

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS  
MINUTES

Tuesday, December 4, 2007  
9:00 a.m.

Holiday Inn City Centre  
Sioux Falls

The meeting was called to order at 9:00 a.m. by Robert Ferrell, MD, president of the Board. Roll call was taken and members present were Mr. Bernie Christenson, Mary Carpenter, MD, David Erickson, MD, Robert Ferrell, MD, Brent Lindbloom, DO, Milton Mutch, MD, and James Reynolds, MD. Board members not present were Mr. Patrick Burchill and Alex Falk, MD. Staff members present were Ms. Margaret Hansen, Mr. Donald Srstka, Mr. Craig Kennedy, Mr. Adrian Mohr, and Ms. Jane Phalen. Physician Assistant Advisory Committee members present were James Cody, PA-C and Rodney King, PA-C.

Guests at the meeting were Daniel Palmer, PA-C, Karen Bumann, PA-C, Ms. Kitty Kinsman, Daniel Heinemann, MD, Mr. Quinn Stein, and Mr. Mark East.

The minutes from the September 11, 2007 were reviewed and approved as published.

Discussion was held regarding Dr. Grant Walker and his contested case due to the Board's denial of his initial application for a South Dakota medical license. An administrative hearing was held in which evidence was presented and witness testimony was taken. The opinion of the Administrative Law Judge (ALJ), including his Findings of Fact and Conclusions of Law, upheld the Board's decision to deny the initial application. Dr. Walker and his attorneys were notified that they had the option to appear at this Board meeting to present their case. Mr. Craig Kennedy, special counsel to the Board, communicated with Dr. Walker and his attorneys and negotiated a Stipulation on Agreed Disposition in which Dr. Walker would waive the right to challenge or appeal the decision and that he would never again apply for a South Dakota medical license. It was further agreed that Orders affirming Judge Disburg's findings will be entered and that the documents are public records, which will be reported to all entities deemed necessary and appropriate by the Board. After discussion, Mr. Christenson moved to approve the Stipulation on Agreed Disposition, the Order of Denial of Medical License and Order Approving Findings of Fact and Conclusions of Law. The motion was seconded and carried and the documents were executed by Dr. Ferrell.

Mr. Srstka and the Board discussed administrative procedures, the function of the administrative law judge (ALJ) and what this means for a volunteer board. After the contested ALJ hearing ends, the ALJ sends a proposed decision to the Board, where the Board may in turn, accept, modify or reject the proposed decision.

Discussion was held regarding the proposed physician assistant practice agreement and Dr. Carpenter suggested removing a redundant item and adding the word "casting" to the agreement. Dr. Mutch moved to approve the document as modified and the motion was carried. The Physician Assistant Advisory Committee (PAAC) report brought up the subject of term limits for the PAAC. The current members have

served for many years, and the terms of the replacement members should be staggered so that no more than one member's term expires in any one year. The physician assistants and the PAAC will provide suggestions for nominations of new members.

A request from Robert Graff, director of the EMS office in Pierre, was presented to the Board asking that the Board grant approval for basic EMTs to perform certain procedures with appropriate protocols and training. Dr. Erickson moved to approve the request and the motion carried. Discussion was held and it was clarified as stated in 36-4B-15 that advanced life support personnel shall be supervised by a physician who will observe, direct, review the work records and practice permitted by §§ 36-4B-16 and 36-4B-17, to ensure that the patient is given proper treatment.

Dr. Heinemann and Mr. Stein met with the Board for recommendations regarding a proposal for genetic counselor licensure to ensure a uniform standard of education and adequate training. Discussion was held regarding the examination requirements for genetic counselor licensure applicants. The Board suggested that staff explore genetic counselor licensure issues and provisions.

Discussion was held regarding out of hospital births and the proposed legislation to allow the certified nurse midwife who met the practice guidelines to be released from the collaborative agreement in order to attend out of hospital births. Mr. Christenson moved to approve this legislation and reminded the board members that when the Secretary of Health came to the September board meeting she spoke about this issue and requested the Board's assistance in drafting a bill to allow certified nurse midwives to attend to out of hospital births without a collaborative agreement with a physician. A discussion was held to add a sunset clause to the proposed legislation and thereupon Mr. Christenson moved to amend his original motion, and Dr. Carpenter seconded to amend the original motion to add a sunset clause of a minimum of five years. Discussion was held regarding this motion with amendment and the motion passed with one dissenting vote by Dr. Reynolds.

The Board reviewed the list of new licenses issued since the last meeting. 137 new licenses were issued, and 56 were issued to physicians. Dr. Lindbloom moved, and the Board approved the new licenses.

In her report, the executive director presented information regarding the following items of business:

- 1) Since the last meeting, work group meetings were facilitated between board staff and the representatives of other groups including genetic counselors and the Board of Nursing.
- 2) The executive director presented information regarding the regulatory and licensing procedures in South Dakota as part of the Administrators in Medicine (AIM) Meeting held in Jackson Hole. Other topics included disruptive physicians, and the growing need for health professionals' assistance and monitoring programs.

3) Information regarding the drafting of legislative language to address the issue of a ten year window for completing the examination specifically for MD/PhD physicians was presented to the members for information.

4) The independent audit FY07 and the board financial report were reviewed.

5) An update regarding the new technology system was presented.

6) The members were informed that during the spring renewal period, derogatory information regarding alcohol related offenses by Kristene Rancour, EMT I/85, was self-reported on her renewal form. Dr. Carpenter was the board member investigator and reviewed her file and the information. It was recommended that the Board issue a Letter of Reprimand and that Ms. Rancour be mandated to enroll in the South Dakota Health Professional Assistance Program (SDHPAP). Mr. Christenson moved, and the Board approved the Letter of Reprimand and enrollment in SDHPAP. Further discussion emphasized that she could be further mandated for monitoring purposes in the event that the SDHPAP recommended her release from the program after completion of its requirements.

This concluded the report by the executive director. Dr. Lindbloom moved to accept the report, Dr. Carpenter seconded the motion and the board voted to approve.

The Board considered and approved Angela J. Anderson, OTR/L, as the new member of the Occupational Therapy Advisory Committee. The Board considered and approved Robert Harms, MD, medical director, Kurt Klunder, EMT-P, Deb Hanrahan, EMT I/85, and Robert Hardwick, EMT I/99, as members of the newly formed Advanced Life Support Advisory Committee.

The Board reviewed and approved the annual report of statistics regarding the modification to the scope of practice for two physician assistants performing Peripherally Inserted Central Catheter placement Avera Children's Hospital and Clinics. The Board found that the report reflected that the protocols and procedures were in order and there were no complications.

The Board was advised that on-line prescribing is an increasing concern and that there are websites where drugs are prescribed to patients without a physician seeing the patient or conducting a medical history. The Federation of State Medical Boards has formed a task force to address this issue and findings will be communicated to the Board.

Mr. Christenson offered his thanks to the executive director and the Board staff for their professionalism and their continued efforts in assisting the Board members.

There being no further business, the meeting adjourned at 11:45 a.m.