

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (BMOE)

December 11, 2025

Unapproved Draft 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, Maurice Chessmore MD, Christopher Diedrich MD, Cartney Gilkerson GC, Richard Hainje, Julie Kalahar OTR/L, Kathryn Kassin PA-C, Gary Langerock NRP, Tryg Odney ATC, Heather Spies MD, Rachel Sunne MD, Jennifer Tegethoff MD, Marissa Trosen RRT

Board members absent: Scott Blachard DO, Natalie Holt MD, Clay Pavlis MD, Lisa Stark RD/LN

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

Counsel present: General Counsel to the Board: Assistant AG Jennifer M. Jorgenson, Counsel to the Staff and Prosecutor: Assistant AG Ryan McFall

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

President Tegethoff called the meeting to order at 9:00 AM (Central time). Roll was called, and a quorum was confirmed. A motion to approve the draft agenda was ratified by voice vote (Kassin/Gilkerson/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 (Kassin/Dietrich/unanimous).

On September 25th Board member Odney contacted the Board staff with a correction question regarding the approved board meeting minutes from the June 12th Board Meeting. He recalled the votes being a 7 to 7 vote on the Declaratory Ruling petition, however, the minutes approved by the Board at its September 11th meeting reported the votes for the motions as being 8 to 6. The Board staff investigated and found that one of the votes were transposed in the table and the vote was 7 to 7 instead of the 8 to 6. This clerical error does not change the outcome of the Declaratory Ruling petition due to a lack of a Board majority vote. Previous board counsel Steve Blair advised at the hearing that a majority vote was 9 members. Board staff spoke with legal counsel and drafted amended unapproved draft minutes to correct the clerical error. A motion to approve the correction amending the June 12th Board Meeting Minutes was ratified by voice vote (Kassin/Gilkerson/unanimous).

Executive Director Hansen gave a report for information. The BMOE is involved with four interstate compacts: the Dietician Licensure Compact, the Emergency Medical Personnel Licensure Interstate Compact, the Interstate Compact on Occupational Therapy Licensure, and the Interstate Medical Licensure Compact. The Compact Commissions for each compact met this fourth quarter. Director Hansen was elected Vice Chair of the Dietician Licensure Compact Commission. Staff updates include, using the new contracting system, Cobblestone and Karli LaBrie was promoted to the BMOE Management Analyst.

An Advisory Committee Business report was given by Management Analyst LaBrie. Advisory Council minutes from meetings held since the last Board meeting were made available to the Board. A motion to approve the nominations for appointment to a first term for Dr. James Wallace and for Dr. Jennifer Berger to fulfill Dr. Suzanne Rueter's term to the Genetic Counselor Advisory Council was ratified by voice vote (Gilkerson/Kassin/unanimous). A motion to approve second term reappointments of Kaleb Birney, Andrew Binder, Jason Flanagan, and Kristi Specht to their current Advisory Councils was ratified by voice vote (Trosen/Bearstail/unanimous).

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 was excluded from the

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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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. Parvez Fatteh was ratified by voice vote (Bearstail/Hainje/Spies abstained/6 Ayes, 0 Nays). A motion to accept the stipulated agreement to consent to a voluntary surrender of license for Dr. Paul Dillaway was ratified by voice vote (Hainje/Dietrich/Sunne abstained/6 Ayes, 0 Nays).

President Tegethoff mentioned that future board meeting dates are available on the Board's website under Board Info. The March 2026 meeting will be a virtual remote Teams meeting.

With no further business, President Tegethoff called the public meeting ended and adjourned at 9:29 am Central time.