmerman/Shives/ four Ayes/abstained: Tegethoff).

Non-Physician Public Hearings:

- Mr. Ferguson – Motion to accept the Stipulation and Agreement and Temporary Order (Timmerman/Tegethoff/four Ayes/abstained: Dietrich)
- Ms. Kothe - Motion to accept the Stipulation and Agreement and Temporary Order (Shives/Timmerman/ four Ayes/abstained: Tegethoff).
- Mr. Tiedeman - Motion to accept the Stipulation and Agreement and Temporary Order (Timmerman/Meyer/unanimous).

Advisory committee nominations for initial appointments were presented to the Board:

- Advanced Life Support Advisory Committee - Nellie Isaacs, EMT-I/99; Andrew Binder, EMT-Paramedic
- Athletic Trainer Advisory Committee - Kaleb Birney, AT
- Genetic Counselor Advisory Committee - Jason Flanagan, GC; Tiffany Von Wald, MD
- Respiratory Care Practitioner Advisory Committee - Kristi Specht, RCP

A motion for approval of the nominations for advisory committee initial appointments was ratified by roll call vote (Timmerman/Tegethoff/unanimous).

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 Yes: and No: results and abstentions noted by name)

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Advisory committee nominations for reappointments were presented to the Board:

- Genetic Counselor Advisory Committee- Cara Hamilton, MD
- Licensed Nutrition/Dietician Advisory Committee - Mariah Weber, RD
- Occupational Therapy Advisory Committee - Megan Johnke, OT; Angela Root, OT
- Physician Assistant Advisory Committee - Clint Perman, PA-C

A motion for approval of the nomination for the advisory committee reappointments was ratified by roll call vote (Shive/Meyer/unanimous).

The Board directed staff to proceed with the administrative rules as drafted by staff and legal counsel.

President Meyer mentioned future board meeting dates and called the public meeting closed at 10:59 AM Central time zone.