

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS
MINUTES

Thursday June 5, 2008
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, and roll call was taken. Board members present were Mr. Patrick Burchill; Mr. Bernie Christenson; Mary Carpenter, MD; David Erickson, MD; Robert Ferrell, MD; Brent Lindbloom, DO; Milton Mutch, MD; and James Reynolds, MD. Alex Falk, MD, arrived at 9:30 am. Staff members present were Margaret Hansen, Adrian Mohr, Jane Phalen, and Donald Srstka. Physician Assistant Advisory Committee members present were Jan Hines, PA-C, and Rodney King, PA-C.

The minutes from the March 26, 2008 board meeting were reviewed. MOTION by Dr. Reynolds, seconded by Dr. Erickson to approve. Passed unanimously.

The following guests were welcomed: Ken Aspaas, MD; Ann Burns; Rebekah Craddock; Dan Heinemann, MD; Dave Kapaska, MD; and Scott Zieske.

The Board heard from some of the guests in attendance regarding the meeting they had with the Executive Director where they discussed their need for updates on applications for licensure, their desire to be able to make telephone calls and not send questions in writing, and their desire to use credentialing process to assist licensing.

The concern about updates of applications for licensure was discussed. The guests were informed that the Board's staff communicates directly with the applicant to avoid communication problems that occur when different sources make requests for similar information. The guests were also advised that the staff takes a proactive approach by giving the applicant status updates.

The concern about the desire to be able to make telephone calls and not send questions in writing was discussed. The guests were informed that an administrative rule requiring that requests for board information shall be sent in writing to the Board's office. To satisfy the writing requirement the Board staff will inform inquiring parties via the Website and incoming phone calls that questions or inquiries can be sent by mail, facsimile or email.

The concern about the desire to use credentialing process to assist licensing was discussed. The distinction between licensing and credentialing, and the Federation Credentials Verification Service (FCVS), were discussed. It was noted that every application for licensure is unique, and it is impossible to estimate the processing time or to determine what the background investigation may reveal. In this regard, Dr. Ferrell stated that the Board and the healthcare systems have the same goal that only qualified applicants obtain licensure in order to protect the

citizens of South Dakota, that the applicant has the burden of proof, and that the Board shall perform due diligence in evaluating all applications for licensure.

The Board strongly recommended that start dates should not be scheduled prior to obtaining licensure, and that applicants should not make long term commitments or arrangements until they receive a license or certificate because more applications with complex problems are being received which are requiring more processing time. It was also suggested that the staff should meet with those concerned at least quarterly to discuss issues, identify ways that the recruiters could help the Board and the staff accomplish their mission, and to work to assure smooth implementation of the new automated licensing system. Dr. Ferrell thanked the guests for attending the meeting and participating in the discussion.

OLD BUSINESS and UPDATES

Mr. Srstka provided comments regarding the draft language as well as Tennessee current statute for genetic counselors. Dr. Heinemann is working with interested parties regarding genetic counselor legislation.

Mr. Srstka provided a status update and proposed draft legislative language for a permit for physicians in a residency training program. MOTION by Dr. Lindbloom, seconded by Dr. Carpenter to accept the draft language. Passed unanimously.

The Federation of State Medical Boards (FSMB) publication of the book entitled "Responsible Opioid Prescribing" was discussed. The Board members are currently reading and reviewing the book.

Executive Director Report:

Ms. Hansen provided the following information:

- 1) update on the FSMB Common License Application Form (CLAF),
- 2) update on the new technology systems,
- 3) the additional office staff positions needed. MOTION by Dr. Falk, seconded by Dr. Mutch to implement the application for licensing, to move forward with the new technology systems, and to increase office staff. Passed unanimously.
- 4) a proposed pre-application that would allow physicians to submit information to determine whether they meet the eligibility requirements for South Dakota. MOTION by Dr. Reynolds, seconded by Dr. Mutch to adopt a pre-application format and place on the website. Passed unanimously.
- 5) update information regarding the South Dakota Health Professionals Assistance Program (SDHPAP). A meeting is scheduled with Maria Eining, SDHPAP Director and the participating board representatives to discuss the program and future goals. Board staff visited Tallgrass Living Center which may prove to be a valuable resource in assisting impaired professionals.

- 6) Licensing Information status update: An average of 50 new physician licenses have been issued per fiscal year from years 2001 to 2008. From July 2007 to May 2008, 607 new licenses were issued, 203 of that total were physicians. This does not include locum tenens certificates. As of the separation from the South Dakota State Medical Association, August 2005 to May 2008, 1945 new licenses were issued, 947 of the total were physicians, and 15,145 total renewal applications were processed. All application processing and license issuance was done manually due to lack of a properly functioning technology system.
- 7) FSMB annual meeting update: Dr. Ferrell, Ms. Hansen and Mr. Srstka attended in May. The major topics presented were differences between credentialing and licensure processes, professionalism, legislative media, and maintenance of licensure.
- 8) Administrators in Medicine (AIM) annual meeting update: Ms. Hansen was elected to the Board of Directors to represent South Dakota and the central region. The major topics presented were differences between a regulatory board and an advocacy or professional society, what the Educational Commission on Foreign Medical Graduates (ECFMG) can provide for licensing requirements.
- 9) The Financial Report was provided for review.

MOTION by Mr. Christenson, seconded by Mr. Burchill to accept the executive director report. Passed unanimously.

NEW BUSINESS:

The Board discussed a medical license application submitted by Matthew Cohen, MD. MOTION by Mr. Christenson seconded by Dr. Mutch that a license be issued with restrictions. Passed with 7 ayes, Dr. Falk nay.

The annual election of officers was held. MOTION by Mr. Christenson, seconded by Dr. Erickson that the current officers maintain their offices. Passed unanimously. Discussion continued regarding a Board retreat. MOTION by Mr. Christenson, seconded by Dr. Lindbloom to direct staff to organize for September 9, 2008. Passed unanimously.

The Board reviewed the list of new licenses, certificates, permits and registrations issued since the last meeting. MOTION by Dr. Lindbloom, seconded by Mr. Burchill to ratify the new licenses, certificates, permits and registrations. Passed unanimously.

The Board discussed a request from Terry Yeager, MD, that he be allowed to train his physician assistant to perform ultrasound guided paracentesis and thoracentesis, feeding tube placement, repositioning or replacement with fluoroscopic guidance, and removal of tunneled dialysis catheters placed by the

interventional radiologist. MOTION by Dr. Mutch seconded by Dr. Reynolds to grant this request. Passed unanimously.

The Board discussed a request from Heather Karu, MD to allow her physician assistant to perform laser treatments, Botox injections, soft tissue fillers, and to provide these procedure related consultations and recommendations. MOTION by Dr. Reynolds, seconded by Dr. Carpenter to approve upon completion of the proper training, the laser treatments only and to deny Botox injections and soft tissue fillers, and that Dr. Karu shall be physically present in the building during laser treatments. Passed unanimously.

MOTION by Dr. Carpenter, seconded by Dr. Reynolds to direct the staff to research Botox and soft tissue fillers. Passed unanimously.

Athletic Trainer Steve Fryberger was nominated as the new member of the Athletic Trainers Advisory Committee. MOTION by Dr. Lindbloom, seconded Dr. Erickson to approve Mr. Fryberger. Passed unanimously.

A meeting was held with members of the new Advanced Life Support Advisory Committee and the office of Emergency Medical Services. The attendants included Board staff members and Robert Harms, MD; Bob Graff, Director, Emergency Medical Service Office; Kurt Klunder, EMT/Paramedic; Robert Hardwick, EMT-I/99; and Debbie Hanrahan, EMT -I/85.

The Board discussed sponsoring a page in the publication South Dakota Medicine in order to provide information and education to the physicians on a variety of topics. MOTION Dr. Carpenter, seconded by Dr. Erickson that the staff develop and submit articles. Passed unanimously.

MOTION by Mr. Christenson, seconded by Dr. Falk to adjourn the meeting. Passed unanimously. The meeting adjourned at 11:30 a.m.