

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS  
MINUTES

Wednesday, March 26, 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 was not present. Staff members present were Ms. Margaret Hansen, Mr. Craig Kennedy, Mr. Adrian Mohr, Ms. Jane Phalen, and Mr. Donald Srstka. Physician Assistant Advisory Committee member Rodney King, PA-C was present. Guests at the meeting were Ken Aspaas, MD; Rodney Parry, MD; Amy Jacobson, EdD, and G. Michael Tibbitts, MD.

The minutes from the December 4, 2007 were reviewed and approved.

The Board reviewed the Stipulation and Agreement of Cancellation of License, and the Order Accepting the Stipulation and Agreement of Cancellation of License regarding Jeffrey A. Buckau, DO. Dr. Lindbloom moved to approve the Stipulation and Order, and the motion was duly seconded and approved. The Order was then executed by Dr. Ferrell.

Discussion was held regarding those resident physicians practicing medicine in South Dakota within their graduate medical education programs. After discussion with Dr. Aspaas, Dr. Parry, Dr. Jacobson, and Dr. Tibbitts, and a review of South Dakota statutes and case law by Mr. Srstka, Dr. Mutch moved to enable the Board staff to proceed with registration allowing resident physicians in training to receive a South Dakota Resident Training Permit. The motion was duly seconded and approved.

The Board reviewed the list of new licenses, certificates and registrations issued since the last meeting. Dr. Lindbloom moved to ratify the new licenses, certificates and registrations, and the motion was duly seconded and approved.

Nicolas Bravo Rivera, MD, requested a waiver of the 7 year requirement due to his board certification status and the fact that he has met all other requirements for licensure. Dr. Carpenter moved to grant his request for a waiver of the examination requirement, and the motion was duly seconded and approved.

Applicant Ms. Urszula Eisner petitioned the Board to grant her request to make application for certification as a physical therapist assistant. South Dakota law requires that the applicant for the physical therapist assistant certificate must graduate from an accredited physical therapist assistant program, and Ms. Eisner

does not meet this requirement. Mr. Christenson moved to deny her request on these grounds, and the motion was duly seconded and approved.

Applicant Ms. Jodi Vanden Hull petitioned the Board to grant her request to take the physical therapist assistant national licensing examination for the ninth time. After discussion, Mr. Burchill moved to deny her request, and the motion was duly seconded and approved.

The application of Karim Nassib Mroueh, MD, for a medical license was brought before the board. The board did not request a personal appearance by the applicant. The application was presented to the board with testimony from the investigative review panel and at the conclusion it was moved that the application be denied, and the motion was duly seconded and the board unanimously resolved to deny licensure for the applicant. Findings of Fact, Conclusions of Law and an Order were subsequently entered and incorporated herein.

The application of Jose Veizaga-Mendez, MD, for a medical license was brought before the board. The board did not request a personal appearance by the applicant. The application was presented to the board with testimony from the investigative review panel and at the conclusion it was moved that the application be denied, and the motion was duly seconded and the board unanimously resolved to deny licensure for the applicant. Findings of Fact, Conclusions of Law and an Order were subsequently entered and incorporated herein.

The application of Mr. Clark Dean Gilpin for a respiratory care license was brought before the board. The board did not request a personal appearance by the applicant. The application was presented to the board with testimony from the investigative review panel and at the conclusion it was moved that the application be denied, and the motion was duly seconded and the board unanimously resolved to deny licensure for the applicant. Findings of Fact, Conclusions of Law and an Order were subsequently entered and incorporated herein.

Brian Lee O'Connor, MD, signed a Statement of Voluntary Suspension of his medical license on January 9, 2008, due to his use of alcohol and/or controlled substances in a manner that would affect his medical practice. An Order Accepting the Statement of Voluntary Suspension was reviewed by the Board. Dr. Lindbloom moved to approve the Order, and the motion was duly seconded and approved. The Order was executed by Dr. Ferrell.

Ms. Deborah Belik signed a preliminary Letter of Reprimand with Remediation on December 4, 2007, due to unprofessional conduct in that she engaged in practice as an athletic trainer prior to obtaining an active license. The investigative review panel recommended that Ms. Belik be issued the Letter of Reprimand with Remediation which was reviewed by the Board. Mr. Burchill moved to approve the Letter of Reprimand with Remediation, and the motion was duly seconded and approved. The Letter was executed by Dr. Ferrell.

Discussion was held regarding the Federation Credential Verification Service (FCVS) for physician assistants. The Board approved FCVS acceptance for physicians in April of 2004. The Board members reviewed a sample of an FCVS Physician Assistant Profile. Dr. Erickson moved to accept the FCVS Physician Assistant Profile for physician assistants. The motion was duly seconded and approved.

The Board members were informed that Jim Cody, PA-C, a long-time member of the Physician Assistant Advisory Committee, is retiring from the committee. Dr. Mutch moved that a letter of appreciation be sent to Mr. Cody to thank him for his assistance and for his service over many years. The motion was duly seconded and unanimously approved.

Due to Mr. Cody's retirement from the Physician Assistant Advisory Committee, the Board was presented with the nomination of Vickie Blake-Nafus, PA-C, as the new member. Ms. Blake-Nafus is a licensed physician assistant in good standing in South Dakota. Dr. Carpenter moved to approve the nomination of Ms. Blake-Nafus, and the motion was duly seconded and approved.

The Board addressed several requests for additional procedures from three (3) Ambulance Services.

Matthew Owens, MD, medical director of the Spink County Ambulance Service requested that the EMT I/85s be granted approval to administer Dextrose 50% for Diabetic Emergencies. Dr. Carpenter moved to approve the request, and the motion was duly seconded and approved.

Mark Singleton, MD, medical director of the Cheyenne River Service Unit IHS Ambulance Program requested that the EMT I/85s be granted approval to administer Dextrose 50% for Diabetic Emergencies. Dr. Carpenter moved to approve the request, and the motion was duly seconded and approved.

Donald Kosiak, Jr, MD, medical director for Avera McKennan Careflight Paramedics requested that the Careflight paramedic staff be granted approval to insert chest tubes. Dr. Lindbloom moved to approve the request with the additional requirement that the medical director submit an annual report including the number of chest tubes placed by paramedic flight staff along with a report of outcomes and complications. The motion was duly seconded and approved.

The Board reviewed items from the past legislative session.

Senate Bill No. 34 provided that certified nurse midwives who meet requirements established by the SD Board of Nursing and the SD Board of Medicine may perform out of hospital births. This bill was passed and signed by Governor Rounds on March 13, 2008.

House Bill No. 1155 provided that lay midwives may perform out of hospital births. This bill failed to come out of the Health and Human Services Committee

and it was “Smoked Out” and brought to the floor with a “Do Pass” recommendation. The recommendation failed.

The Administrators In Medicine (AIM) has a Board Investigator Training Program available in July of 2008. Mr. Christenson moved to send staff to the training program, and the motion was duly seconded and approved.

Margaret Hansen presented the executive director report which included:

- 1) An update in regard to the combined workgroup from the BMOE and the Board of Nursing
- 2) Dr. Ferrell and Margaret Hansen met with third year medical students and discussed medical licensure and board actions including discipline.
- 3) Dr. Ferrell and Margaret Hansen met with the Medical Association Council and discussed transitions for the Board since the separation from the Association. Topics discussed included the mission of the Board, the need for questions for board information to be in writing, the board web site, and the process for handling complaints.
- 4) The Board staff had 28 meetings with the following groups: Telemedicine Avera McKennan, Dietitian Advisory Committee, Board of Nursing – Health Professionals Assistance Program (2), Board of Pharmacy, temporary licensees (3 individuals), MD applicants (2), Sanford & Watertown recruiting and credentialing, Dietitian Academic Program professors and students, Investigatory (11), Sanford USD Medical School, Graduate Medical Education (GME), Sanford Health System (2), State Agencies (Department of Health, Social Services, and the Attorney General’s office), and the South Dakota Appropriations Committee.
- 5) The Board staff had 33 conference calls with the following groups: Physical Therapist Advisory Committee, DOH and BON legislation (3), Bureau of Information Technology (BIT) and DOH (3 calls, new system), Physician Assistant Advisory Committee and interested parties regarding new renewal dates, and Complaint Reviews/Investigations (25).

#### New Business

- 1) The Administrators in Medicine (AIM) will meet in San Antonio on April 30. The Federation of State Medical Boards (FSMB) will meet San Antonio on May 1, 2, and 3.
- 2) Updates regarding ways to streamline the application and renewal forms for professions the Board regulates by implementing the new database and the Common License Application Form (CLAF). Vendors will present their proposals for the new database on April 3 and 4.
- 3) The financial report was reviewed.
- 4) Online Verification information and updates were presented.
- 5) 137 new licenses were issued in the 3 months since last board meeting

Dr. Carpenter moved to accept the report of the executive director, and the motion was duly seconded and approved.

The Board held discussion regarding potential legislation for Genetic Counselors. Although a genetic counselor practice act could not be an agency bill, the Board had voted at a previous meeting that should the genetic counselors become licensed, the Board would act as the licensing and regulatory body. Additionally, the Board instructed Mr. Srstka to review draft legislation and genetic counselor practice acts in other states.

The Board entered executive session at 11:30 a.m. to consult with legal counsel. Executive session ended at 11:45 a.m. and the meeting reconvened.

The Federation of State Medical Boards (FSMB) published “Responsible Opioid Prescribing” and copies of the book were distributed to each of the Board members. This book is an expansion, and is based upon the FSMB pain policy which this Board has previously endorsed. The Board members also received a copy of James B. Stewart’s book “Blind Eye”, which is about Michael Swango.

An article was distributed by one of the board members regarding the upcoming physician shortage, and it was thought to be of interest because the need for recruiting physicians to South Dakota is going to increase, and it will most likely impact the Board by necessitating more investigations and board actions similar to the ones addressed at this meeting.

Due to scheduling issues, the next board meeting was moved to Thursday, June 5, 2008, at the Holiday Inn City Center in Sioux Falls. There being no further business, the meeting adjourned at 12:30 p.m.