

SEP 14 2005

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND  
OSTEOPATHIC EXAMINERS

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IN THE MATTER OF THE MEDICAL LICENSE  
OF MICHAEL L. LASTINE, M.D.  
License Number: 5209

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\*        AGREED DISPOSITION  
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This Agreement, made and entered into by the South Dakota State Board of  
Medical and Osteopathic Examiners, hereinafter referred to as the Board, and Michael L.  
Lastine, M.D., hereinafter referred to as Dr. Lastine, WITNESSETH:

WHEREAS, the Board received information with respect to disciplinary  
proceedings pending before the Minnesota Board of Medical Practice, hereinafter  
referred to as the Minnesota Board, against Dr. Lastine; and

WHEREAS, as a result of such disciplinary proceedings, the Minnesota Board  
entered an Order conditioning and restricting Dr. Lastine's license to practice medicine  
and surgery in the State of Minnesota; and

WHEREAS, due to the fact Dr. Lastine is the holder of a license to practice  
medicine in the State of South Dakota and may be engaged in the practice of medicine in  
the State of South Dakota, the Board deems it appropriate to impose conditions and  
restrictions on his license to practice medicine in the State of South Dakota; and

WHEREAS, the parties hereto agree to resolve issues relative to the imposition of  
conditions and restrictions on Dr. Lastine's license to practice medicine in this state  
without the necessity of the Board filing a formal complaint or notice of hearing  
pursuant to SDCL 1-26-9; and

WHEREAS, the parties agree the Board is empowered pursuant to SDCL 1-26-20  
to informally settle contested cases relative to the licensure of physicians by the Board;  
and

WHEREAS, the parties have reached agreement as to the terms and conditions whereby the Board would enter an Order relative to the imposition of certain terms and conditions upon Dr. Lastine's license to practice medicine in the State of South Dakota;

NOW, THEREFORE, based upon the foregoing, the parties stipulate and agree as follows:

1. Dr. Lastine does hereby consent that upon the Board's motion, made without notice and hearing thereon, the Board may adopt and enter an Order conditioning and restricting Dr. Lastine's license to practice medicine and surgery in the State of South Dakota as follows:

a. Dr. Lastine shall successfully complete within the time frame adopted by the Minnesota Board those courses required by the Minnesota Board relative to:

- 1) chronic pain management;
- 2) pharmacology;
- 3) chemical dependency awareness;
- 4) medical records management;
- 5) headache management; and
- 6) boundaries.

b. Dr. Lastine shall, within the time frame required by the Minnesota Board, study the "Model Policy for the Use of Controlled Substances for the Treatment of Pain" adopted as policy by the House of Delegates of the Federation of the State Medical Board of the United States, Inc., in May 2004.

c. Dr. Lastine shall, during the period this Order is effective, maintain a daily log of all Class II, III, IV controlled substance prescriptions. The log shall list the patient name, medication, reason for the medication, quantity, dosage,

and authorized refills. The log shall be made available for monthly review as required by the Minnesota Board.

d. Dr. Lastine shall incorporate into his medical practice a pain contract for use with all his chronic pain patients.

e. Dr. Lastine shall, during the period this Order is effective, meet monthly with a supervising physician from his current practice group to review the daily controlled substance prescription log and a sample of Dr. Lastine's charts and submit such quarterly reports to the Minnesota Board contained in the Minnesota Board Order.

f. Dr. Lastine shall successfully complete the audit of his medical practice as required by the Minnesota Board Order.

g. Dr. Lastine shall meet on a quarterly basis with a Minnesota Board member or its designee at such times and places required by the Minnesota Board to review Dr. Lastine's prescribing log and his progress under the terms of the Minnesota Stipulation and Order.

2. In furtherance of the provisions of this Agreement, Dr. Lastine shall provide to the Board with all necessary authorizations or releases to permit persons or entities referenced herein, including the South Dakota State Board of Medical and Osteopathic Examiners to share compliance information with the Board.

3. This Order shall take effect on the date of the adoption and the signing of this Agreement by this Board and shall remain in effect for a period consistent with the May 15, 2004 Order entered by the Minnesota Board of Medical Practice, but for a period no less than two years from and after May 15, 2004. At the end of such period, Dr. Lastine may petition this Board for reinstatement of an unconditional license to

practice medicine and upon hearing thereon and compliance being shown with this Order, the Board may, in its discretion, remove the conditions set herein.

4. If Dr. Lastine shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Board shall cause to be mailed to Dr. Lastine a Notice of Hearing alleging the violation of this Agreement and the Board shall further notify Dr. Lastine of the time and place of the hearing consistent with the requirements of SDCL Chapters 1-26 and 36-4.

At any such hearing before the Board, the Board and Dr. Lastine may submit evidence and argument in support of their respective positions on such violation and the Board may determine to take additional disciplinary actions or impose additional sanctions, including additional conditions or limitations on Dr. Lastine's right to practice medicine in the State of South Dakota, or the cancellation, suspension or revocation of his license to practice medicine in the State of South Dakota.

5. In the event the Board in its discretion does not approve this settlement, this Agreement shall be considered withdrawn, shall be of no evidentiary value and shall not be relied upon nor introduced by either party in any disciplinary action. In addition, Dr. Lastine agrees that should the Board reject this Agreement and if this case proceeds to hearing, he shall assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any records relative hereto.

6. Dr. Lastine waives any further hearings on this matter before the Board to which Dr. Lastine may be entitled by South Dakota or United States constitutions, statutes, or rules and agrees that an Order may be entered by the Board pursuant to this Agreement and that such Order shall be the final Order herein. Dr. Lastine hereby acknowledges that he has read and understands this Agreement and has voluntarily entered into this Agreement without threat or promise by the Board or any of its

members, employees, or agents. This document contains the entire agreement between the parties and there exists no other agreement of any kind, verbal or otherwise, which may vary the terms of this Agreement.

7. Dr. Lastine understands and agrees that the entry of an Order by this Board shall cause a report to be filed by this Board with the National Practitioner Data Bank as an adverse licensure action.

8. Dr. Lastine agrees that he has the right to be represented by legal counsel on this matter and if he chooses not to seek the advice of counsel, he has knowingly and voluntarily waived his right to legal counsel in this matter and is under no disability which would effect his consideration of or ability to consent to the terms and conditions of this Agreement.

9. That the parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this Agreement.

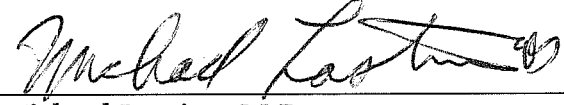
Dated this 12 day of Sept, 2005.

THE SOUTH DAKOTA STATE BOARD  
OF MEDICAL AND OSTEOPATHIC  
EXAMINERS

By

  
L. Paul Jensen  
Executive Secretary

Dated this 12 day of Sept, 2005.

  
Michael Lastine, M.D.

THE SOUTH DAKOTA STATE BOARD OF MEDICAL AND  
OSTEOPATHIC EXAMINERS

OCT 11 2005

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IN THE MATTER OF THE MEDICAL LICENSE \*  
OF MICHAEL L. LASTINE, M.D. \* ORDER  
License Number: 5209 \*  
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WHEREAS, Michael L. Lastine, M.D. is the holder of License Number 5209 issued by the South Dakota State Board of Medical and Osteopathic Examiners; and

WHEREAS, the South Dakota State Board of Medical and Osteopathic Examiners received information with respect to disciplinary proceedings pending before the Minnesota Board of Medical Practice against Dr. Lastine; and

WHEREAS, the South Dakota State Board of Medical and Osteopathic Examiners is empowered, pursuant to SDCL 1-26-20, to informally settle contested cases relative to the licensure of physicians by the Board; and

WHEREAS, as a result of the disciplinary proceedings, the Minnesota Board of Medical Practice entered an Order conditioning and restricting Dr. Lastine's license to practice medicine and surgery in the State of Minnesota; and

WHEREAS, due to the fact Dr. Lastine is the holder of a license to practice medicine in the State of South Dakota and may be engaged in the practice of medicine herein, the South Dakota State Board of Medical and Osteopathic Examiners deems it appropriate to impose conditions and restrictions on his license to practice medicine in the State of South Dakota; and

WHEREAS, the South Dakota State Board of Medical and Osteopathic Examiners and Dr. Lastine have reached agreement as to the terms and conditions to be imposed

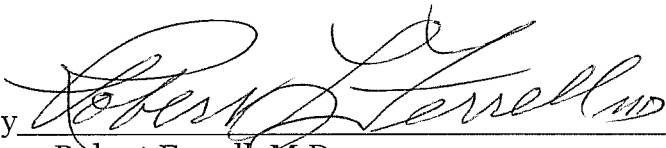
on his license to practice medicine in the State of South Dakota, which Agreement is memorialized in an Agreed Disposition dated September \_\_12\_\_, 2005 and executed by the parties hereto;

THEREFORE, upon consideration of the execution of the Agreed Disposition and based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the terms of the Agreed Disposition dated September \_\_12\_\_, 2005 are hereby adopted by the Board and incorporated into and made a part of this ORDER as if such Agreed Disposition were fully and completely set forth herein and that Dr. Lastine's license to practice medicine in the State of South Dakota is conditioned and restricted consistent with the said Agreed Disposition.

Dated this 5<sup>th</sup> day of October, 2005.

SOUTH DAKOTA STATE BOARD OF  
MEDICAL AND OSTEOPATHIC EXAMINERS

By   
Robert Ferrell, M.D.  
President of the South Dakota State Board  
of Medical and Osteopathic Examiners