

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS (BMOE)

June 12, 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: Scott Blachard DO; Maurice Chessmore MD, Christopher Diedrich MD, Cartney Gilkerson GC, Richard Hainje, Natalie Holt MD, Julie Kalahar OTR/L, Kathryn Kassin PA-C, Gary Langerock NRP, Tryg Odney ATC, Clay Pavlis MD, Heather Spies MD, Rachel Sunne MD, Jennifer Tegethoff MD, Marissa Trosen RRT

Board members absent: Brittany Azure Bearstail MD, Lisa Stark RD/LN

Board staff present: Executive Director Ms. Margaret Hansen, Ms. Randi Sterling, Ms. Whitney Burrows

Counsel present: General Counsel to the Board: Deputy AG Steven Blair, Counsel to the Staff and Prosecutor:

Assistant AG Jennifer M. Jorgenson

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 amend the draft agenda to include action after executive and confidential sessions was ratified by voice vote (Hainje/Kalahar/unanimous). A motion to approve the draft agenda as amended was ratified by voice vote (Holt/Dietrich/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 (Hainje/Kalahar /unanimous).

Public hearings to Adopt Administrative Rules. The proposed rules were presented by SDBMOE Management Analyst Burrows.

- The Emergency Medical Services Personnel Administrative Rules hearing was held 9:10 am-9:18 am. One written comment was received and there was no oral testimony. A motion to adopt the proposed rules 20:61:01 and 20:61:01 as amended by LRC style and form comments was ratified (Hainje/Trosen/unanimous).

- The Athletic Trainer Administrative Rules hearing was held 9:19 am-9:27 am. One written comment was received and there was no oral testimony. A motion to adopt the proposed rules 20:63 as amended by LRC style and form comments was ratified (Odney/Dietrich/unanimous).

An Advisory Committee Business report was given by Management Analyst Burrows. 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. Berger and Jessica Schoolmeester to the Respiratory Therapy Advisory Council and Katherine Haverly to the Physician Assistant Advisory Council was ratified by voice vote (Kalahar/Spies/unanimous). A motion to approve reappointment for a third term for Megan Johnke to the Occupational Therapy Advisory Council was ratified by voice vote (Sunne/Hainje/unanimous).

Executive Director Hansen presented an FSMB request for comments document for information.

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 10:10 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 received and considered two written comments received prior to the hearing. Proponent oral testimony was heard from the Petition

^{1 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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sponsor and opponent oral testimony was heard from one interested person. Public testimony concluded and Board discussion and deliberation began at 11:02 am. A motion to enter executive session pursuant to SDCL 1-25-2(3) and 19-19-502 to consult with legal counsel was ratified by voice vote (Dietrich/Tegethoff/unanimous). The Board exited executive session and resumed the declaratory rules hearing for final board action at 11:40 am.

Petition Motion One 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 (Dietrich/Hainje). A Substitute Motion that it is not clear if the statute authorizes dry needling failed to be ratified by Board majority roll call vote (Sunne/Pavlis/see Table). President Tegethoff then called for a vote on Petition Motion One which also failed to be ratified by Board majority roll call vote (see Table).

Table: Board Member Roll Call Votes for Declaratory Ruling Petition Motion One and Petition Substitute Motion

Key: Azure Bearstail (BAB), Blanchard (SGB); Chessmore (MADC); Dietrich (CTD); Gilkerson (CAG); Hainje (RGH); Holt (NFH); Kalahar (JK); Kassin (KTK); Langerock (GL); Odney (TO); Pavlis (CJP); Spies (HHS); Stark (LMS); Sunne (RJS); Tegethoff (JLT); Trosen (MJT)

(AYE, NAY, or N/A=Board member was not present to vote)

	BAB	SGB	MADC	CTD	CAG	RGH	NFH	JK	KTK	GL	TO	CJP	HHS	LMS	RJS	JLT	MJT
Petition Motion One	N/A	AYE	AYE	AYE	NAY	AYE	AYE	NAY	N/A	NAY	AYE	AYE	AYE	N/A	NAY	NAY	NAY
Petition Substitute Motion	N/A	NAY	NAY	NAY	AYE	NAY	NAY	AYE	N/A	AYE	NAY	NAY	NAY	N/A	AYE	AYE	AYE

After hearing and considering this matter, a Board majority was unable to reach the determination that the language of SDCL § 36-29-1.1 authorizes athletic trainers to perform dry needling. As there was no Board consensus, the petition can be refiled, or the legislature can be approached. A motion to authorize General Counsel to the Board: Deputy AG Steven Blair to draft a document to send to those who made public comment, and the petitioner was ratified by voice vote (Chessmore/Gilkerson/unanimous).

Annual Election of SDBMOE Officers was held. A motion to approve the slate of Tegethoff-President, Dietrich-Vice President, Pavlis-Secretary was ratified by voice vote(Hainje/Kassin/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 hearing. A quorum for physician matters of at least six members was established with nine 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. Sheena Marie Rippentrop was ratified by voice vote (Dietrich/Spies/Blanchard abstained/8 Ayes, 0 Nays).

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

With no further business, President Tegethoff called the public meeting ended and adjourned at 12:38 pm Central time.