

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS
September 15, 2009 Minutes
Board Room, Sioux Falls

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

Staff Present: Margaret Hansen
Jane Phalen
James Slattery

Consultants Present: Donald Srstka

Advisory Committee Members Present from:

Physician Assistant (PAAC)
Respiratory Care Practitioner (RCPAC)

Invited Guests Present: Leslie Gallant, FSMB Board of Directors
Lisa Robin, Sr. Vice President, FSMB Members Services
Ron Huether, Executive Secretary, South Dakota
Board of Pharmacy
Jeff Nielson, RhP, President, South Dakota Board of Pharmacy
Craig Price, South Dakota Department of Criminal
Investigations

MINUTES

September 15, 2009

The meeting was called to order at 10:35 a.m. by Dr. Ferrell, President of the Board. Ms. Hansen introduced the guests and announced that Governor Rounds has re-appointed Dr. Ferrell and Dr. Erickson to the Board for three year terms.

Ms. Gallant and Ms. Robin gave a presentation on behalf of the Federation of State Medical Boards (FSMB). The presentation included information on FSMB member services and support for member boards, committees and workgroups, Health Professionals Assistance Programs (HPAP), Prescription Drug Monitoring Programs (PDMP), Maintenance of Licensure (MOL), License Portability, educational opportunities, new initiatives and new technology. They expressed their appreciation to the executive director who serves as a member of the FSMB Strategic Planning

Committee, and they encouraged Board member participation on special committees and workgroups, and attendance at the FSMB annual meetings.

The minutes from the June 10, 2009, board meeting were reviewed. A MOTION by Dr. Erickson to approve the minutes was seconded by Mr. Burchill. The vote was unanimous.

The list of 304 new licenses issued since April 1, 2009, of which 193 were physicians, was reviewed. A MOTION by Mr. Burchill to approve the new licenses was seconded by Dr. Lindbloom. The vote was unanimous.

The following Advisory Committees reports were reviewed:

1. Occupational Therapy Committee. The nomination of Ryan Breske, OTA, to serve as a member and to replace retiring member Stacy Smallfield, OT, was discussed. A MOTION by Mr. Christenson to approve the nomination was seconded by Dr. Erickson. The vote was unanimous.
2. Physician Assistant Committee. Dan Palmer, PA-C attended his first meeting as a member of this committee.
3. Respiratory Therapist Committee: Dawn Creech, RCP, Chair Mary Reinesch, RCP, and Lori Salonen, RCP, were in attendance and were introduced to the Board members.

The Board's Investigative Review Panel presented information and delivered its recommendation to approve that applicant Dr. Samuel W. Downing's application for medical licensure be Withdrawn While under Investigation. A MOTION by Mr. Christenson to approve as recommended was seconded by Dr. Lindbloom. The vote was unanimous.

The Board's Investigative Review Panel presented information and delivered its recommendation to approve that applicant Dr. Christie Mensch's application for medical licensure be Withdrawn While under Investigation. A MOTION by Dr. Mutch to approve as recommended was seconded by Dr. Falk. The vote was unanimous.

The Board's Investigative Review Panel presented information and delivered its recommendation to approve licensee Dr. Brian O'Connor's signed stipulation on agreed disposition to obtain reinstatement of his medical license. A MOTION by Dr. Lindbloom to approve the stipulation on agreed disposition was seconded by Mr. Christenson. Mr. Burchill abstained and the vote was unanimous.

The Board's Investigative Review Panel presented information and delivered its recommendation to approve applicant Brandi Arens' medical assistant registration application and her signed stipulation on agreed disposition. A MOTION by Mr. Burchill to approve the registration and the stipulation on agreed disposition was seconded by Mr. Christenson. The vote was unanimous.

The Board's Investigative Review Panel presented information and delivered its recommendation to approve applicant Mr. Burton Mollmann's application for reinstatement of his physician assistant license and his signed stipulation on agreed disposition. An addendum to request a modification to reduce the number of AA

meetings Mr. Mollman is required to attend was also presented. A MOTION by Dr. Falk to deny the addendum with the modification request until such time as the Board can review Mr. Mollmann's compliance with the original terms was seconded by Mr. Christenson. The vote was unanimous. A MOTION by Dr. Falk to approve the stipulation on agreed disposition was seconded by Mr. Christenson. The vote was unanimous.

Dr. Carpenter requested that the Medical Association be allowed to give a presentation at the next board meeting with regards to the potential prescription drug monitoring program. Bernie Christenson and Dr. Falk requested that other groups, such as members from the South Dakota Health Care Commission subcommittee and the South Dakota Board of Pharmacy also be invited to participate and answer questions at the next board meeting. The Board did note that earlier in the day, the Joint Board did pass a unanimous resolution that South Dakota should have a prescription drug monitoring program and that the Board of Pharmacy be the housing entity.

The executive director's report was presented and included a discussion of a meeting with licensee, Dr. Tjarks. Dr. Carpenter presented his request that the Board remove the report that was submitted to the National Practitioner Data Bank (NPDB) which was based on his signed stipulation, and his request to reduce his number of mandatory AA meetings. A MOTION by Mr. Burchill to deny the requests was seconded by Dr. Falk. The vote was unanimous.

The business and financial manager presented the Financial Report. A MOTION by Mr. Christenson to approve the report was seconded by Mr. Burchill. The vote was unanimous.

The legal counsel discussed Letters of Reprimand and that there is nothing in the Medical Practices Act that prevents the Board from issuing Letters of Reprimand. Further, Letters of Reprimand may be issued for unprofessional or dishonorable acts that do not rise to the level to cancel, revoke, suspend or limit a license; however, as the Board meets quarterly, there is an extended length of time to wait for Approval of a Letter of Reprimand. A MOTION by Mr. Christenson to grant authority to the executive director to issue a Letter of Reprimand with the agreement of the Investigative Review Panel was seconded by Dr. Mutch. The vote was unanimous.

The Board member on the Investigative Review Panel presented information and delivered its recommendation to issue a Letter of Reprimand with a fine/monetary penalty to Dr. Kevin J. Vaska for unprofessional and dishonorable conduct. Discussion was held and resulted in Mr. Burchill calling the question. A MOTION by Dr. Mutch to approve the Letter of Reprimand with a fine/monetary penalty was seconded by Mr. Burchill. The motion passed. Dr. Reynolds abstained from the vote, and Dr. Falk and Dr. Erickson opposed the motion.

The next meeting will be held on November 12, 2009. There was no further business. A MOTION by Dr. Reynolds to adjourn the meeting was seconded by Dr. Erickson. The vote was unanimous.

