

THE SOUTH DAKOTA BOARD OF
MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE REINSTATEMENT *
OF SOUTH DAKOTA BOARD OF MEDICAL * STIPULATION
AND OSTEOPATHIC EXAMINERS LICENSE * ON AGREED
#0653 TO BURTON MOLLMAN, PHYSICIAN * DISPOSITION
ASSISTANT *

WHEREAS, Burton Mollman, PA-C, herein referred to as "Mr. Mollman", was the holder of South Dakota Physician Assistant license #0653 issued by the South Dakota Board of Medical and Osteopathic Examiners, hereinafter referred to as "the Board";

WHEREAS, Mr. Mollman was arrested in North Dakota and charged with gross sexual imposition on November 26, 2007, and the Board was notified of his arrest seven months after the fact;

WHEREAS, Mr. Mollman failed to renew his license, and it was suspended by statute due to non-renewal on July 15, 2008;

WHEREAS, the Board has jurisdiction of the parties and subject matter herein, and has a duty to investigate all concerns regarding applicants and licensees;

WHEREAS, the Board was subsequently notified that on February 6, 2009, Mr. Mollman entered into a plea bargain agreement and pled guilty to supplying alcohol to a minor, a misdemeanor;

WHEREAS, on March 9, 2009, Mr. Mollman submitted an application to request reinstatement and renewal of his suspended physician assistant license, and at that time, he reported his arrest and conviction;

WHEREAS, an investigation was initiated. Mr. Mollman and Mark V. Meierhenry, his attorney, met with members of the Board's Investigative Review Panel on May 14, 2009. At that meeting, Mr. Mollman advised that he was treated for depression in 2006, that due to his abuse of alcohol he had had been meeting with a licensed addiction counselor four (4) days per week for the past three (3) months, and that he was currently participating in an out-patient aftercare group one (1) day per week in North Dakota.

As a result thereof, the Investigative Review Panel recommends and Mr. Mollman understands and agrees that his physician assistant license be reinstated with the following restrictions:

1. Mr. Mollman and his license shall be on permanent probation for as long as he is the holder of a South Dakota physician assistant license.
2. He shall comply with all requirements imposed upon him by the Board.

3. He shall be mandated into the South Dakota Health Professionals Assistance Program (SDHPAP), for an indeterminate period and shall comply with all SDHPAP requirements.
4. Unexcused failure to make a daily contact is not allowable by the Board. For as long as he is in the SDHPAP program, he will not miss any of the required daily contacts with the on-line drug monitoring system without prior approval.
5. He has the responsibility and will take all necessary steps to ensure that SDHPAP provides quarterly reports to the Board.
6. He shall maintain complete and permanent abstinence from alcohol.
7. He shall maintain complete and permanent abstinence from all mind-altering and controlled substances. He shall promptly notify the Board if he is prescribed such mind-altering and controlled substance(s) by a licensed healthcare provider for legitimate medical purposes.
8. He shall attend at least three (3) AA meetings per week and shall provide a quarterly log of the attendance dates to the Board. For good cause shown, this requirement could be modified by the Board.
9. At his sole expense, he shall submit blood, urine, hair or other specimens whenever required by the Board.
10. He shall make personal appearance(s) before the Board or its committee if required and will be given reasonable notice of the dates, times and locations for his appearance.
11. In the event that the Board is reasonably satisfied that he has failed to maintain compliance with SDHPAP or has breached any of the terms and conditions of this agreement, Mr. Mollman will be notified that he is to appear at a hearing and show cause why his restricted license should not be permanently revoked.
12. He shall notify all current and future supervising physicians and/or employers of this agreement and the conditions and restrictions imposed upon his license prior to employment.
13. If any South Dakota employer(s), supervising physician(s), or any law enforcement authority or any other agency or entity, notify him or meet with him regarding any concerns, deficiencies, violations, or other issues, or should they issue a warning, initiate an investigation, or impose any type of corrective action, verbal and/or written, formal and/or informal, Mr. Mollman shall provide the Board with the details in writing within 24 hours.

14. He shall obtain a South Dakota licensed mental health practitioner, approved in advance by the Board, and he shall meet with this practitioner at least quarterly. He understands that he shall ensure that his practitioner shall provide quarterly reports to the Board office regarding his treatment, compliance, and status. In the event his mental health practitioner can no longer provide his care, he shall immediately notify the Board and obtain another mental health practitioner approved in advance by the Board.

15. No modification of this agreement is valid unless it is in writing and approved by the Board.

WHEREAS, Mr. Mollman agrees to the restrictions and conditions contained herein, and he understands that this Stipulation on Agreed Disposition is a public record that will be reported to all agencies as deemed necessary by the Board, and

WHEREAS, Mr. Mollman agrees that the Stipulation on Agreed Disposition is valid and enforceable pending final review at the next Board meeting, and that the Board has the authority to approve, modify, or reject this agreement, or to make adjustments in the future as it deems necessary, and that if this agreement is modified or rejected by the Board, Mr. Mollman agrees that a new Stipulation on Agreed Disposition shall be required to be approved by the Board in order to maintain his restricted license and practice.

Dated this 13 day of August, 2009.

By: Burton Mollman PA-C
Burton Mollman, PA-C

By: Mark V. Meierhenry
Mark V. Meierhenry
Attorney for Mr. Mollman

Signed By Margaret B. Hansen 8/18/09
Board Member Executive Director

Signed By Margaret B. Hansen
Margaret B. Hansen Board Member
Executive Director

THE SOUTH DAKOTA BOARD OF
MEDICAL AND OSTEOPATHIC EXAMINERS

IN THE MATTER OF THE SOUTH * ORDER TO APPROVE
DAKOTA BOARD OF MEDICAL *
AND OSTEOPATHIC EXAMINERS * STIPULATION ON AGREED
REINSTATEMENT OF A RESTRICTED *
PHYSICIAN ASSISTANT LICENSE * DISPOSITION
TO BURTON MOLLMAN, PA-C *

WHEREAS, Burton Mollman, PA-C, (Mr. Mollman) submitted an application
requesting reinstatement of his South Dakota physician assistant license, and

WHEREAS, the South Dakota State Board of Medical and Osteopathic Examiners
(the Board) has jurisdiction of the parties and subject matter herein, and

WHEREAS, Mr. Mollman understands and agrees that it is necessary to place
certain restrictions on his physician assistant license, and

WHEREAS, Mr. Mollman and his attorney Mark Meierhenry reviewed and signed the
Stipulation on Agreed Disposition;

THEREFORE, IT IS HEREBY ORDERED that restricted license #0653 is reinstated
to Mr. Mollman, and that his restricted license is placed on probation for as long as he is
the holder of an active South Dakota physician assistant license, and

IT IS FURTHER ORDERED that the Stipulation on Agreed Disposition is approved.

Dated this 15th day of September, 2009

SOUTH DAKOTA BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS

By Margaret B. Hansen
Margaret B. Hansen
Executive Director, SDBMOE