

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

April 8, 2009

Board Room, Sioux Falls

Members Present: Mr. Patrick Burchill
Mr. Bernie Christenson
Mary Carpenter, MD
David Erickson, MD
Alex Falk, MD
Brent Lindbloom, DO
Milton Mutch, MD
James Reynolds, MD

Staff Present: Margaret Hansen
Jane Phalen
James Slattery

Consultants Present: Donald Srstka
Dennison Herger

Advisory Committees Present:
Physical Therapy (PTAC):
Leonard Suel, PT
Brett Lynass, PT
Jeff Steinberger, PT
Physician Assistant (PAAC):
Vicki Blake-Nafus, PA-C
Rod King, PA-C

MINUTES

Wednesday, April 8, 2009

The meeting was called to order at 10:00 a.m. by Dr. Ferrell, President of the Board. The minutes from the November 13, 2008 board meeting were reviewed. A MOTION by Dr. Mutch was seconded by Dr. Carpenter, to approve the minutes. The vote was unanimous.

The list of 241 new licenses, of which 111 were physicians, issued since November 13, 2008 was reviewed. A MOTION by Mr. Burchill was seconded by Dr. Falk, to approve the new licenses. The vote was unanimous.

Mr. Christenson, Board member of the Investigative Review Panel, presented information and delivered its recommendation of an Addendum to Stipulation and Letter of Reprimand for Lea Ann Krog-Tatro, EMT I/85. A MOTION by Dr. Mutch was seconded by Dr. Lindbloom, to approve as recommended. The vote was unanimous.

Dr. Lindbloom, Board member of the Investigative Review Panel, presented information and delivered its recommendation of a Stipulation on Agreed Disposition for Brian Baschnagel, PA-C. A MOTION by Mr. Burchill was seconded by Mr. Christenson, to insert the words “minimum of” before the words “five (5) years” and approve as amended. The vote was unanimous.

Further discussion was held regarding stipulation time periods in general and specifically participation time periods for the South Dakota Health Professional Assistance Program (SD HPAP). A MOTION by Dr. Falk was seconded by Dr. Carpenter, to include “minimum of” for any time periods. The vote was unanimous.

Dr. Falk, Board member of the Investigative Review Panel, presented information and delivered its recommendation to approve applicant Dr. Timothy Coggins’ request that his application for medical licensure be Withdrawn While Under Investigation. A MOTION by Mr. Christenson was seconded by Dr. Lindbloom, to approve as recommended. The vote was unanimous.

Dr. Falk, Board member of the Investigative Review Panel, presented information and delivered its recommendation to approve applicant Mr. Joe Bush’s request that his application for respiratory care practitioner licensure be Withdrawn While Under Investigation. A MOTION by Dr. Reynolds was seconded by Mr. Burchill, to approve as recommended. The vote was unanimous.

Dr. Ferrell, Board member of the Investigative Review Panel, presented information and delivered its recommendation to approve an Order of Permanent Suspension for Dr. Matthew S. Cohen. Dr. Cohen, before moving from South Dakota and while under, or to avoid an investigation by the hospital regarding his professional competence or conduct, voluntarily surrendered his clinical privileges and had signed a Voluntary Suspension of his South Dakota medical license. A MOTION by Dr. Erickson was seconded by Dr. Lindbloom, to approve as recommended. The vote was unanimous.

Dr. Carpenter, Board member of the Investigative Review Panel, presented information and delivered its recommendation to approve an Addendum to the Stipulation and Letter of Reprimand for Kristene Rancour, EMT Paramedic. A MOTION by Dr. Mutch was seconded by Mr. Christenson, to approve as recommended. The vote was unanimous.

Dr. Carpenter, Board member of the Investigative Review Panel, presented information and delivered its recommendation to approve an Addendum to the Stipulation on Agreed Disposition for Dr. Brian Tjarks. A MOTION by Dr. Falk was seconded by Dr. Lindbloom, to approve as recommended. The vote was unanimous.

Discussion was held regarding unexcused missed daily calls by SD HPAP participants. The Board emphasized its expectation of zero tolerance for unexcused missed calls during SD HPAP enrollment. A MOTION by Dr. Carpenter was seconded by Mr. Burchill, to meet with SD HPAP representatives at least once a year. The vote was unanimous. A MOTION by Dr. Carpenter was seconded by Dr. Mutch, to have the board staff work with three Board members to develop a procedure that reflects the

Board's expectations for SD HPAP participants. The vote was unanimous. Drs. Falk, Mutch and Reynolds agreed to assist this project.

Discussion was held regarding investigations. The investigative review panel should conduct investigations with the expectation that the Board member assigned to the case make final recommendations using the panel's reports and the executive director should sign orders on behalf of the Board. A MOTION by Dr. Reynolds was seconded by Dr. Erickson, to proceed as outlined and to grant authority to the executive director to sign orders as necessary. The vote was unanimous.

Jessica Rachetto, PA-C, requested that she be allowed to perform laser procedures with on-site supervision by her supervising physician. A MOTION by Mr. Burchill was seconded by Dr. Erickson, to approve the request. The vote was unanimous.

Betsy VanGenderen, CNP, requested that she be allowed to perform paracentesis. A MOTION by Dr. Reynolds was seconded by Dr. Carpenter, to approve the request with the requirement that after one year, Ms. VanGenderen and her collaborating physician provide to the Board a report with numbers of procedures performed, outcomes and any complications. The vote was unanimous.

Three ambulance services requested approval for ALS personnel to administer nitroglycerin and Epi-pens. A MOTION by Dr. Erickson was seconded by Dr. Falk, to approve the requests. The vote was unanimous.

The Physician Assistant Advisory Committee (PAAC) presented the nomination of Dan Palmer, PA-C, to serve as PAAC member. A MOTION by Mr. Burchill was seconded by Dr. Lindbloom to approve the nomination. The vote was unanimous.

Discussion was held regarding questions and requests for clarification to physician assistant practice agreements especially for the emergency department. The specific question was whether each physician responsible for PA supervision should sign the practice agreement, or could one physician sign representing all other physicians, including temporary physician staff which the facility terms as "relief", "locum tenens" (not to be confused with 60 day locum tenens certificate holders), or "PRN". A MOTION by Dr. Lindbloom was seconded by Dr. Falk, to direct the board staff to study the issue, meet with the PAAC and provide a report at a future Board meeting. The vote was unanimous.

The Physical Therapy Advisory Committee (PTAC) attended the board meeting, with Chair, Leonard Suel, PT; Jeffrey Steinberger, PT; and Brett Lynass, PT all present.

The executive director report included the following topics and items for discussion:

- Maintenance of Licensure (MOL) and Maintenance of Certification (MOC) information from the Federation of State Medical Boards (FSMB). A MOTION by Mr. Christenson was seconded by Dr. Falk, to recommend no changes for MOL requirements at this time and to have Board staff monitor MOL discussions at the upcoming FSMB annual meeting. The vote was unanimous.

- Moving into the new office space went smoothly, and staff operations such as internet access were only unavailable during a four (4) hour period.
- Dr. Erickson requested that an email from Dr. David Kapaska be presented to the Board which expressed Dr. Kapaska's appreciation for Board staff communication as well as the staff development of an online application status page which applicants could use to monitor application progress "24-7"
- The financial report was presented and reviewed. A MOTION by Dr. Erickson was seconded by Dr. Mutch, to approve. The vote was unanimous.
- Mr. Slattery and Mr. Herger provided a visual presentation of the new technology.
- A legislative update was presented.

A MOTION by Dr. Falk was seconded by Mr. Christenson, to approve the executive director report. The vote was unanimous.

Discussion was held regarding security in general for medical board offices and board members throughout the United States and specifically this Board office security system. Incidents prompting calls for law enforcement to ensure a safe environment were reported to the Board. The reported incidents had occurred in the former office space which had a less than adequate security system. The new office space has better security measures in place as well as the potential to improve on the current security measures. A MOTION by Mr. Christenson was seconded by Dr. Carpenter, to approve the current security procedures and to authorize the plan to continue to improve security measures. The vote was unanimous.

Discussion was held regarding the 2010 legislative session. A MOTION by Dr. Carpenter was seconded by Dr. Mutch, to have the Board staff again explore possible anti-gag legislation. The vote was unanimous.

Discussion was held to determine a date for the next Board meeting but a consensus could not be reached for a June date. To assist and have clinic and office calendars available, the Board staff was instructed to call offices or otherwise individually query Board members to find a meeting date, preferably in June and then one in the winter quarter, which would accommodate the majority of the Board. The Joint Board meeting with the Board of Nursing has been scheduled for September 15, 2009. Board staff was instructed to schedule future meeting dates for 2010.

Discussion was held regarding the Office of Independent Hearing Examiners and procedures using the Administrative Law Judge. There was no further business. A MOTION by Dr. Falk was seconded by Dr. Reynolds, to adjourn the meeting at 1:15 p.m. The vote was unanimous.